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SECOND
UNITED NATIONS CONGRESS
ON THE
PREVENTION OF CRIME
AND THE
TREATMENT OF OFFENDERS

London, 8 - 19 August 1960

REPORT PREPARED BY THE SECRETARIAT

UNITED NATIONS

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UNITED NATIONS
Department of Economic and Social Affairs
New York

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PART ONE. INTRODUCTION

I. Terms of reference

1. The Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders was organized in conformity with paragraph (d) of the annex to General Assembly resolution 415 (V), which states:

“The United Nations shall convene every five years an international congress similar to those previously organized by the IPPC (International Penal and Penitentiary Commission). Resolutions adopted at such international congresses shall be communicated to the Secretary-General and, if necessary, to the policy-making bodies.”

2. The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders had been held at the European Office of the United Nations, Geneva, Switzerland, from 22 August to 3 September 1955 and followed the sequence of the twelve congresses organized by the International Penal and Penitentiary Commission, the last of which had been held at The Hague, in 1950.

3. The Government of the United Kingdom generously invited the United Nations to convene the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders in London.

4. This invitation was accepted by the Secretary-General on behalf of the United Nations and the Congress was held at Church House, Westminster, and at 10 Carlton House Terrace, London, from 8 to 19 August 1960.

II. Preparation

5. The *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in May 1958, considered *inter alia* the organization of the Second United Nations Congress and gave its advice on items which might be included in the Congress agenda and on various other questions connected with the preparation for the Congress.¹ Six of the items proposed by the *ad hoc* Committee were endorsed for inclusion on the agenda of the Congress by the Social Commission at its twelfth session.² The *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in July and August 1960 during the two weeks preceding the Congress, also gave its advice on various questions

¹ “Report of the *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 5-15 May 1958” (E/CN.5/329, para. 33).

² *Official Records of the Economic and Social Council, Twenty-eighth Session, Supplement No. 11* (E/3265/Rev.1, annex II).

relating to the Congress, including the draft rules of procedure for the Congress;³ on the basis of advice of the *ad hoc* Committee, the United Nations Secretariat prepared the final text of the rules of procedure which are reproduced in annex IV.

6. The responsibility for running the Congress was shared by the United Nations and the Government of the United Kingdom. The latter appointed a British Organizing Committee composed of representatives of various departments of the United Kingdom Government, under the chairmanship of Sir Lionel Fox, Chairman of the Prison Commission for England and Wales, which co-operated with the United Nations Secretariat in servicing the Congress.

III. Participation

7. One thousand one hundred and thirty-one persons attended the Congress. They included: experts designated by Governments invited to attend the Congress; representatives of the specialized agencies of the United Nations, of inter-governmental organizations and of non-governmental organizations in consultative status with the Economic and Social Council interested in, or concerned with, social defence matters; and qualified individuals.

8. All States Members of the United Nations, as well as nine other Governments, were invited by the Secretary-General to appoint representatives to participate in the Congress. The invitation expressed the hope that Governments would designate experts in the field of the prevention of crime and the treatment of offenders possessing a special knowledge of, or experience in, the topics on the agenda. It also pointed out that, in view of the nature of the Congress, experts designated by governments would act only in their personal capacity.

9. The United Nations Children's Fund, three specialized agencies and five inter-governmental organizations interested in some of the questions to be discussed were invited to send representatives to the Congress.

10. Invitations to participate in the Congress were also addressed to seventy non-governmental organizations in consultative status with the Economic and Social Council and to the International Penal and Penitentiary Foundation.

11. Subject to approval by the United Nations Secretariat, the following could participate in the Congress in an individual capacity: persons having a direct interest

³ “Report of the *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 25 July - 3 August 1960” (United Nations, E/CN.5/345).

in the prevention of crime and the treatment of offenders, including members of the teaching staffs of universities and other institutions, of criminological institutes, and of national non-governmental organizations concerned with social defence matters; members of the judiciary, of the legal profession and of the medical and allied professions; staff members of correctional establishments and institutions for juvenile delinquents; police officials; social workers, and workers in allied fields.

12. The Secretary-General also invited all the national correspondents with the United Nations in the field of social defence, as well as a number of experts and representatives of organizations and institutes, of high repute for their scientific work in the field of the prevention of crime and the treatment of offenders, to attend the Congress in an individual capacity.

13. A total of 267 experts designated by seventy Governments participated in the Congress.

14. The United Nations Children's Fund (UNICEF), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) were represented at the Congress, as were also the Commission for Technical Co-operation in Africa South of the Sahara (CCTA), the Council of Europe, the International Children's Centre and the League of Arab States.

15. Fifty non-governmental organizations in consultative status with the Economic and Social Council sent a total of 133 representatives; fifteen persons participated in the Congress in more than one capacity. The International Penal and Penitentiary Foundation sent one representative.

16. Six hundred and thirty-two persons attended the Congress as individuals, including some from countries which were not officially represented at the Congress and some from Trust and Non-Self-Governing Territories. The list of participants, by categories, may be found in annex III of this report.

IV. Agenda

17. The agenda of the Congress comprised the following items:

- (1) New forms of juvenile delinquency: their origin, prevention and treatment;
- (2) Special police services for the prevention of juvenile delinquency;
- (3) Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries;
- (4) Short-term imprisonment;
- (5) The integration of prison labour with the national economy, including the remuneration of prisoners;
- (6) Pre-release treatment and after-care, as well as assistance to dependants of prisoners.

18. Three afternoons during the Congress were devoted to lectures. The Secretary-General had invited five persons prominent in the field of the prevention of

crime and the treatment of offenders to address the Congress. A sixth lecture was given by the representative of the Secretary-General. Summaries of these lectures may be found in Part Three of this report.

V. Documentation

19. The discussions centred upon reports prepared by the United Nations Secretariat and on general reports by five consultants engaged by the Secretariat. These reports were written on the basis of material requested from all regions of the world, primarily from a number of national correspondents with the United Nations Secretariat in the field of social defence and from selected non-governmental organizations and individuals, as well as on the basis of data collected by the consultants themselves. These reports were issued in English, French and Spanish.

20. Item 2 of the agenda was discussed on the basis of a report generously prepared by the International Criminal Police Organization (Interpol) at the request of the United Nations Secretariat. The three specialized agencies participating in the Congress likewise submitted papers in connexion with several agenda items. A complete list of Congress documentation appears in annex V.

21. A journal in English, French and Spanish, including the agenda and the programme of meetings for the day, a summary of the previous day's proceedings and various announcements, was issued by the secretariat during the Congress.

VI. Officers

22. At its opening meeting, the Congress elected the following persons as its officers in accordance with rule 5 of the rules of procedure:

President:

Sir Charles Cunningham, Permanent Under-Secretary of State, Home Office, United Kingdom;

Honorary President:

Sir Lionel Fox, Chairman of the Prison Commission for England and Wales, United Kingdom;

Alternate President:

Mr. Leon Radzinowicz, Wolfson Professor of Criminology, Director of the Institute of Criminology, University of Cambridge, United Kingdom;

Vice-Presidents:

Mr. James V. Bennett, Director of the Federal Bureau of Prisons, United States of America;

Mr. Herman Kling, Minister of Justice, Sweden;

Mr. Nicola Reale, Director-General of the Institutions for Prevention and Punishment, Italy;

Mr. L. N. Smirnov, Deputy-Chairman of the Supreme Court of the Union of Soviet Socialist Republics;

Honorary Vice-Presidents:

Mr. Andreas Aulie, Attorney-General, Norway;

Mr. Rafael Antonio Carballo, Minister of Justice, El Salvador;

Mr. Hafez Sabek, Attorney-General, Southern Region (Egypt), United Arab Republic;

Mr. Juhei Takeuchi, Director-General, Criminal Affairs Bureau, Japan.

23. In accordance with rule 8 of the rules of procedure, the Secretary-General designated Mr. Charles Germain, *Avocat général à la Cour de Cassation*, Paris, France, as General Rapporteur for the Congress.

24. Mr. Manuel López-Rey, Chief of the Social Defence Section of the United Nations Secretariat, represented the Secretary-General at the Congress. Mr. Edward Galway was designated as deputy representative of the Secretary-General. Pursuant to rule 10 of the rules of procedure, the Government of the United Kingdom appointed Mr. A. R. Judge, of the Prison Commission for England and Wales, as Executive Secretary of the Congress and Mr. R. J. H. West, also of the Prison Commission, as Deputy Executive Secretary.

25. In accordance with rule 8 of the rules of procedure, the Secretary-General appointed the following persons as officers of the Section for each of the items on the agenda of the Congress:

Section I. New forms of juvenile delinquency: their origin, prevention and treatment

Chairman:

Mr. Paul Tappan, Professor of Sociology and Law, New York University, New York, United States of America;

Vice-Chairman:

Mr. Soon Young Kwon, Chief Judge, Juvenile Court, Seoul, Republic of Korea;

Rapporteur:

Mr. Wolf Middendorff, Judge, Freiburg im Breisgau, Federal Republic of Germany;

Special police services for the prevention of juvenile delinquency

Chairman:

Mr. Pierre Ceccaldi, Director-General of the *Education Surveillée*, Paris, France;

Vice-Chairman:

Mrs. Natividad Almeda López, Presiding Judge, Juvenile and Domestic Relations Court, Manila, Philippines;

Rapporteur:

Mr. Jean Nepote, Assistant Secretary-General of the International Criminal Police Organization, Paris, France;

Secretary (for both items):

Mr. Ivan Nicolle, United Nations Secretariat;

Section II. Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries

Chairman:

Mr. David Acquah, Assistant Director of the Department of Social Welfare, Accra, Ghana;

Vice-Chairman:

Dr. Prasop Ratanakorn, Director, Prasat Hospital for Neurological Disorders, Bangkok, Thailand;

Rapporteurs:

Mr. Ahmad M. Khalifa, Director, National Center of Social and Criminological Research, Cairo, United Arab Republic;

Mr. J. J. Panakal, Head of the Department of Criminology, Juvenile Delinquency and Correctional Administration, Tata Institute of Social Sciences, Bombay, India;

Secretary:

Mr. Edward Galway, deputy representative of the Secretary-General, United Nations Secretariat;

Short-term imprisonment

Chairman:

Mr. J. V. Barry, Justice of the Supreme Court of Victoria, Melbourne, Australia;

Vice-Chairman:

Mr. Ibrahim Tahir, Commissioner of Prisons, Khartoum, Sudan;

Rapporteur and Secretary:

Miss Hélène Pfander, United Nations Secretariat;

Section III. The integration of prison labour in the national economy, including the remuneration of prisoners

Chairman:

Mr. Paul Cornil, Secretary-General of the Ministry of Justice, Brussels, Belgium;

Vice-Chairman:

Mr. A. Baddou, Director of Penal Administration, Rabat, Morocco;

Rapporteur:

Mr. Juan Carlos García Basalo, Inspector-General of Prisons, Buenos Aires, Argentina;

Secretary:

Mr. Georges Kahale, United Nations Secretariat;

Pre-release treatment and after-care, as well as assistance to dependants of prisoners

Chairman:

Mr. V. N. Pillai, Commissioner of Prisons, Colombo, Ceylon;

Vice-Chairman:

Mr. Wolfgang Doleisch, Head of Department, Ministry of Justice, Vienna, Austria;

Rapporteur:

Mr. Bent Paludan-Müller, Deputy Prison Inspector, Sønder Omme, Denmark;

Secretary:

Miss Marie-Christine Hellin, United Nations Secretariat.

26. Rule 6 (a) of the rules of procedure set forth the membership of the Steering Committee, which was the Governing Body of the Congress, in the following terms:

"The Steering Committee shall be composed of the President and/or the alternate President of the Congress, the representative of the Secretary-General and/or his deputy, the General Rapporteur of the Congress, the Executive Secretary of the Congress and/or his deputy, the Chairman of the Sections and the members of the 1960 *ad hoc* Advisory Committee of Experts convened in pursuance of resolution 415 (V) of the General Assembly. A member of the British Organizing Committee shall be invited to participate in the meetings of the Steering Committee. The Steering Committee may invite any other participants of the Congress to attend the discussions of the Steering Committee."

The following persons were, therefore, members of the Steering Committee: Sir Charles Cunningham (United Kingdom), Mr. Radzinowicz (United Kingdom), Mr. López-Rey (United Nations Secretariat), Mr. Galway (United Nations Secretariat), Mr. Germain (France), Mr. Judge (United Kingdom), Mr. West (United Kingdom), Mr. Tappan (United States of America), Mr. Ciccaldí (France), Mr. Acquah (Ghana), Mr. Barry (Australia), Mr. Cornil (Belgium), Mr. Pillai (Ceylon), Mr. Szrentic (Yugoslavia), Mr. Clerc (Switzerland), Mr. García Basalo (Argentina) and Mr. Graham-Harrison (United Kingdom). Mr. Peterson (United Kingdom), in his capacity as a member of the British Organizing Committee, was invited to participate in the meetings of the Steering Committee as were also Mr. Smirnov (Union of Soviet Socialist Republics) and Mr. Bennett (United States of America).

VII. Organization of work

27. The items of the agenda of the Congress were allocated to three sections as indicated in paragraph 25 above. Section I held ten meetings, and Sections II and III each met eight times. The Congress held three plenary meetings and also met on three occasions to hear six general lectures.

28. The working languages of the Congress were English, French, Russian and Spanish; simultaneous interpretation into and from these languages was provided, as required, during all section meetings, plenary meetings and lectures.

VIII. Other activities

29. The Government of the United Kingdom generously organized group visits to a number of institutions for adult and juvenile offenders in and around London on 17 August 1960, under the guidance of staff of the Prison Commission. A programme of interest to wives of participants was arranged for the same day. Informal arrangements for individual visits to institutions at other times were also made.

30. The Government of the United Kingdom also organized an international exhibition in which all Governments invited to participate in the Congress were asked to take part.⁴ The purpose of the exhibition was to provide the Congress with information on the work undertaken and the progress achieved in the field of the prevention of crime and the treatment of offenders throughout the world, with particular reference to the items on the Congress agenda. The exhibition was held at 10, Carlton House Terrace and was open to the public.

31. During the Congress two showings of films relevant to the agenda were held. The following films were shown: "Raw Material" (Canada), "Koføeds Skole" (Denmark), "Citizen Regained" (India) and "The Road Back" (United States of America), as well as six relevant short films produced in the United Kingdom.

32. As part of the hospitality extended to the Congress, the host Government gave a reception for all participants at Lancaster House on 8 August 1960. In addition, receptions were held by the representative of the Secretary-General and various members of the diplomatic corps in London. A garden party was arranged by the British Organizing Committee and by the Institute of Criminology at the University of Cambridge on 13 August 1960 and the London County Council gave a reception on 12 August 1960. The National Association of Probation Officers, the Magistrates' Association and the Howard League were among the organizations which extended hospitality to participants.

33. As the Fourth International Criminological Congress was to be held at The Hague from 5 to 12 September 1960, the British Organizing Committee, and the Governments concerned, with the assistance of the respective national correspondents with the United Nations in the social defence field, planned tours to institutions in several countries for persons who intended to participate in either or both meetings. These tours were planned for the period between the two meetings and included visits to one or several of the following countries: Belgium, Denmark, France, the Federal Republic of Germany, Luxembourg, Netherlands, Sweden, and the United Kingdom.

⁴ The following countries took part in the exhibition: Ceylon, Chile, Denmark, Finland, France, Federal Republic of Germany, Ghana, Japan, Republic of Korea, Malaya, Netherlands, New Zealand, Norway, Poland, Sudan, Sweden, Tunisia, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States of America and Venezuela. The following Non-Self-Governing and Trust Territories under United Kingdom administration also contributed material to the exhibition: Jamaica, Kenya, Malta, Mauritius, Tanganyika, Trinidad and Uganda.

IX. Publicity

37. The work of the Congress was covered extensively by the press, radio and television. The President of the Congress, the Alternate President and the representative of the Secretary-General held a press conference and the latter also appeared on television and spoke over the radio. A United Nations press officer issued press releases on the Congress and, on behalf of United Nations Radio, a radio officer interviewed a number of personalities attending the Congress. Articles concerning the work of the Congress appeared in newspapers throughout the world. Press liaison during the Congress was maintained by a member of the staff of the Prison Commission for England and Wales, who was appointed for this purpose.

34. A bookstall for the sale of United Nations and United Kingdom government publications relating to the items on the agenda of the Congress was provided at the entrance to the exhibition and was staffed by H. M. Stationery Office. After the first few days of the Congress, arrangements were made for these publications to be sold at the Church House Bookshop.

35. Various professional groups and associations took advantage of the Congress to get in touch with other practitioners of their profession or to convene meetings of members of their association. Meeting rooms were placed at the disposal of these groups both at 10, Carlton House Terrace and at Church House.

36. Members of the United Kingdom Women's Voluntary Service for Civil Defence kindly undertook to run an information desk at Church House.

PART TWO. DELIBERATIONS OF THE CONGRESS

I. Opening plenary meeting

38. The Congress was opened by the representative of the Secretary-General of the United Nations, who read a telegram sent, on behalf of the Secretary-General, by Mr. Heurtematte, Technical Assistance Commissioner of the United Nations, which expressed the Secretary-General's appreciation to all participating Governments, organizations and individuals whose contributions would enrich the work of the Congress.

39. The Rt. Hon. Viscount Kilmuir, Lord Chancellor of England, welcomed the participants on behalf of the Government of the United Kingdom. He observed that the Congress was meeting at a time when the problems of crime were growing in gravity and the resources of treatment agencies were increasingly diversified. Crime in many countries was still increasing; in the United Kingdom, the number of indictable offences in 1959 was more than twice as high as it had been before the Second World War. Perhaps the most disturbing aspect of the situation was the disproportionate increase of crime among young people at a time of unparalleled economic prosperity, when unemployment was negligible and educational and social welfare services were highly developed. It might indeed be that the very multiplication of material goods, by multiplying material wants in a society where the individual sense of social responsibility tended to diminish more and more, was itself a prime factor in the problem.

40. The situation, he pointed out, naturally had a grave effect on United Kingdom institutions, which, before the war, had held about 11,000 inmates as compared with 27,000 in 1960, and ever since the war, attempts to develop effective methods of institutional treatment had thus been handicapped by shortage of accommodation and staff. Only in recent years had economic conditions permitted a substantial allocation of resources to meet this problem and it was hoped that the large-scale programme of modernization and replacement which had been begun would be carried out in the next few years. He believed, nevertheless, that Congress participants would find in the course of their visits to local prisons much in the way of novel and courageous experiments, and he drew attention to one possibly significant fact: that 85 per cent of those who went to prison for the first time did not return.

41. British methods of institutional treatment for young offenders were, he felt, worthy of interest; improvements and new developments in the approved-school system were under consideration and many aspects of the problem of the young offender had been under detailed review. It was expected that short-term imprisonment for this group would soon virtually disappear and would be replaced by other measures.

42. Despite these advances, Lord Kilmuir continued, crime statistics were mounting and the population of prisons and Borstals was increasing what then; could be done? First of all, the material facilities must be provided and, secondly, there must be more knowledge. Continued research might, in time, lead to much more information on the causes of crime and the effectiveness of treatment. Then there should be a fundamental re-examination of the whole philosophy of the nature of crime and legal punishment and an attempt should be made to reach a coherent criminal policy embracing alike the criminal law, the agencies for enforcing the law, the judicature, and the methods of treatment.

43. He was particularly glad that the Congress was to consider pre-release treatment and after-cares in the prevention of recidivism, nothing was more important than the readaptation of the offender.

44. In view of the high social importance of the problems before the Congress, concluded Lord Kilmuir, it was of the greatest importance that the United Nations should guide their consideration on a world-wide basis, not only at such congresses but in all the continuing work between these meetings. He was well aware of the influence and value of the many United Nations studies and of the recommendations that had already been made and hoped that beneficent leadership would continue, since there was unhappily no sign that the need would grow less in the foreseeable future.

45. The representative of the Secretary-General said that the questions on the agenda of the Congress were of interest not only to the participants, but also to persons responsible for the formulation of policies and programmes in the field of social defence, as well as to those responsible for the formulation of general economic and social policies and programmes. Without the closest co-operation between criminologists, economists and sociologists there would be no significant reduction in crime and delinquency.

46. Experience had shown that the improvement of material living conditions and welfare policies could not alone stop the present increase in crime and delinquency; although undoubtedly these policies counteracted certain forms of crime and delinquency, new forms would inevitably appear as the result of cultural, technical, economic and social changes. Crime and delinquency were not always pathological expressions of life or society, nor were they manifestations of social disorganization, but reflected accurately the constantly changing patterns of society.

47. One of the most typical problems of the day, continued the representative of the Secretary-General,

was that of juvenile delinquency, which was increasing in many countries, including some of the more highly developed ones. The impression could, however, be gained that in some countries the problem, if not inflated, was confused by the lack of a clear concept of delinquency. This confusion was due in part to the identification of juvenile delinquency with certain related but different concepts. There was, moreover, the question of the validity of certain explanations of the causes of juvenile delinquency. One might ask whether the present increase in juvenile delinquency was not the expression of individual as well as collective attitudes towards contradictory concepts of fundamental values, rather than the result of a specific group of factors. The moment had perhaps arrived for a revision of certain theories on juvenile delinquency. The Congress offered an opportunity for such a revision.

48. For the newer countries, crime and delinquency offered a serious challenge. It might be concluded that unless their economic and social policies were properly co-ordinated, the prevention of crime and delinquency would not succeed as expected.

49. On behalf of the Secretary-General, he thanked the Government of the United Kingdom for acting as host to the Congress and he particularly thanked the British Organizing Committee under the chairmanship of Sir Lionel Fox.

50. After electing its officers, the Congress heard a statement by Sir Charles Cunningham, the President, who thanked the participants for the honour they had done him in electing him. In the United Kingdom, he said, the Home Office and the Prison Commission could claim to have done their utmost over the years to further the prevention of delinquency and the rehabilitation of offenders. For the last fifty years, at least, their approach to these problems had been constructive, adventurous and not unsuccessful. Participants would have an opportunity to see for themselves the present situation in the United Kingdom and to hear about plans for the future.

51. He himself would do his utmost to assist the Congress, although such assistance would undoubtedly have been given with far greater authority by Sir Lionel Fox, whose absence by reason of illness was a great loss to the Congress. He was sure that it would be the desire of the Congress that he should send Sir Lionel its best wishes for his early and complete recovery.

52. The recommendations of the First Congress had been concerned mainly with the Standard Minimum Rules for the Treatment of Prisoners, the selection and training of prison staff, and open prisons. Progress made in these fields in the intervening period had been impressive. In the United Kingdom, where broad compliance with the rules had already been achieved, the conditions of service of prison staff had been revised completely, the training system had been developed and the accommodation in open prisons and Borstals had been greatly increased.

53. The emphasis at the present congress was rightly on different subjects. The topics to be discussed had

been given much attention in the United Kingdom. Thus the system of remand and observation centres was being developed, experiments were being made with attendance centres for young people up to the age of twenty-one and studies were being made of the criminal responsibility of children and the whole range of treatment available to them.

54. In the matter of short sentences, the wider use of induction units and the introduction of the "Norwich system" in the local prisons were proving successful.

55. The United Kingdom was very much aware of the urgent necessity of finding more work for prisoners and of considering some of the reforms advocated in the reports submitted to the Congress, particularly that of paying a normal wage to prisoners.

56. The United Kingdom also fully appreciated the need for better pre-release training and more effective after-care; it was developing its system of hostels for prisoners nearing release and was contemplating legislation designed to strengthen statutory after-care.

57. Sir Charles Cunningham emphasized the importance of devoting far greater resources to research in order to identify the factors causing delinquency and to appraise the success of various treatment methods.

58. In the United Kingdom, a small research unit had been developed in the Home Office and an Institute of Criminology had been established at Cambridge University. It had been possible to augment, from government funds and by means of grants from the great foundations, the resources available for research in universities and other institutions. It was not, however, possible to await the results of research before taking action. In this swiftly evolving world, it was not enough to seek out the fundamental causes of delinquency and to remove the environmental factors which conduced to criminal behaviour; it was also necessary to produce the stability which came from the acceptance of good and honest living as a prerequisite of full and happy lives. In the last resort, the President continued, preventive and treatment measures depended for their success on an informed and sympathetic consensus of opinion. Public opinion must be alerted to the facts of delinquency and to the obligation of the community to set the standards of conduct which would discourage it. The Congress should be of great value in furthering the objective of educating public opinion. To that end, all would undoubtedly agree about the importance of approaching the problems before the Congress with realism. While it was natural that such an expert body should wish to make the most rapid progress with new ideas, it would be well to bear in mind that a lead to public opinion was most effectively given by those who did not outrun it.

59. In conclusion, the President expressed the hope that the results of the deliberations of the Congress would match the importance of the issues which had given rise to them.

60. The opening meeting was adjourned after Mr. Judge, the Executive Secretary, had made a number of announcements.

II. Consideration of the items on the agenda

1. NEW FORMS OF JUVENILE DELINQUENCY: THEIR ORIGIN, PREVENTION AND TREATMENT

(a) BACKGROUND

61. Since 1946, the problem of juvenile delinquency has been given special attention by the Social Commission of the United Nations. At the Commission's request the Secretariat prepared a series of studies entitled *Comparative Survey on Juvenile Delinquency* covering North America, Europe, Latin America, Asia and the Far East, and the Middle East.⁵ A similar study on Australia and New Zealand was published in the *International Review of Criminal Policy*⁶ and a comparable survey was prepared for the Non-Self-Governing Territories.⁷

62. The discussion of juvenile delinquency was included as a special item in the agenda of regional conferences and seminars organized by the United Nations in Europe (European Consultative Group, 1952), Latin America (Rio de Janeiro, 1953), the Middle East (Cairo, 1953), and in Asia and the Far East (Rangoon, 1954); a European Exchange Seminar dealt with the institutional treatment of juvenile offenders (Vienna, 1954).⁸ These discussions were intended as a preliminary step to the consideration of this problem at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was held in Geneva in 1955.

63. A general report entitled *The prevention of juvenile delinquency* was prepared by the Secretariat for the 1955 Congress.⁹ In addition, a special report entitled *The prevention of juvenile delinquency in selected European countries* was also prepared for the Congress by the London Institute for the Study and Treatment of Delinquency.¹⁰

⁵ *Comparative Survey on Juvenile Delinquency. Part I. North America* (United Nations publication, Sales No.: 58.IV.12); *Part II. Europe* (Sales No.: 52.IV.14); *Part III. Latin America* (Sales No.: 58.IV.5); *Part IV. Asia and the Far East* (Sales No.: 53.IV.27); *Part V. Middle East* (Sales No.: 53.IV.17). *Part I. North America* and *Part III. Latin America* were first published in 1952 and have since been revised.

⁶ "The treatment of juvenile delinquents in Australia and New Zealand", *International Review of Criminal Policy*, No. 9 (United Nations publication, Sales No.: 56.IV.1), pp. 1-21.

⁷ *Non-Self-Governing Territories, Summaries and Analyses of Information Transmitted to the Secretary-General during 1951* (United Nations publication, Sales No.: 52.VI.B.1. Vol. 1), pp. 108-140.

⁸ *Latin American Seminar on the Prevention of Crime and the Treatment of Offenders, Rio de Janeiro, 6 to 19 April 1953* (United Nations publication, Sales No.: 54.IV.3); *Middle East Seminar on the Prevention of Crime and the Treatment of Offenders, Cairo, 5 to 17 December 1953* (United Nations publication, Sales No.: 54.IV.17); *European Exchange Seminar on the Institutional Treatment of Juvenile Offenders, Vienna, 27 September to 9 October 1954* (United Nations publication, Sales No.: 55.IV.13).

⁹ "The Prevention of Juvenile Delinquency", *International Review of Criminal Policy*, Nos. 7-8 (United Nations publication, Sales No.: 55.IV.10).

¹⁰ *The Prevention of Juvenile Delinquency in Selected European Countries* (United Nations publication, Sales No.: 55.IV.12).

64. The 1955 Congress adopted a report¹¹ on the prevention of juvenile delinquency containing conclusions and recommendations on the community, the family, the school, social services (including health services), work, other agencies such as juvenile courts, child welfare boards, religious bodies, leisure-time organizations; and on future research. The Congress requested the Secretary-General to transmit this report to the Economic and Social Council "calling its attention to the necessity of maintaining the priority already given to the question of juvenile delinquency in the programme of work of the Social Commission" and recommending certain studies.

65. Since then, the Second Asia and the Far East Seminar, which was held in Tokyo in 1957, and the Second United Nations Seminar for the Arab States, which was held in Copenhagen in 1959, discussed the need for giving further attention to the question of the adoption of specific measures for the prevention of juvenile delinquency, and the importance of developing the probation system in the treatment of juvenile offenders.¹²

66. The topic "New forms of juvenile delinquency; their origin, prevention and treatment" was recommended as an agenda item for the Second United Nations Congress by the *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in New York in 1958 to consider, *inter alia*, the organization of the Congress.¹³

(b) DOCUMENTATION

67. In connexion with this item of its agenda, the Congress had before it a general report on *New forms of juvenile delinquency: their origin, prevention and treatment* (A/CONF.17/6) prepared by Mr. Wolf Middel-dorff, who was also requested to act as rapporteur for this item of its agenda; a report on the same topic (A/CONF.17/7) prepared by the United Nations Secretariat; reports by the United Nations Educational, Scientific and Cultural Organization on *Youth Centres and Social Maladjustment of Youth* (A/CONF.17/10), and on *School and Social Maladjustment of Youth* (A/CONF.17/11), and by the World Health Organization on *New forms of juvenile delinquency: their origin, prevention and treatment* (WHO/MENT/219).

(c) DISCUSSIONS IN THE SECTION

68. The Section devoted seven and one-half of its ten meetings to a discussion of this topic.

69. In opening the debate, the Chairman, Mr. Tappan, proposed a brief preliminary discussion of the major points that should be considered by the Section and that,

¹¹ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August - 3 September 1955. Report prepared by the Secretariat* (United Nations publication, Sales No.: 56.IV.4).

¹² *Second Asia and the Far East Seminar on the Prevention of Crime and the Treatment of Offenders, Tokyo, 25 November to 7 December 1957* (ST/TAA/SER.C/34); *Second United Nations Seminar for the Arab States on the Prevention of Crime and the Treatment of Offenders, Copenhagen, 23 September to 16 October 1959* (ST/TAO/SER.C/42).

¹³ See footnote 1.

thereafter, the Rapporteur, in consultation with the officers of the Section, would formulate further questions for discussion. There being no objection, Mr. Middel-dorff, the Rapporteur, proceeded to introduce his report.

70. The Rapporteur began by stressing that the question of "new" forms of delinquency referred, not to completely new types of crime not generally known in the past, but to an increase in the extent, gravity, violence, number of participants, as well as to apparent lack of motive in existing forms of delinquency. The most important new developments were found to be the growing tendency of groups of juveniles to commit crimes, and that offences reported from many countries ranged from unorganized mass riots to well-planned robberies and murders.

71. Particular attention had been given in the report to the evaluation of treatment programmes and to the description of research studies and projects concerning the juvenile court system, as well as to the prediction of future behaviour. Regarding probation, he noted that some countries had about a century of experience in the use of this measure; he also noted that there was a tendency to utilize new forms of short-term detention of a punitive character in place of probation, but that this method had been criticized and that the recent trend was towards more education in the detention centres.

72. The representative of the Secretary-General, in introducing the secretariat report on new forms of juvenile delinquency, pointed out that the question before the Congress was not the general problem of juvenile delinquency, but the more restricted one of new forms of delinquency; their origin, prevention and treatment. In the opinion of the Secretariat, the main questions involved were:

(i) To what extent were there new forms of juvenile delinquency, or what should be understood by the term "new forms of juvenile delinquency"?

(ii) The extent and gravity of these new forms of juvenile delinquency. In this connexion, it should be noted that (a) the Secretariat had not undertaken to make statistical comparisons between different countries; and (b) the effectiveness of existing facilities for the detection of juvenile delinquency required further evaluation.

(iii) The extent to which the problem of the new forms of juvenile delinquency had been influenced by characteristics in the evolution of social, economic and cultural changes in the countries considered. In this connexion, he considered it significant that, in certain countries such as Finland, the Federal Republic of Germany, Norway, Sweden, the United Kingdom and the United States of America, where the degree of urbanization and industrialization and living standards were highest, delinquency had been increasing, and not merely since the Second World War. On the other hand, in countries such as Belgium, France, Italy, Spain, and to a certain extent Greece, where there was a lesser degree of industrialization but perhaps greater emphasis on family ties, the statistics indicated a less serious increase in juvenile delinquency. The Secretariat did not,

however, intend to make comparisons or to draw conclusions; the facts were merely being presented.

73. There could be no doubt of the increase of juvenile delinquency practically everywhere, although it seemed to be less rapid in the less developed countries; it should be borne in mind that in some highly developed countries statistical data were often, although not always, better prepared than in other countries. In any case, the question of degree of increase could not be decided solely on the evidence of existing statistical data. The representative of the Secretary-General concluded by noting that the time was most propitious for an evaluation of what had been done in the field of prevention, and for attempts to find some general principles suitable for use by each country.

74. Dr. Gibbens (WHO) introduced the report prepared by his organization. He remarked that the report was based on the documentation available to the consultant as well as on material gathered as a result of visits made to a number of countries including Austria, Denmark, the Federal Republic of Germany, Israel, Lebanon, Poland and Yugoslavia.

75. He drew attention to the great difficulty of interpreting the meaning of the available statistics because of changes in legislation and in definitions, and because of great differences between countries. He noted that conditions in some countries seemed to be causing an increase in juvenile delinquency, but that the same conditions in other countries had not led to an increase.

76. Dr. Gibbens then emphasized that it had been necessary to distinguish between new forms of opportunity for crime and possible changes in basic forms of behaviour; the main new form was perhaps the occurrence of wild behaviour by large groups of juveniles, but most of this behaviour was not criminal and did not result in arrests and a consequent rise in criminal statistics. He noted that, as far as psychiatric aspects were concerned, a very thorough study had been made for WHO in 1950.¹⁴ The main trends since then had been first, in investigating the relationship between the social background and the individual psychology of the offender, especially the effects of different patterns of child-rearing on personality development. Secondly, there was a better understanding of the need to be able to describe and differentiate diagnostic groups among delinquents from the psychological standpoint. The report also made comments on changes in prevention and treatment.

77. During the ensuing general debate, Mr. Fernández (Venezuela) and Mr. Radzinowicz and Mr. McConnell (United Kingdom) made a plea for the definition of "delinquency". Mr. McConnell also felt that it was necessary to clarify the age group which the term "juvenile" defined. Mr. Reifen (Israel) called for a definition of "pre-delinquency".

78. Opinions were expressed regarding certain regional distinctions and also whether the real incidence of juvenile delinquency and the reasons for it could be assessed before further research was undertaken.

¹⁴ World Health Organization, *Psychiatric aspects of juvenile delinquency*, by Lucien Bøvet, Monograph Series, No. 1, Geneva, 1951.

79. With respect to "new" forms of juvenile delinquency there were a number of divergent views. Some participants felt that there were indeed manifestations of juvenile delinquency which differed from those encountered in the past and gave their views on the causes of this phenomenon, while others questioned whether there were "new" forms of juvenile delinquency. Other speakers did not comment on this distinction, but made statements on the incidence of juvenile delinquency in their respective countries and on possible measures for prevention and treatment, with particular reference to co-operation between laymen in the community and professional persons, as well as to the role of mass communications. Attention was also given to statistics and other forms of research.

80. Mr. Radzinowicz (United Kingdom) complimented the Rapporteur and the secretariat for the excellent reports submitted. He considered that the intensity and international character of certain forms of juvenile delinquency which had emerged justified their being considered new forms, and was of the opinion that there was a greater increase in these forms in the United States of America, the United Kingdom, the Scandinavian countries, Canada and New Zealand, for instance, than in France, Italy, Spain or Belgium. The problem was sufficiently grave to justify an inquiry into the reasons for these differences. Mr. Bissonnier (International Catholic Child Bureau) said that his organization had prepared a number of documents which indicated that countries in the "Mediterranean belt" had been less affected by juvenile delinquency than countries in the "Northern belt", and emphasized the effect in this respect of sudden changes in social structure.

81. Mr. de Baeck (Inter-Parliamentary Union) said that the Union had studied the problem of juvenile delinquency and had noted that it manifested itself in similar ways in different countries. It had also been noted that new forms of delinquency appeared only when a country had reached a certain stage of prosperity. It was realized that such new forms of delinquency were the result not only of an excessive desire for pleasure but also of the lack of an outlet for aspiration.

82. Mr. Eriksson (Sweden) referred to the analysis of the present situation concerning juvenile delinquency in Europe made by the representative of the Secretary-General and expressed doubt whether it agreed with the study of juvenile delinquency in post-war Europe which had been published by the European Committee on Crime Problems at the request of the Council of Europe.¹⁵ The study enumerated a number of possible causes and concluded that much further progress would have to be made in criminological research within each country concerned before any definite answers could be attempted regarding the reasons for increases or decreases in crime. Mr. Adam (Council of Europe) also referred to this study and said that it had not been able to define distinct trends in geographical areas. Mr. Munch-Petersen (Denmark) felt that the distinction

made between two types of countries, one where there were strong family ties and the other where there were only social services, was a simplification. It would be unrealistic, he felt, to depend on the family alone to prevent the rise of new forms of juvenile delinquency; families were frequently to blame in cases of juvenile delinquency. There should be more co-operation between specialists and the general public. The youth club movement in his country had done much in the field of prevention. He emphasized that it should be the responsibility of society, both Governments and local communities, to provide such facilities for young people if this had not been done by private agencies or in other ways.

83. Mr. Cornil (Belgium) considered that it would be interesting to compare the lack of motivation of group delinquency in different countries, to define the reasons for it, and to consider how the problem should be approached.

84. Mr. Goldman (United Kingdom) advanced the hypothesis that one of the major factors in the countries mentioned as having an increase in juvenile delinquency was the change in the attitudes of the adolescent and his reaction to the changed attitudes of the adult population to the adolescent. In the Scandinavian countries, the United Kingdom and the United States of America, the time of puberty in the child was now occurring earlier. The consideration involved seemed important. The physical and emotional powers were increasing at an early age, when the child was not yet able by physical standards and capacities to deal with the new problems. He added that he did not believe in motiveless behaviour. The attitude of the adolescent and the attitude of the adult to the adolescent in society, particularly in the newly affluent well-developed societies, were undergoing changes. By closing the gap between the generations and by increasing mutual sympathy between them, a reduction in the explosive and apparently pointless behaviour witnessed in the new forms of juvenile delinquency might be achieved.

85. Mr. Perlzweig (World Jewish Congress) stressed the corroding influence of racial and religious prejudice and the bearing it had on the development of an adequate system of values and of the part such prejudice plays in encouraging delinquent behaviour. He suggested that a reason for the increase in apparently motiveless types of juvenile delinquency was the existence in certain countries of a spiritual vacuum which needed to be filled. It seemed wrong to treat juvenile delinquency in isolation from society. It was a consequence of the failure of society, and a symptom of the disease in a sick society. Statistics and sociology should not be allowed to conceal the fact that there were deep-seated reasons for the present malaise.

86. Mr. Wike (International Association of Chiefs of Police) observed that it was ironic that juvenile delinquency in the United States of America, which was becoming more and more serious, was rooted in the child labour laws which kept children between the ages of twelve and seventeen, who had no aptitude for or interest in education, in a vacuum of boredom and frustration. It was now beginning to be realized that juvenile delinquency was due to no single cause or combination of causes but rather to factors in a society which

was disoriented. Mr. Ogden (United Kingdom) said that the Congress should be thinking why there was so much delinquency, and not whether it was taking somewhat different forms. The increase in juvenile delinquency, more rapid in some countries than in others, seemed to go with the increase in social services. The main effect of increased social services in any nation was the reduction of the old fears and strains of the adult population. Adult populations had gained by the easing of strains. But, paradoxically, the juvenile population seemed less able to meet the strain.

87. Mr. Lejins (United States of America) felt that a differentiation might be made between new forms of juvenile delinquency which represented inventiveness as regards behaviour, and other forms which were a natural reaction to new technological and social conditions; he suggested that this might be used as an organizational point in the work of the Section. Statistics were increasing, not because of any change in the behaviour of juveniles, but because the control of behaviour was being transferred from the family, neighbourhood, church and school to public agencies such as the police, the juvenile courts and probation departments. Mr. Schaffer (United Kingdom) held a somewhat similar view, namely, that increasing public trust in the work of the juvenile courts and probation services led to an inflation of the problem and of the number of cases reported. Mr. Reifen (Israel) critically reviewed the use of statistics and stated that, for purposes of comparison, statistics of all countries should be standardized. Dr. Gendreau (Canada) also stressed the desirability of developing standard forms of statistics. In doing so, consideration should be given to what was known in medicine as the epidemiology of a disease, or in other words, the numerous factors which would help to explain the causes of delinquency.

88. Mr. Eddy (United Kingdom) said that he was baffled by the reiterated demands for research. Some of the basic causes of juvenile delinquency were well-known. Speaking from his experience as a divorce commissioner, he regarded the break-up of marriages as the major cause of juvenile delinquency. Increased marriage guidance would be a preventive measure. On the basis of his experience as a prison chaplain, Mr. Coo Baeza (Chile) concurred in the view that the disruption of family life was one of the main causes of juvenile delinquency. Others were excessive parental indulgence or severity. Mr. Michard (France) referred to the need for a study to arrive at a proper understanding of the new forms of juvenile delinquency which had been stressed by other speakers and went on to give an account of research being carried out in France on the basis of individual case studies. Mr. Diaz Villasante (International Association of Youth Magistrates) said that, among European youths, it was the social background which led to rebellion and despair.

89. Mr. McConnell (United Kingdom) reported that, in his country, there had been a striking increase in the number of offences of violence. The number of sexual offences also seemed to be increasing, as well as the stealing of vehicles and wanton damage to property. About 70 per cent of boys were committed for offences

carried out in groups of two or three, but there was little evidence in the United Kingdom of organized gangs. Mr. Brain Rioja (Chile) said that some new forms of juvenile delinquency had manifested themselves in Chile. A special feature was co-operation by juveniles in offences committed by adults. Mr. Cha (China) said that although juvenile delinquency was not a serious problem in his country, some new forms had appeared in recent years. In his view, the resumption of responsibility by parents and school authorities was of the greatest importance in reducing juvenile delinquency. He described a system of warning measures instituted by his Government in dealing with youth problems. He agreed that co-operation between laymen and professional organizations was necessary and proposed that there should be closer co-operation between schools and families and between police courts and correctional institutions. Mr. López-Proaño (Ecuador) referred to the steps taken in his country to protect young delinquents and described a new type of delinquency seen there. Mr. Khiari (Tunisia) said that the great upheavals which had taken place in his country, particularly the mass migration of rural labour to the towns, had resulted in a certain amount of delinquency. He described the measures taken by his Government to attack what was considered to be the root of the problem by a general plan designed to raise social and cultural standards. Mr. Mustafa (League of Arab States) referred to the problem of displaced persons and refugees and the effects such living had on young people. It had been found that young people born in exile and living in promiscuity tended to commit offences which had not been known to earlier generations in their own country. The effects of that phenomenon and the matter of juvenile delinquency among the Palestine refugees in particular deserved attention.

90. Mr. Cremona (Malta) said that the meaning of the term "new forms of delinquency" should be considered. Some manifestations of juvenile delinquency might not in reality be new at all. Another point to be considered was the distinction between what was new and what appeared to be new because a new opportunity had been created. Mr. Tibo (Ghana) stated that juvenile delinquency had not assumed alarming proportions in Ghana, as in some of the more highly developed countries, but that he had wondered whether there was a possibility of his country facing such a situation in the future. The answer to this would depend on what use Ghana made of the lessons to be learned from the Congress in order to deal with any future serious outbreaks of juvenile delinquency. Some of the so-called new forms of juvenile delinquency, such as gang warfare without motive, were old forms in Ghana. One of the means of prevention was to provide youth with appropriate activities and the Congress might consider whether the youth of today were being supplied with sufficient forms of activity, and if not, what ways could be found of keeping them out of mischief. Mr. O'Riain (Ireland) said that in his country the problem of juvenile delinquency was not very serious and had tended to decline in recent years. There was a certain amount of car-stealing, usually by youths who were not criminally inclined in the true sense of the word.

¹⁵ European Committee on Crime Problems, *Juvenile delinquency in postwar Europe*. Council of Europe, Strasbourg, 1960.

91. Mrs. Almeda López (Philippines) felt that parental control and discipline, a closely knit home life, and respect for neighbours' rights were the solution for the problem of juvenile delinquency. Her Government favoured compulsory religious instruction in the school system. Mr. Mishra (India) said that it was not enough to examine criminals and delinquents; there was also need to examine the world of authority constituted by parents, teachers, priests, administrators and industrial and political bosses. If the authorities and powers behaved consistently, the presentation of the world as orderly for the weaker persons could be ensured. Mr. Ortego Costales (Spain) said that juvenile delinquency in his country was diminishing, if anything, and that the absence of any new forms of juvenile delinquency was due to two factors: first, the strength of the family system, and secondly, the value of a moral upbringing and the inculcation of a sense of responsibility. Mr. Chattopadhyay (India) explained some research work done in Calcutta and said that one way of preventing the growth of juvenile delinquency was the creation of local welfare committees. Mr. Prag (Israel) described special police units which dealt with juvenile delinquency in his country. Mr. Lasser (Venezuela) suggested that the Congress should consider ways of counteracting the attraction for young persons of cars and speed, and suggested in this connexion the establishment of recreation facilities which would absorb free time and energies.

92. Public opinion with regard to prevention and treatment was disturbed, Mr. Radzinowicz (United Kingdom) felt, and a very emotional attitude certainly existed. He posed the question whether there was justification for seeking an intensification of methods of treatment and re-instituting more drastic forms of punishment, or whether there was still scope for exemplary punishments designed to convey to the younger generation the difference between right and wrong. Mr. Reifen (Israel) also referred to a widespread idea that the increase in delinquency among juveniles necessitated the use of harsher methods. He entirely disagreed with that view and urged that on the contrary, more lenient methods were needed; the use of harsh methods merely led to an increase in delinquency among juvenile offenders.

93. Mrs. Frankenburg (International Council of Women) traced the origin of the new forms of juvenile delinquency to failure to control the urge of the young offender to grab what he wanted with no thought for the victim. She considered that the questions for discussion should include that of convincing parents that it mattered how they managed their children. The need was for firm, non-violent, consistent discipline. Dr. Frym (American Society of Criminology) considered that juvenile offenders were influenced by the patterns of society, but what was needed was to identify at the earliest possible age those who could not react favourably to general and individual circumstances and to treat them. There was no greater danger for juveniles than detention with other offenders.

94. Mr. Wolkomir (United States of America) expressed the view that prevention should be an effort of the whole community. There was a lack of adequate

communication between professional and lay groups. He suggested that in the final report consideration should be given to the dissemination of information to lay people and organizations which had demonstrated interest in checking the rise of delinquency and crime.

95. Mr. Smirnov (Union of Soviet Socialist Republics) said that the question of new forms of juvenile delinquency was of great importance in his country. He agreed with previous speakers that consideration should be given to joint action by professional organizations on the one hand and the general public on the other. Experience in his country had shown that professional organizations alone could not solve the problem of juvenile delinquency and that society as a whole must co-operate to the fullest possible extent. He stressed that the key to the solution of the problem was to be found in preventive action and education. This view was shared by Mr. Bondar (Byelorussian Soviet Socialist Republic), who said that one of the most important factors in the struggle against juvenile delinquency was practical co-operation between the State and society on the one hand, and social and professional organizations on the other. In the Byelorussian Soviet Socialist Republic no new forms of juvenile delinquency had presented themselves, but abnormalities and deviations sometimes developed on account of outside influences, notably unsuitable literature, immoral films and the like. Mrs. Neilsen Hansteen (League of Red Cross Societies) said that she had missed in the reports presented any mention of the influence of bad literature and unsuitable films, and in her experience, these greatly influenced the seven to fourteen and fourteen to eighteen age groups. She then described certain methods used in Norway to prevent juvenile delinquency. Mr. Colquhoun (Boy Scouts' International Bureau) described the work of the Boy Scout movement in the prevention of crime and pleaded for greater co-operation between professionals and laymen.

96. Speaking on treatment, Mr. McConnell (United Kingdom) expressed doubt whether new forms of delinquency had so far created new problems. The courts in his country had at their disposal a wide range of methods of treatment. The treatment system was under review by committees of inquiry and he hoped that the Section would give special attention to this problem.

97. On the basis of the foregoing discussions, the Chairman and the Rapporteur, in consultation with the secretariat, formulated the following questions arising from the discussions which were then submitted to the Section for comment and debate:

"(i) It has been noted that in some countries the meaning of juvenile delinquency has been expanded to include a variety of minor forms of misconduct, maladjustment, and socially disapproved behaviour. This raises the question whether it is desirable to restrict the meaning of the term 'juvenile delinquency' and not to extend it or artificially to create new forms of delinquency by law. What is the attitude of the Section on this question?

"(ii) It has been noted that, in a general way, new forms of juvenile delinquency have emerged and increased more seriously and more rapidly in certain

countries which have higher standards of living and more developed welfare, mental and health services, than has occurred in certain other countries that are less advanced in these respects. The question arises whether this is so, and what are the reasons for the apparent contrast? Does this section believe that this question so closely related to the formulation and implementation of policies and programmes for the prevention of juvenile delinquency and the treatment of juvenile offenders should be the object of a study to be recommended to the United Nations?

"(iii) It has been stated that a great majority of juvenile delinquents does not become recidivists and that a large proportion of offences are committed by a small percentage of the juvenile population. What can be done to further reduce this group of recidivists?

"(iv) Grave concern has been expressed at the manifestation in some areas of various forms of group delinquency, including gang activities. What positive measures should be taken to redirect such anti-social behaviour into socially acceptable channels?

"(v) The suggestion has been made that certain 'new' forms of juvenile delinquency differ from traditional delinquency at least in their prevalence and seriousness. What new forms of prevention and treatment should be applied to those offenders, particularly to joy riders and traffic offenders?

"(vi) The question of parental authority and relationships within the family has been discussed; also the lack of understanding between adults and young people. What measures may be taken to improve family relationships and to restore a sufficient measure of parental control and to fill this gap between the generations?

"(vii) It has been stated that an emphasis upon the satisfaction of children's desires at the expense of constructive discipline has resulted in their lack of an adequate sense of social and personal responsibility. What steps may be taken to guide parents and educators and social workers in achieving a better balance in attaining the objectives of social and family living?

"(viii) What kind of education is required to reduce the prevalence of delinquency? Is it an education for the purpose of acquiring formal knowledge, for the formation of character through the development of a sense of responsibility, or both?

"(ix) The questions has been raised as to the role of mass media, such as films, comic books, cheap and low types of literature, and the like in producing delinquency behaviour. What steps, if any, need to be taken in controlling or restricting the availability of such materials to juveniles and adolescents?

"(x) Comment has been made on the apparent relationship between juvenile delinquency and the lack of working facilities or constructive occupation for youth, particularly after they have attained school-leaving age. What legal or administrative changes may be useful in meeting this problem? What facilities for

vocational guidance and training should be developed?

"(xi) Emphasis has been placed upon the lack of co-ordination in some countries between public and private and between professional and voluntary agencies in preventing and treating juvenile delinquency. What should be done to establish or improve this co-operation and co-ordination?"

98. When paragraph (i) of the questions listed was taken up for discussion, several speakers, including Mr. Versele (Belgium), Mr. Lutz (France), Mr. Smirnov (Union of Soviet Socialist Republics), Mr. François (UNESCO), Mr. Pidoux (Commission for Technical Co-operation in Africa South of the Sahara), Mr. Díaz Villasante (International Association of Youth Magistrates), Mr. Brain Rioja (Chile), Mr. Roumajon (France) and Mr. Edwards (United States of America) spoke in favour of restricting the meaning of the term "juvenile delinquency". No speaker dissented from this view and the Chairman put the following recommendation to the vote: "That the legal connotation of juvenile delinquency should be restricted as far as possible". This recommendation was adopted by 199 votes in favour, 1 against, and 2 abstentions.

99. On paragraph (ii), several speakers agreed that a study should be carried out by the United Nations, but disagreed with the way the problem had been formulated. Mr. Tsvyrko (Union of Soviet Socialist Republics) was in favour of reformulation because he was unable to agree that improvement in health and living standards led to an increase in juvenile delinquency; Mr. Echeverría (Mexico) and Mr. Lasser (Venezuela) supported this view.

100. Mr. Green (United States of America) urged that the Social Defence Section of the United Nations Secretariat should engage in a thorough study of the question, and pledged the co-operation of his Government in the task. Mr. Aulie (Norway) said that his delegation recommended the carrying out of a study of the causes of juvenile delinquency on perhaps broader lines than was proposed. Mr. Lodge (United Kingdom) said that many interesting and convincing views had been expressed about the origins and causes of juvenile delinquency and that it would be very useful if the United Nations could assemble those views and the relevant facts and relate them to one another.

101. Mr. Reckless (United States of America) observed that it was social, economic and political changes rather than an increase in the standard of living that had an impact on youth and family life. He supported both parts of paragraph (ii) and hoped that the United Nations would be able to carry out the study. Mr. Radaelli (Italy) said that in his view the first part of the question was the most important. He urged that the United Nations should work in co-operation with the specialized agencies in the field. Mrs. Sulaimanova (Union of Soviet Socialist Republics) disagreed with the formulation of the paragraph but recommended that a thorough study of the question be carried out by the United Nations. Mr. Edwards (United States of America) rejected as completely illogical the suggestion that an increase in living standards and in welfare and social

services had any relationship to an increase in juvenile delinquency. Mrs. Collisson (International Alliance of Women) said that it was assumed that the United Nations was being asked to prove a connexion between better living standards and juvenile delinquency. To avoid that implication, the study might be recommended as one of a series of documents considering the relationship between juvenile delinquency and living standards in the more highly developed countries, and in countries where the same conditions did not exist. Mrs. Bligh (International Bureau for the Suppression of Traffic in Persons) suggested that a comparative study should be made, in countries with different rates of juvenile delinquency, of the hours of work, wage rates, the nature of the work done and the use of leisure by young people.

102. The representative of the Secretary-General then proposed the following draft in view of the remarks and criticisms made:

"It has been noted that, in a general way, new forms of juvenile delinquency have apparently emerged and increased more seriously and more rapidly in certain countries where great efforts have been made or are being made to prevent these forms of juvenile delinquency. In order to ascertain as much as possible the reasons for such an increase, and to facilitate a better formulation and implementation of policies and programmes for the prevention of juvenile delinquency and the treatment of juvenile offenders, it is recommended that this question be the object of a study which should be incorporated in the United Nations programme of social defence."

The revised text was adopted by 145 votes to 6, with 8 abstentions.

103. On paragraph (iii), Mr. Guerguiev (Bulgaria), Mr. Sturm (Federal Republic of Germany), Mrs. Beeby (New Zealand), Mrs. Stypulkowska (Poland), Mr. Netimenko (Ukrainian Soviet Socialist Republic), Mr. Green and Mr. Kaufman (United States of America), Dr. Krapf (WHO), Mr. Joubrel (International Association of Workers for Maladjusted Children) and Mr. Hadzi (Yugoslavia) outlined the measures taken in their respective countries, or the points of view of their respective organizations.

104. On paragraph (iv) the general opinion seemed to be that group delinquency and gang activities could be prevented only by total community effort and the application of the concerted skills of professional and lay agencies, private and public agencies, state and community organizations. Adequate recreational facilities, youth clubs, youth camps and the like were required. These points were also stressed by Mr. Lutz (France), Mr. Tibo (Ghana), Mr. Renato (Italy), Mr. Ripeanu (Romania), Mr. Smirnov (Union of Soviet Socialist Republics), Mr. Lasser (Venezuela) and Mr. François (UNESCO).

105. On paragraph (v), different opinions were expressed on whether there were "new forms" of juvenile delinquency, or merely new manifestations of old forms. Hence, it was a moot point whether new forms of prevention and treatment could be applied. Two speakers, Mr. Versele (Belgium) and Mr. Roumajon (France)

emphasized that the personality of the youthful offender must be studied. Other speakers taking part in the debate on this paragraph were Mr. Fath-el-Bab (United Arab Republic), Miss Timm (UNESCO), Mrs. Higgins (International Association of Women Police), Mr. Sangmeister (Federal Republic of Germany) and Mr. Satten and Mr. Edwards (United States of America). The representative of the Secretary-General then summed up the discussions on this paragraph by saying that it had been suggested that the idea that the new forms of juvenile delinquency differed from the traditional forms was open to question: young people were simply stealing different things. There were serious objections to the proposal that the stealing of cars by young people should be made the object of special legal provisions. Car stealing was a phenomenon which could not be prevented by the introduction of new legislation or by the recommendation that the personality of the offender should be examined; his personality should certainly be examined if he stole anything, nor only cars. The Section might, therefore, wish to recommend that due consideration should be given to the personality of young offenders, whatever they stole.

106. Paragraphs (vi), (vii) and (viii) were discussed together, since they were closely related. Mrs. Romneciano (Switzerland) urged that not enough was being done by parents to awaken and train the conscience of their children. Mr. Reifen (Israel) said that assistance to parents should start at the earliest possible stage, through the establishment of child clinics, advice bureaux for young couples and the like. Mr. Ripeanu (Romania) commented on the three issues in the light of his country's experiences. Mr. Morita (Japan) suggested that a study should be made by the United Nations in collaboration with other interested organizations, on the question of social and family tension. Mr. Greenwood (United States of America) said that it was important to recognize that a child who reached adolescence without any outer control imposed by his parents was unable to develop any inner control or self-discipline. Mr. Radaelli (Italy) claimed that the most important thing was to restore the principle of authority. Mr. Smirnov (Union of Soviet Socialist Republics) urged that the problem of children who had too much care and protection and too much indulgence should be considered, since it was often a source of juvenile delinquency. He also felt that the younger generation must be educated in accordance with traditional moral values in order to provide safeguards against an increase in juvenile delinquency. Mr. Guerguiev (Bulgaria) felt that the sense of responsibility, obedience to the law, and a sense of citizenship could be inculcated only by linking schooling with practical life. Mr. Milankovic (Yugoslavia) expressed the view that the most important factor was character training, which should be adapted to the needs of the community. Sir Guildhaume Myrddin-Evans (ILO) said that the fault lay mainly with society. In an age of great prosperity, progress and economic expansion, moral standards had been allowed to waver and even to be completely eroded. One of the most distressing features of the post-war world was the tendency of Governments to wash their hands of all responsibility for moral standards and to deal only with legal offences.

Education should serve not only to teach the child, but also to prepare him for life. Referring to paragraph (vii), Dr. Krapf (WHO) said that it implied a criticism of persons who satisfied children's desires at the expense of constructive discipline, but it would be equally just to criticize the converse. Neither attitude was held by anyone who was properly trained to deal with youth problems. A study of the influence of social climates on youth had shown that both an authoritarian climate and a climate of complete *laissez-aller* provoked high degrees of anxiety, whereas a climate of liberty and justice created a low degree of anxiety. Mr. François (UNESCO) deplored the intellectual and spiritual vacuum that led young people to delinquency and felt that education had a fundamental role to play both in school and outside. Miss Collier (World Young Women's Christian Association) commented on the work done by her organization in improving family relationships and bridging the gap between generations. Mr. Bankole-Wright (Nigeria), Mr. Bissonnier (International Catholic Child Bureau), Mrs. Sutarman (Indonesia) and Mr. Goldman (United Kingdom) also referred to the need for education and the inculcation of moral values, and the need for intensive work with parents.

107. The representative of the Secretary-General summarized the debate on these paragraphs by saying that both parents and young people must be taught to co-operate, to satisfy the needs that could be satisfied, to build up constructive discipline, and in brief, to inculcate in young people a sense of moral and social responsibility which is different from that of legal responsibility. The achievement of that objective would depend on political, social and economic factors in each country. Another point that had emerged was the necessity of providing young people with better education in the wide sense that had been put forward by the Section.

108. On paragraph (ix), most of the speakers, including Mr. Guerguiev (Bulgaria), Mr. Common (Canada), Mr. Timár (Hungary), Mr. Renato (Italy), Mr. Serra (Portugal), Mr. Tsvyrko (Union of Soviet Socialist Republics), Mr. Lasser (Venezuela), Mr. Díaz Villasanté (International Association of Youth Magistrates) and Mr. Brain Rioja (Chile), seemed to agree on the need to protect juveniles from the adverse effects of bad literature, films and the like. They differed, however, on the kinds of measures that should be taken to achieve this end. Mr. Lejins (United States of America), on the other hand, questioned whether crime and violence seen in films had a direct effect on juvenile delinquency.

109. In his summary, the representative of the Secretary-General noted that as far as this point was concerned, there appeared to be two major considerations. On the one hand, the abuse of the mass media was a contributory factor which acted in conjunction with many others of a very different nature. On the other hand, it involved the important question of public policies and individual freedom. For those reasons, it might be preferable to recommend that each country, in accordance with its own political, social, economic and cultural systems, should consider introducing measures to control or restrict undesirable films and to prevent the abuse of mass media, and to include in the recommendation

a reference to the fact that basic problems concerning individual freedom would thereby be involved.

110. On paragraph (x), Mr. Tibo (Ghana), Mr. Ripeanu (Romania), Mr. Milankovic (Yugoslavia), Sir Guildhaume Myrddin-Evans (ILO), Mr. Hoxter (International Association for Vocational Guidance), Mr. Díaz Villasanté (International Association of Youth Magistrates) and Mrs. Racine (Belgium) made statements which the representative of the Secretary-General summarized at the end of the debate on this point. In his summary, he said that the majority of speakers had referred to the gap between school-leaving age and the possibility of obtaining work. Reference had been made to the necessity for working facilities, constructive occupation for youth, and the like. The trend of opinion in the Section seemed to be that some recommendation should be made for more adequate facilities for vocational guidance and training, either by government agencies or private institutions, depending on the characteristics of each country, and that provision should be made for working facilities and the constructive occupation of young people when they were no longer in school.

111. On paragraph (xi), all speakers, Mr. Groom (Canada), Mr. Tsvyrko (Union of Soviet Socialist Republics), Mr. Pidoux (Commission for Technical Co-operation in Africa South of the Sahara), Miss Mäkinen-Ollinen (International Federation of Women Lawyers), Mr. Rector and Mr. Scudder (United States of America), and Mr. Hodzic (Yugoslavia) favoured greater co-ordination between public and private activities, and between professional and voluntary agencies, in the prevention and the treatment of juvenile delinquency. The representative of the Secretary-General, in his summary of the statements made on this item, noted this trend. The conclusion to be submitted for the consideration of the Section could therefore be to the effect that every effort should be made to increase co-ordination between public and private agencies, as well as between professional and voluntary organizations, in their efforts to prevent and treat juvenile delinquency; and that community co-ordinating councils, area projects, juvenile bureaux, youth commissions and the like, as well as individuals, could make a serious contribution to these efforts.

112. On the basis of the foregoing debate, the following draft conclusions and recommendations were prepared by the Chairman, the representative of the Secretary-General, the Rapporteur and the Secretary and were submitted to the Section for its consideration:

"Juvenile delinquency is not an isolated phenomenon but an integral part of the total fabric of society. As such it is of fundamental concern not only to those particularly dealing with the problem but also to the state, its social, mental and other health services and agencies and its citizens generally. What have been called 'new' forms of juvenile delinquency may be considered significantly different from traditional delinquency primarily in the apparently increased prevalence and, as to certain forms, the greater seriousness of offences in many countries, and the novel means of methods that are sometimes employed in

their commission. In some countries the ostensible increase in delinquency results, at least in part, from the inclusion in that term of a variety of minor forms of misconduct, maladjustment, and socially disapproved behaviour. Accordingly the following conclusions are adopted:

"The Congress:

"1. *Considers* that the scope of the problem of juvenile delinquency should not be unnecessarily inflated. Without attempting to formulate a standard definition of what should be considered to be juvenile delinquency in each country, it is recommended (a) that the meaning of the term *juvenile delinquency* should be restricted as far as possible to violations of the criminal law, and (b) that new forms of delinquency should not be created artificially by law.

"2. *Noting* that on the basis of published statistical material it appears that some forms of juvenile delinquency have emerged and increased most rapidly and seriously in certain countries, notwithstanding the great efforts made in those countries to prevent such delinquency; and *desiring* to ascertain whether such apparent increases are real and, if so, what the reasons may be; and *in order to facilitate* a better formulation and implementation of policies and programmes for the prevention of juvenile delinquency and the treatment of offenders; *recommends* that this question be the object of a study which should be incorporated in the United Nations programme of work in social defence, and be undertaken with the co-operation of specialized agencies and non-governmental organizations directly interested in the problem.

"3. *Considers* that the problem of recidivism among juveniles cannot be met merely by provision for longer periods of detention. Diversified methods of prevention and treatment are required, and special attention should be devoted to the preparation for release from correctional institutions, and to supervision after release.

"4. *Concludes* that the emergence of 'new' forms of juvenile delinquency requires continuing study and the more intensive application of experimental as well as conventional forms of prevention and treatment. Accordingly:

"(a) *Considers* that in dealing with the problem of group delinquency, including gang activities, the efforts of official or semi-official agencies and of civic and social groups should be elicited to help direct the energies of youth into constructive channels. Such institutions as community centres, juvenile and young adult hostels and the like, and facilities such as those for family vacations should be more widely employed.

"(b) *Considers* that it is desirable to provide more intensive studies of the personality and social history of young offenders rather than to concentrate special attention on particular types of delinquency or of delinquents.

"(c) *Finds* that some differences exist in the measures that can be taken to prevent and treat juvenile delin-

quency in different countries according to their social, economic and political organizations, but *considers* that the problem is largely one of education using that term to include both the acquisition of knowledge and the formation of character. Where there is a lack of adequate parental guidance or control, and of the child's self-discipline, there is need for an invigorated education both at the adult and the juvenile level. Such an education should be designed to bridge the gap between the generations by increasing the understanding and sympathy between them, and to extend the sense of moral and social responsibility.

"(d) *Considers* that the specific influence of the mass media in causing or preventing the growth of juvenile delinquency has not yet been clearly demonstrated. Moreover, control or restriction on the availability of materials either to juveniles or to any part of the population involves basic issues of public policy and individual freedom that will vary from one country to another in accordance with its political, social and cultural conceptions.

"(e) *Recommends* that more adequate facilities for vocational guidance and training should be established and that provision should be made for working facilities and the constructive occupation of youths when they are no longer in school.

"(f) *Recommends* that every effort should be made to increase the co-ordination between public and private social agencies and between professional and voluntary agencies in their efforts to prevent and treat juvenile delinquency. Community co-ordinating councils, area projects, juvenile bureaux, youth commissions and the like may contribute greatly to such co-ordination."

113. A number of amendments to the draft conclusions and recommendations were placed before the Section.

114. The first amendment, submitted by the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, proposed the replacement of the first sentence of the preamble by the following sentence:

"Juvenile delinquency cannot be considered independently of the social structure of a State."

This amendment was adopted by 59 votes to 20, with one abstention.

115. The next amendment, submitted by the delegations of Belgium and France, proposed the replacement of the second, third and fourth sentences of the preamble by the following text:

"It retains its fundamental characteristics in many countries either as a resurgence of its traditional manifestations or in the appearance of 'new' forms. It should be noted that its recorded increase is partly due to the fact that today a large number of cases are recognized because of a better organization of prevention and treatment, and moreover to the fact that certain countries include in delinquency a series of minor acts of indiscipline and social maladjustment. The new manifestations of juvenile delinquency

— the importance of which has often been greatly exaggerated — take such characteristic forms as gang activities, purposeless offences, acts of vandalism, joy-riding and the like, which can be serious from the point of view of public order without necessarily being an indication of serious anti-social behaviour."

This amendment was adopted by 46 votes to 15, with 27 abstentions.

116. The preamble as a whole was approved as amended without a separate vote.

117. The delegations of Israel and the Netherlands then submitted a proposal that paragraph 1 (b) should be deleted. This proposal was rejected by 44 votes to 41, with 7 abstentions.

118. Another amendment, submitted by the delegations of Belgium and France, proposed the replacement of paragraph 1 (b) by the following text:

"that even for protection, specific offences should not be created for minors which would punish small irregularities or maladjusted behaviour for which adults would not be prosecuted"

This amendment was adopted by 78 votes to 3, with 3 abstentions.

119. Paragraph 1 was approved as amended without a separate vote.

120. Paragraph 2 was approved without a separate vote.

121. An amendment, submitted by the delegations of Belgium and France, proposed that paragraph 3 be replaced by the following text:

"Considers that the problem of recidivism among juveniles cannot be met merely by stricter enforcement and in particular by longer periods of detention. Diversified methods of prevention and treatment are required and special attention should be devoted to the preparation for release and for the social re-adaptation of minors placed in correctional institutions. To that end, it is important and necessary to organize post-institutional assistance."

This amendment was adopted by 101 votes to 1, with 11 abstentions, and paragraph 3 was therefore approved as amended without a separate vote.

122. The preamble to paragraph 4 was approved without a separate vote.

123. An amendment, submitted by the delegations of Belgium and France, proposed that the last sentence of paragraph 4 (a) be replaced by the following text:

"Such institutions as community centres, juvenile and young adult hostels and the like, and such other means as leisure-time activities, sports, cultural activities, family holiday programmes, etc., should be more widely employed."

This amendment was adopted by 57 votes to 40, with 29 abstentions. Paragraph 4 (a) was adopted as amended without a separate vote.

124. An amendment submitted by the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the Union

of Soviet Socialist Republics, proposed the following text to replace paragraph 4 (b):

"Considers that it is desirable not only to concentrate special attention on particular types of delinquency, or of delinquents, but also to provide more intensive studies of the personality and social history of young offenders."

This amendment was adopted by 97 votes to 30, with 8 abstentions. Paragraph 4 (b) was therefore approved as amended without a separate vote.

125. The delegations of Belgium and France submitted two amendments to paragraph 4 (c). The first consisted of the addition of the following sentences after the first sentence of paragraph 4 (c):

"Such an education is primarily the task of the family. The effectiveness of the school in preventing or correcting anti-social tendencies on the part of children or adolescents should also be taken into account."

The second consisted of the replacement of the words "Such an education should be designed to bridge the gap..." at the beginning of the last sentence, by the words: "It is important to promote the unity of the family and to endeavour to bridge the gap..." The proposed amendments were rejected by 102 votes to 42, with 8 abstentions and paragraph 4 (c) was therefore approved without a separate vote.

126. The delegations of Colombia, Ecuador, Mexico and Venezuela submitted the following text as a substitute for paragraph 4 (d):

"Considers that information media, including television and often including the dissemination of news and publications idealizing violence, pornography and crime which have a harmful influence on the behaviour of children and juveniles, transform these ways and means of mass communication into contributory factors of juvenile delinquency, and therefore recommends that Governments, within their political, social and cultural systems, should take all the necessary legal measures to control these mass media so as to prevent such news and publications from becoming available to minors and should provide them with publications having educational and constructive character which would reinforce the moral and civic traditions of each country."

127. Another substitute text for paragraph 4 (d) was proposed by the Rapporteur. It read as follows:

"Considers that certain kinds of films, publicity, comic books, sensational news of crime and delinquency, low types of literature and television and radio programmes and the like are regarded in some countries as one of the contributing factors of juvenile delinquency. Therefore, in accordance with their own political, social and cultural systems and conceptions, each country may take reasonable steps in order to prevent or reduce the effect of what is considered as an abuse of mass media and as a contributing element in the causation of juvenile delinquency."

This text was adopted, after the deletion of the second sentence at the suggestion of the delegation of the Union

of Soviet Socialist Republics, by 99 votes to 58, with 5 abstentions. The first text proposed as a substitute for paragraph 4 (d) was therefore not put to the vote.

128. Paragraph 4 (e) was approved without a separate vote.

129. Paragraph 4 (f) was approved without a separate vote.

130. After the conclusions and recommendations had been declared adopted, the Chairman invited the representatives of the specialized agencies and the inter-governmental organizations to express their views.

131. Mr. François (UNESCO) expressed general satisfaction with the conclusions and recommendations, as did also Dr. Krapf (WHO) who particularly welcomed paragraph 4 (b). Mr. Pidoux (Commission for Technical Co-operation in Africa South of the Sahara) observed that his organization was particularly interested in problems relating to the role played by education in filling the gap between the generations.

(d) DISCUSSIONS IN PLENARY MEETING

132. The conclusions and recommendations adopted by the Section were submitted to the second plenary meeting of the Congress by the General Rapporteur. Three formal amendments were submitted.

133. The first amendment, submitted by the delegations of Belgium, Chile, Italy, Japan, Switzerland and Venezuela, proposed the replacement of paragraph 4 (c) by the following text:

"Finds that the measures that can be adopted in the different countries for the prevention of juvenile delinquency and the treatment of young offenders vary to a certain extent according to the social structure, economic system and political organization of the country, but considers that the problem is largely one of education, the term 'education' being used to include both the acquisition of knowledge and of moral sense and the formation of character. Such education is essentially the responsibility of the family, but where there is a lack of adequate parental guidance or control and of the child's self-discipline, there is need for an invigorated education both at the adult and at the juvenile level. Such an education should be designed to bridge the gap between the generations by increasing the understanding and sympathy between them and to increase the sense of moral and social responsibility.

"The school and all educators have a predominant part to play in the prevention of juvenile delinquency."

After some discussion, during which representatives of the Union of Soviet Socialist Republics and the United States of America opposed this amendment and the Rapporteur proposed a compromise wording which was accepted by the sponsors of the draft amendment, the text was put to a vote and rejected by 24 votes to 21, with 3 abstentions.

134. The second amendment, submitted by the delegations of Denmark, Finland, Norway, Sweden, the United Kingdom and the United States of America,

proposed the following substitute wording for paragraph 4 (d):

"(d) Recognizing that conflicting views are held both

"(i) As to the effect that certain kinds of films, advertisements, comic books, sensational news about crime, low types of literature and television and radio programmes may have as a cause of juvenile delinquency, and

"(ii) As to the extent to which the State is justified in exercising control of censorship,

"considers that each country should examine the need for such reasonable steps as may be in accordance with its own political, legal and social system to reduce the effect of those elements in mass media of communication that are considered to contribute to the causation of juvenile delinquency."

This amendment was opposed by a representative of the Union of Soviet Socialist Republics, who felt that this formula achieved nothing and that the Congress should adhere to the view which was clearly expressed in the original text of paragraph 4 (d). The amendment was then rejected by 29 votes to 18, with 4 abstentions.

135. A third amendment, submitted by the delegations of Brazil, Colombia, Spain and Venezuela, proposed the addition of the following text at the end of paragraph 4 (d):

"and in order to stimulate the production of educative and constructive films and literature which will develop the moral and civic traditions of each country."

This amendment was adopted by 39 votes to 4, with 9 abstentions.

136. The text of the conclusions and recommendations as amended was adopted unanimously. It may be found in annex I, 1.

137. In accordance with rule 14 (c) of the rules of procedure, the representatives of the League of Arab States and the Commission for Technical Co-operation in Africa South of the Sahara requested that their respective points of view on the conclusions and recommendations adopted by the Congress be recorded. These two representatives expressed regret that, in view of the regional activities undertaken by their organizations in the matter of the prevention of crime and the treatment of offenders, the inter-governmental organizations had not been mentioned in connexion with the studies proposed in paragraph 2 of the conclusions and recommendations adopted by the Congress.

2. SPECIAL POLICE SERVICES FOR THE PREVENTION OF JUVENILE DELINQUENCY

(a) BACKGROUND

138. In discussing the prevention of juvenile delinquency, the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders gave attention to the role of the police and, in its resolution on this item, recommended, *inter alia*, that an evaluative

study be made of the methods and techniques used by special police services dealing with juveniles.¹⁶

139. The *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in 1958, recommended this topic for inclusion, with some modifications, in the agenda of the second Congress.¹⁷

(b) DOCUMENTATION

140. At the invitation of the Secretariat, the International Criminal Police Organization (Interpol) prepared a report in connexion with this item entitled *Special police departments for the prevention of juvenile delinquency* (without symbol). A representative of the International Criminal Police Organization, M. Nepote, acted as Rapporteur for this item.

(c) DISCUSSIONS IN THE SECTION

141. Generally speaking, the debate on this item indicated that there was a growing trend to stress the preventive rather than the repressive function which police services could fulfil in the community, particularly with respect to children and adolescents, and this was leading to greater co-operation between the police and various social agencies and, in some cases, to greater support by the public. Numerous speakers described special police services for juveniles instituted in a number of countries and major cities. Some felt that the services provided by other social agencies were adequate for prevention. The importance of training police officers as well as of recruitment of women police was stressed. Caution was suggested, however, with respect to the participation of the police in the treatment, rather than the prevention, of juvenile delinquency and with respect to the possible infringement of human rights by certain methods.

142. Mr. Ceccaldi, the Chairman, called on M. Nepote, the Rapporteur, to introduce the report which his organization had prepared for the Congress.

143. The Rapporteur outlined the historical background of the report which was based on a recommendation made by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and had been compiled on the basis of replies to a questionnaire sent to sixty-three member countries of Interpol and of other studies. The following developments had led to the present attitude of the police towards juvenile delinquency: (1) the police, at all levels, had gradually become aware of the gravity of the problem; (2) the concept of prevention had gained more and more importance as against that of repression; (3) gradually, the police had become aware of the possibilities of social action; and (4) juvenile delinquency was regarded as a technical question in which three criteria should be

¹⁶ See resolution on the Prevention of Juvenile Delinquency, First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August - 3 September 1955, p. 78.

¹⁷ See footnote 1.

applied to the personnel concerned to deal with it; they must be volunteers, must be especially selected and must have special training.

144. The organization of police services varied greatly from country to country, but the following four main forms of organization in the matter of juvenile delinquency seemed to exist:

- (1) Women police services;
- (2) Youth counsellors, as in the "Liverpool system";
- (3) Special brigades dealing with all juvenile matters in a given area; and
- (4) Social services attached to the police, such as police boys' clubs. In most countries, two or more of these were used, sometimes at a local level and sometimes under centralized direction.

145. The Rapporteur also commented on the distinction between prevention and repression by police action.

146. Several participants outlined the experience of their own countries with matters relevant to the subject under discussion.

147. Mr. Prag (Israel) said that the problem of juvenile delinquency was not as acute in Israel as in some other countries. About 80 per cent of all crimes committed by juveniles were crimes against property; less than one per cent were sexual offences, gang offences were unknown and drug addiction cases constituted well under one per cent. Boys were considered juveniles until the age of sixteen and girls until the age of eighteen. A committee was working on a bill proposing that both boys and girls should be considered juveniles until the age of eighteen and that criminal records of juveniles having not more than one conviction should be destroyed after five years. Three units had recently been set up, in Jerusalem, Tel Aviv and Haifa, to deal with juvenile offenders and suspects, victims of sexual offences, juvenile witnesses of sexual offences and juveniles who had acted with an adult to commit an offence. These units were in locations separate from police stations. The personnel, composed of volunteers with certain basic qualifications, were required to undergo training in applied psychology and other matters.

148. Mr. Renato (Italy) paid tribute to Interpol for its report, which would be distributed to the police authorities in his country for their guidance. Dealing with the organization of the juvenile police in Italy, he said that officers appointed for the purpose at provincial centres, under the control of the state police, formed the central core of a programme which would be developed gradually. A women's police force had been established in 1958, although this development had encountered some opposition. To counter misunderstanding of the police role, a social worker was attached to police stations. Women police were assigned to defend public morality, protect families and individuals, and to deal with offences relating to juveniles. A government decree had made the Higher Police Institute in Rome responsible for the study of juvenile delinquency.

149. Mr. de Changy, speaking from his experience as a teacher in reform centres in Japan said that, after the Second World War, there had been an attempt to

apply methods to juvenile delinquents which were used in other parts of the world. Apparently this had led to the repetition of offences by juveniles and, as a reaction, the police had become much stricter and insisted on dealing directly with juvenile delinquents, a method which could not be recommended. In his opinion, severity was unnecessary and this should be taken into account by all police services dealing with juveniles.

150. Mrs. Almeda López (Philippines) said that after the liberation of her country there had been a sudden increase in teen-age delinquency. The Juvenile Control Bureau of the Manila Police Department had co-operated with the Child Welfare Division and the Parole and Probation Division of the Social Welfare Administration in the investigation of juvenile cases, and had maintained contact with juvenile training schools, children's homes, orphanages and youth clubs. The Bureau was at present engaged in a campaign to clear the streets of hundreds of homeless juveniles and its functions included control of juveniles arrested or detained in juvenile wards of the city jail.

151. Mr. Ripeanu (Romania) said that the militia in Romania corresponded to the police in other countries. There were no special police services for juvenile offenders. When offenders were minors, interrogation could only be carried out by the *procureur* or the examining magistrate. Romania was among the countries where the number of juvenile delinquents and of offenders in general was steadily decreasing. The general reduction had been about 50 per cent between 1956 and 1959, and for minors 48 per cent, parallel with the ending of unemployment and with the development of material and cultural well-being through government measures and the increasing role of the collective group in the work of education and training of the new generation.

152. Mr. Ortego Costales (Spain) said that in his country there were no special police services for juveniles, but certain officers in the general police force were chosen by the courts and trained. They did not work independently, but merely carried out orders given them by the courts. Other members of the police force could intervene when necessary.

153. He agreed that there should not be police interference in certain cases. The function of prevention belonged mainly to the family, which must teach a child responsibility and its proper place in society. Police intervention could then be reduced to a minimum.

154. Mr. Nordlund (Sweden) said that the Swedish *ad hoc* committee mentioned in the Interpol report had set up voluntary welfare departments in all districts of more than 50,000 inhabitants. The local police were asked to form squads of selected officers who were especially trained for their task but also worked very closely with their colleagues. They kept a check on public places at night, particularly on those in which juveniles might be exposed to danger, and found juveniles who had run away from home or from an institution. They were helped in their work by the local child welfare committees. They also took care of vagrants, drunks and adults who had escaped from prisons, hospitals and so on. The squad kept records and informed all the welfare

bodies concerned, with which they often had informal meetings. In two large Swedish cities, police during the last few years had been particularly successful in decreasing crime — for instance, in stopping the stealing of cars. These methods had created enthusiasm and there was excellent co-operation between the police and the welfare organizations.

155. Mr. Fath-el-Bab (United Arab Republic) stated that since 1957 special police had been appointed to deal with juveniles in his country as a result of the recommendations of the First United Nations Congress. They were recruited from the regular police and given special training in different institutions. Attempts were being made to encourage university students to volunteer for juvenile police work, which was at present experimental in character and centralized in certain big cities. A proposal to set up a training school for juvenile police officers was being considered by the appropriate authorities.

156. In explaining the Liverpool scheme, Sir Charles Martin (United Kingdom) emphasized two points: (1) the object of the scheme was to tackle juvenile delinquency by dealing with the first offender and by influencing the parents to take a greater interest in their child; (2) while not universally applicable, because the police service in the United Kingdom is not controlled by the central government, the scheme was very valuable in large cities.

157. In Liverpool, a case involving a first offence is submitted to a senior police officer who assigns to that particular case an officer whose task it is to explain to the parents that the child might have been prosecuted, to make them realize their responsibility and to offer his help by contacting such persons and organizations as could assist the child.

158. Since 1951, the Liverpool police had dealt with 7,700 juvenile first offenders; 760 had committed a second offence. The number of cases in which parents had refused the proffered help was negligible. The attitude towards the police was changing and parents were beginning to look upon the police force as a service for keeping their children out of trouble.

159. Mr. Netimenko (Ukrainian Soviet Socialist Republic) was very satisfied with the humanitarian content and objective character of the Interpol report. It was impossible to divorce the work of the social and voluntary organizations from that of the police. In the last eighteen months there had been in his country a sharp reduction in juvenile delinquency statistics as well as in the general incidence of crime. This was due not only to the police but mainly to society as a whole. Thirty-two thousand young men, both students and factory workers, were serving in brigades for social order. They did duty in small towns and villages as well as in the cities in public places at specified hours, their main work being to prevent the committing of offences, and their very presence and persuasive activities obviated the need for punishment under the criminal code. In his country the conclusion had been reached that punishment was not the best way to fight juvenile delinquency and the alternative method had been adopted of placing the juvenile under the care of a social organization.

160. Mr. Smirnov (Union of Soviet Socialist Republics) provided some statistics on juvenile delinquency in his country. Taking the year 1939 as 100, the number of children under sixteen sentenced for crimes rose sharply during the Second World War to an average of 152 for the war years. For the first post-war year (1946) the figure was 114.6 and by 1959 it had fallen to 10.4. For children aged sixteen and seventeen the figure in 1959 was down to 22.5 per cent of the 1945 level.

161. The speaker attributed these good results to co-ordination between the police services and society as a whole. In the Union of Soviet Socialist Republics, prisons and reformatories were being closed down at the present time as crime diminished. The network of rehabilitation establishments for juvenile offenders was also being sharply curtailed. He then outlined the structure of special police services, beginning with the militia ward, defining it primarily as exercising a police function regarding neglected children or children who for some reason are responsible for a breach of the law. When necessary, militia wards helped to place children who needed special care in rehabilitation establishments for juveniles. The militia wards were closely connected with the public education bodies and the managements of factories and offices, and extensively enlisted the co-operation of the public, including voluntary inspectors from various public organizations such as the trade unions, the Young Communist League, and parents' committees at schools. The wards were headed, as a rule, by college-trained militia officers who had specialized in education. In addition there were children's detention centres. Vagrant children might be placed in a children's detention centre for several days and then be sent to one of the rehabilitation establishments. The boarding-schools, where children lived and received a secondary education and were taught professional skills, were also an important factor in preventing juvenile delinquency and giving children a proper upbringing. The large-scale expansion of boarding-schools helped to provide good upbringing for children whose parents were unable to give them sufficient attention, and to prevent such children from becoming "neglected" and then lawbreakers. There would be 700,000 children in the boarding-schools in 1960, and not less than 2,500,000 in 1965.

162. Among the organizations not directly connected with police work were the People's Brigades for Social Order, in which some of the best of the country's youth served and influenced other young people who might otherwise go astray. Their function was preventive. For example, to show a youth a photograph of himself drunk in the street had a much greater effect than dragging him to a police station. This did not mean, however, that there was no juvenile delinquency. There would be no need for voluntary services if there were no problem, but the fact that voluntary help could be called on when needed presented fruitful possibilities.

163. Mr. Kuznetsov (Union of Soviet Socialist Republics) said that prevention was the main task of the police in his country. The militia ward officer, with the help of the school and of society, watched over the behaviour of the children in his district and thereby prevented crime.

164. Mr. Kuznetsov gave a further description of the activities of the militia wards, and of the children's distribution centres and educational colonies to which Mr. Smirnov had referred. The children who came to the militia wards were children who went astray, children who were found in the streets at odd hours, or found engaged in improper activities; the task of the militia ward officer was to find out why the child was found in the street and so on. Normally, the child stayed in the militia ward not more than five to ten hours. If there was need for a more thorough investigation, the child would be transferred to a children's distribution centre, also under the direction of the police, but run by a specialist in education. Most children were returned to their parents, but some, particularly orphans, were sent to a home run by the State. The child could also be sent from the distribution centre to an educational colony, which catered for children in need of long-term care between the ages of eleven and eighteen. Adolescents could only be sent to the colonies on the authority of a special children's commission. More than 50 per cent of the children released from these colonies had become useful citizens.

165. Mr. Tsvyrko (Union of Soviet Socialist Republics) stated that, in addition to the bodies mentioned by Mr. Smirnov, there were in his country special workers to look after youth and special community services were concerned with youth affairs, and dealt with all matters pertaining to juvenile delinquency. There was special legislation in the Union of Soviet Socialist Republics dealing with juvenile delinquents. No young person between the ages of fourteen and sixteen could be held criminally responsible, except in certain well-defined cases. Juvenile delinquents required re-education, and there were special commissions to deal with juvenile cases, which consisted of representatives of the local authorities and of persons concerned with education, health and welfare. The commissions had extensive rights and compulsory powers and administered labour legislation for young people. Adolescents under sixteen years of age were not allowed to work except in special cases, when a maximum of four hours a day was permitted. Juveniles between the ages of sixteen and eighteen could work for six hours a day. They were not allowed to work at night or in dangerous professions, and had a compulsory annual holiday. He was glad to be able to state that there had been a decrease in juvenile delinquency in his country although offences were still committed.

166. Mr. Aldrich (United States of America) said that, as Deputy Commissioner in charge of the youth programme of the New York Police Department, he had controlled a comprehensive prevention programme which included a patrol bureau, a social investigation bureau and a police athletic league. He made three points with respect to the role of the police in dealing with juvenile delinquency. He first underlined the seriousness with which the police in New York treated the matter. Secondly, he raised the question of where the line should be drawn between police service and social services. In New York the present trend was away from over-involvement in social work by policemen. Thirdly, he wished to dispel the impression that municipal autho-

rities in the United States of America felt rather helpless in face of gangs of delinquents. The disappearance of eleven anti-social teen-age gangs in New York City had been reported that very day.

167. He stressed the importance of training police officers, particularly with respect to racial prejudice. He also emphasized that the vast majority of juveniles were law-abiding.

168. Dr. Frym (United States of America) said that in his country there was a repressed antagonism between police officers and persons concerned with rehabilitation. He referred to the three-month training course for police who would deal with juveniles; this course is given at the Delinquency Control Institute of the University of Southern California, which is open, free of charge, to students from other countries. He also noted that the Institute had received a grant to develop psychological testing techniques for the selection of police officers suited to work with juvenile delinquents.

169. Mr. François (UNESCO) believed there should be general satisfaction that the police themselves were undertaking educational work. There was, however, a limit to the task the police could perform in this field and the rest should be left to the psychologists and doctors. Educators must also play their part.

170. Mr. Gunzburg (Belgium) felt that for adolescents between the ages of sixteen and eighteen measures might be taken in extreme cases, but under the age of sixteen there should be only protection, education and re-education. If a child behaved badly it was for the doctors and psychologists to act and he therefore begged the Section to reflect before deciding on the need for too many police measures to deal with young delinquents.

171. Mr. McConnell (United Kingdom) noted that the creation of specialized branches of the police was commended in the Interpol report. He felt that the application of the principle of specialization must depend on circumstances. Special branches of the police must be in close touch with, and be regarded as part of, the same force. He favoured using the services of police women in dealing with girls and young boys and extending their duties to as wide a range of problems as possible. While agreeing that the police should receive the best possible training for all duties, he raised the question whether there should not be more emphasis on possible help from social service and other agencies. Police cautioning, which was a new development, had given rise to both favourable and unfavourable comment.

172. Mr. Lejins (United States of America) differentiated four types of contact between the police and juveniles. The first occurred in the case of offences under the criminal code and included adults as well. The second was in the case of offences such as truancy, which were covered by special legislation on juvenile delinquency. The third took place when the police prevented an action considered an offence under laws covering either of the preceding cases, and the fourth consisted of voluntary contacts in which delinquency was not involved. The police should keep records of these four types of contact. Difficulties necessarily arose if, in some cases, the police reported adult offences only, and in other juvenile

offences as well. If comparisons were to be made, the type of contact must first be defined and included in police statistics.

173. Mr. Yablonsky (United States of America), speaking from his experience as director of a project concerned with delinquent gangs in New York City, in association with the Police Department, supported the views expressed by Mr. Aldrich.

174. In order to deal with group forms of delinquency, the police had to know the size of the group, how close was the association between its members, the ages of those concerned and the types of leadership. He also felt that it might prove helpful for the police to study data from different countries concerning types of group delinquency.

175. Mr. Barnett (International Federation of Senior Police Officers) drew the attention of participants to the paper by his Federation, which recognized the need for new forms of policing to meet new forms of delinquency.

176. The Federation considered that more understanding was required of the work of the police officer, who had a unique opportunity for detecting anti-social behaviour by juveniles, and Mr. Barnett emphasized that it was the man on the beat, rather than the specialist, who could most effectively perform this function. He suggested that the Congress might explore what further steps could be taken to ensure the necessary co-operation between the police and other social agencies working in this field.

177. Mrs. Higgins (International Association of Women Police) made an appeal for the employment of more women as juvenile officers, since they were particularly fitted for this work. At present women represented only one per cent of the total police force.

178. The representative of the Secretary-General thanked the International Criminal Police Organization for its report, which furnished the best possible proof of the close co-operation which existed between that body and the United Nations. For some years now the function of the police had been changing, developing and progressing. Annex C of the Interpol report provided excellent guidance for police officers dealing with juveniles.

179. He wished, however, to make two points. The fact that a young person was a delinquent did not necessarily mean that he would become a criminal later on. Therefore, the recommendation that juvenile delinquents should be finger-printed seemed to be rather against present experience and trends; such a record would only be justified in exceptional cases. Secondly, from a psychological point of view, a police policy of blame and reward would be open to serious criticism and encounter difficulties in many countries, especially if this policy involved the issuance of certificates of honesty and good citizenship.

180. It appeared from the discussions that there was general agreement that the police should carry out the task of prevention and not undertake treatment, and also that the employment of women police officers was desirable. The police should co-operate not only with social service agencies, but with the public, the family

and so on. While preventive activities of special police services for juveniles should be encouraged, they should not compete or interfere with social services or provide exaggerated protection. It was also considered that the police should always be guided by respect for human rights, since excessive protection might sometimes involve infringement of these rights. The Universal Declaration of Human Rights and the Declaration of the Rights of the Child as adopted by the United Nations should, therefore, guide any prospective or preventive activity by the police.

181. On the basis of the views expressed during the discussion, the following draft conclusions and recommendations were drawn up by the Chairman, the Rapporteur and the representative of the Secretary-General and submitted to the Section during the last meeting on this item of the agenda:

"The Section

"1. Considers that the police should take preventive action of a social nature, particularly with regard to the prevention of new forms of juvenile delinquency. This action, however, should not go so far as to transform police departments into social services infringing the field of work of social, educational and other services already in existence or to be established.

"2. Considers that preventive action undertaken by the police in the field of juvenile delinquency should remain subordinate to the observance of human rights.

"3. Considers that the report submitted by the International Criminal Police Organization (Interpol) under the title "Special police departments for the prevention of juvenile delinquency" represents a sound basis for the organization and setting up of special police departments for the prevention of juvenile delinquency, national requirements being duly taken into account.

"4. Makes certain reservations, however, with regard to the finger-printing of young first offenders, as also to the advisability of the setting up by the police of a system of good citizenship prizes or bad marks.

"5. Attaches great importance to the broadest co-operation of these special police departments with the community and with the various agencies contributing to the prevention of juvenile delinquency."

182. The delegations of Canada and the United Kingdom proposed the following wording to replace draft paragraph 1:

"1. Considers that the police, in pursuance of their general duty to prevent crime, should pay particular attention to the prevention of 'new' forms of juvenile delinquency. They should not, however, go so far as to assume specialized functions more appropriately within the field of work of social, educational and other services."

This wording was adopted by 91 votes to 2, with 2 abstentions.

183. The delegations of Japan and the United States of America proposed that the following sentence be added to paragraph 1:

"Such matters as family counselling, recreation and social investigation are matters more properly discharged by civilian social agencies. The police role should be limited to central record keeping, centrally organized liaison with public and private social agencies, and the supervision of known troubled areas by specially trained patrol personnel."

184. The Rapporteur expressed the view that, if the Congress tried to enumerate certain matters in its recommendations, the danger would arise of including either too little or too much. He thought, therefore, that it would be better not to go beyond general terms.

185. The representative of the Secretary-General pointed out that the extent of the role played by the police in preventing juvenile delinquency was within the particular jurisdiction of each country. The Congress might go beyond its competence if it went into too many details concerning the functions of the police.

186. The proposed text was rejected by 97 votes to 13, with 15 abstentions.

187. Paragraph 2 was approved without a separate vote.

188. The delegations of Canada and the United Kingdom proposed to substitute the following wording for draft paragraph 3:

"Considers that, allowing for variations in national requirements, the report submitted by the International Criminal Police Organization under the title 'Special police departments for the prevention of juvenile delinquency' represents a sound basis for the organization and setting up of special police departments where they are considered advisable for the prevention of juvenile delinquency."

This wording was approved by 114 votes to 10, with 2 abstentions.

189. Paragraph 4 was approved without a separate vote.

190. The delegations of Canada and the United Kingdom proposed to substitute the following wording for paragraph 5:

"Attaches great importance to the broadest co-operation over measures to prevent juvenile delinquency between the police, the various specialized national agencies and the general public."

This wording was approved by 118 votes to 1, with 1 abstention.

191. The conclusions and recommendations were approved as a whole and as amended without a separate vote.

(d) DISCUSSIONS IN PLENARY MEETING

192. The General Rapporteur submitted the conclusions and recommendations of this item to the Congress at the second plenary meeting, where they were unanimously adopted. The final text is given in annex I, 2.

3. PREVENTION OF TYPES OF CRIMINALITY RESULTING FROM SOCIAL CHANGES AND ACCOMPANYING ECONOMIC DEVELOPMENT IN LESS DEVELOPED COUNTRIES

(a) BACKGROUND

193. In 1953 at its ninth session, the Social Commission included in the work programme of the United Nations in the social field for 1954-1955 a project on "the prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries". This programme of work was approved by resolution 494(XVI) of the Economic and Social Council. The Secretary-General, in his report to the Social Commission, referred to the project as follows:

"The project is regarded as particularly timely and appropriate in view of the rapid and far reaching social and economic changes at present taking place in less developed countries. The proposed study is designed to serve as a basis for United Nations technical assistance to less developed countries in the field of social defence and as a practical guide to the rational planning of social policy concerned with the problem of crime in such countries."¹⁸

194. The *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, in presenting its views in 1953 on the methods by which this project might most profitably be approached, recognized that the project was concerned with one of the most important problems of criminal policy in the less developed countries and pointed out its pertinence both to countries where a culture of alien origin was being superimposed on an indigenous culture and to countries which were endeavouring to develop new types of economic and social organization, retaining their roots in traditional cultures. The Committee considered that the problem existed both in independent countries and in non-self-governing territories.¹⁹

195. It was understood that the problem of urbanization was an important feature of this wider problem and, in keeping with the attention to be given to this project, a special report was prepared by the Secretariat entitled "Urbanization and Crime and Delinquency in Asia and the Far East", which was presented for discussion at the joint UN/UNESCO Seminar on Urbanization in Asia and the Far East held in Bangkok in 1956.²⁰

196. The following year, the *Report on the World Social Situation*²¹ dealt largely with social problems of urbanization in economically less developed areas, and

in this context reported, *inter alia*, on crime and delinquency in relation to urban growth.

197. The *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in 1958, recommended the inclusion of this topic on the agenda of the Second United Nations Congress.²²

198. Among the reports directly related to this project attention should also be given to the paper prepared under the auspices of UNESCO, at the request of the United Nations, by G. Balandier of the International Research Office on Social Implications of Technological Changes entitled "Problèmes de désorganisation sociale liés à l'industrialisation et à l'urbanisation dans les pays en cours de développement économique rapide"; this report was considered by the First United Nations Congress held in Geneva in 1955.²³

(b) DOCUMENTATION

199. In connexion with this item of its agenda, the Congress had before it two general reports on *The Prevention of Types of Criminality resulting from Social Changes and Accompanying Economic Development in Less Developed Countries*, which were issued together as A/CONF.17/3. The first report, which gave special attention to the problem in its Asian context, was prepared by Mr. J. J. Panakal, the second report placed special emphasis on the Arab States and Africa, and was prepared by Mr. Ahmad M. Khalifa who, in the absence of Mr. Panakal, acted as sole Rapporteur to the Section. There was, further, a report on this topic prepared by the Secretariat (A/CONF.17/4), which was complementary to the general reports, focusing attention on the major issues involved, raising basic questions and suggesting areas for possible research and action. The Congress also had before it a document prepared by UNESCO at the request of the United Nations, entitled: "La prévention relative aux formes de criminalité résultant des changements sociaux et accompagnant le progrès économique des pays peu développés".²⁴

(c) DISCUSSIONS IN THE SECTION

200. Section II devoted four meetings to the consideration of this item. At the invitation of Mr. Acquah, the Chairman of the Section, the Rapporteur, Mr. Khalifa, presented his report, and, in the absence of Mr. Panakal, also introduced the latter's report. Mr. Galway, deputy representative of the Secretary-General and Secretary of the Section for this item, introduced the Secretariat's report. Mr. Kalogeropoulos introduced the UNESCO report, on behalf of that organization.

201. Early in the general discussion, it was pointed out by several speakers that this topic was one on which

¹⁸ See footnote 1.

¹⁹ United Nations, A/CONF.6/C.3/L.2, submitted in French only. The paper was later published in Spanish in the *International Review of Criminal Policy*, No. 9 (United Nations publication, Sales No.: 56.IV.1), pp. 64-73.

²⁰ A/CONF.17/12. French only.

too little information was available. This point had been stressed by the Rapporteur in his opening remarks and it was further emphasized by the Secretary of the Section. Several speakers, in particular, deplored the inadequacy of criminal statistics and urged both national and international action on this question. One speaker proposed the creation of an international institute which would be particularly concerned with the collection of such data. Other speakers pointed out that criminal statistics would unfortunately continue to be inadequate for many years to come and that, at best, a statistical approach was only one of several possible methods for developing a greater understanding of the phenomenon of criminality. Mr. Millo (Israel) stressed the importance of field studies and pilot projects. Other speakers referred to the suitability of utilizing local or national research institutes as part of an international design for carrying out worldwide research. Mr. Ratanakorn (Thailand) suggested setting up a travelling team of experts to study the problem, and Mr. Hall-Williams (International Sociological Association) urged greater reliance on university faculties. It was also considered that governmental agencies should be drawn into this activity since they possessed resources of personnel and data and had much to contribute, although it was to be acknowledged that governmental agencies, especially in the less developed countries, were not normally prepared, or possibly even disposed, to carry out research. Several speakers referred to research projects with which they or their agencies had been associated. Mr. Pidoux (Committee for Technical Cooperation in Africa South of the Sahara) described relevant activities of his organization and Mr. Bondu (International Catholic Child Bureau) referred to surveys his organization had sponsored in Africa. A number of delegates, from Latin-American countries in particular, referred to the very special character of problems in their region and urged that particular attention be given to an examination of this problem, in their countries, especially since the general reports had contained relatively few data on Latin America.

202. There was considerable discussion of the expression "less developed countries". The consensus was that the expression was not only disparaging but was too vague to be meaningful. It was pointed out that there was no country that had attained its full potential, especially in view of today's rapidly expanding technological discoveries, and in that sense all countries were underdeveloped. Moreover, in some respects, a particular country might have developed very advanced techniques while in other respects there had been little development. The extraction and refinement of oil was given as an example. It was agreed that the expression "less developed countries" should at any rate refer only to the economic field. On the other hand, there were also some speakers who, while recognizing that some countries could be identified as economically less developed, expressed the belief that the question of criminality associated with social changes was a matter of equal concern in economically highly developed countries and that attention should not be focused on only the less developed countries. Mr. Millo (Israel) suggested that it might be preferable to speak of the prevention of criminality in a changing society. While a degree of

recognition was given to this contention, the Section as a whole wished to maintain the emphasis originally intended for this question, recognizing that the United Nations had a particular responsibility for giving guidance and assistance to those countries which had recently obtained independence or were otherwise undergoing great change in their social and economic structures.

203. It was the view of several speakers that the crux of the situation was not "types" of criminality but the phenomenon of criminality in general. It was stressed that, while there might be a few new aspects of criminality such as black marketeering, these were of rather minor importance and at any rate comparable types of criminal behaviour could be found to have existed already in the past.

204. There was a great deal of discussion whether social change itself could be identified as causing criminality, and the conclusion was that this was an unwarranted assumption. The title of the project in the Economic and Social Council work programme, referring to "criminality resulting from social changes", reflected this unwarranted assumption. At most, the relationship should be expressed by the term "associated with" rather than "resulting from". Indeed, several speakers pointed out that social changes could contribute to a decrease of criminality. This point of view was strongly expressed particularly by Mr. Haz (Chile), and Mr. Srzentic (Yugoslavia). The abolition of class oppression, of discrimination and the exploitation of women and children, for example, could contribute to the elimination of serious social problems which had probably led to criminality. It was also contended that economic development had potentialities for easing individual situations which could have led to criminal activity as an attempt to solve unbearable economic burdens. It was not the social change itself, therefore, but the manner in which the social change took place which caused the difficulty. This involved factors of rate of change, the gap between the breakdown of old social institutions and the creation of new ones and also the degree of difference between the old order and the new. Mr. Chinn (United Kingdom) urged that the question under consideration be not too closely tied to industrialization. One must not lose sight of the problems of the impact of an alien culture on, for example, the African peoples. He cited the introduction of Christianity and western forms of education as factors which had disrupted the traditional family life.

205. A somewhat opposing point of view was put forward by Mr. Haz (Chile) to the effect that criminality existed where social change was not taking place and where stagnation had set in. The social change which took place particularly in connexion with the movement of rural population to urban centres did not, in his view, contribute to criminality in the countries of Latin America with which he was familiar. If, indeed, criminality resulted from social changes accompanying economic development in other parts of the world, it would be advisable to make comparative studies involving one or more Latin American countries, since such studies might provide clues to an understanding in the presence of the phenomenon in one national setting and not in the other.

¹⁸ "Work Programme and Priorities (1954-1955)". Report by the Secretary-General (E/CN.5/292, p. 32).

¹⁹ "Report of the *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 15-24 June 1953" (E/CN.5/298, para. 41).

²⁰ *Urbanization in Asia and the Far East, Proceedings of the Joint UN/UNESCO Seminar, Bangkok, 8-18 August 1956* (UNESCO, SS.57.V.7A), chap. IX, pp. 230-250.

²¹ United Nations publication, Sales No.: 57.IV.3.

206. The Section gave particular attention to the question of migration. Some speakers pointed to the inevitability of social breakdown in connexion with migration, since this always involves a change in social institutions, social control and social values. Mr. Loveland (United States of America) reviewed the history of migration into and within the United States and pointed out that the disruption attendant upon it had always resulted in a peak of criminal behaviour at the point where the traditions and social institutions of the earlier setting had fallen into disrepute before the new social values had been understood and fully adopted. Mr. Sánchez (Philippines) described similar experiences in the post-war years in his country, when large numbers of rural people had flocked into Manila. In contrast to the point of view expressed by these speakers, a number of speakers referred to migration which had not resulted in increased criminality. Mr. Barry (Australia) described migration to Australia during the preceding fifteen years and reported that studies had shown that, in fact, the immigrant population has a lower crime rate than the Australian population as a whole. Mr. Hooton (Hong Kong) pointed out that, despite the limited physical facilities and economic opportunities in Hong Kong for a vast number of Chinese who have left rural sections of the mainland for life in a highly organized setting, the crime rate remained low. In the case of Hong Kong, the answer was not that of being able to anticipate all the needs of the migrant population and to provide for them. On the contrary, it was apparently the family solidarity and the acceptance of the authority of the immediate family which immunized the Chinese from the disturbing influences of new ways of life. The Chairman, Mr. Acquah, in his capacity as representative of Ghana, referred to enquiries made in Accra where, contrary to expectations, it was found that the rural youth recently migrating to Accra had posed no significant problems at all. Mr. Fleming (Jamaica) had made similar observations in his country. In contrast, Mr. Vethencourt (Venezuela) and Mr. Calvimontes (Bolivia), speaking from their experiences in Latin America, expressed the belief that migration from rural areas to cities was itself a major cause of urban crime.

207. It was generally agreed, however, that the phenomenon of migration did not in itself present a difficulty, but that the accompanying disorder and conflicting standards and values might do so. Several speakers referred to urbanization and industrialization in the same connexion. While criminality often was to be found in association with urbanization and industrialization, there was no basis for assuming a close relationship; the breakdown of social institutions and methods of social control and the failure to establish equally effective measures immediately was what mattered.

208. This, the Section then concluded, was the key to planning for urbanization and industrialization accompanied by migration but without social breakdown and criminality. The Section, as a whole, considered that such planning was possible and recognized that it should be undertaken at the national planning level. Mrs. Sulaimanova (Union of Soviet Socialist Republics) reported that in the Uzbek Republic, great social changes

had taken place after the revolution but that they had brought great social and economic benefit to the population. There had, in fact, been decreases in crime and certain types of crime had been completely eliminated. One contributing factor had been the absence of a rush from rural areas to urban centres, because benefits had been provided in rural areas equal to those available in the cities. This was as it should be, but such planning could also be utilized as a matter for social policy in order to slow down excessive migration to urban centres. Some speakers called for the exercise of caution in attempting to discourage migration. Many of the so-called less developed countries needed a greater concentration of population in urban centres in connexion with the vast industrial expansion required to develop the national economy. Moreover, it was in urban centres that higher education and specialized professional and technical education could be offered and these same countries were urgently in need of greatly increased numbers of highly educated people. One speaker also noted that progressive social movements were for the most part developed in urban centres.

209. It was generally recognized, however, that measures were needed to discourage excessive migration to urban centres. The principal method appropriate in this instance was to increase economic and social facilities in rural areas. This should be a matter for urgent government action, and the techniques of community development were applicable for this purpose. It was also pointed out by a number of speakers that the rural population migrating to urban centres should be prepared for the new social and economic life facing them there. They must understand not only the disadvantages of precipitous migration (an understanding which could hopefully be expected to discourage a certain amount of migration) but they must understand, and be prepared for, new conditions of employment, housing, and sanitation, as well as certain restrictions and requirements peculiar to urban living. This would help to prevent some of the individual social problems observable today in urban centres where a high degree of migration from rural areas had recently taken place. There was general agreement that this preparation should be a government responsibility and that, here again, the techniques of community development would be useful. Some speakers emphasized in particular the role of urban community development in aiding the emigrant to adapt satisfactorily in the new urban milieu. It was pointed out, moreover, that in some situations the rural population maintained, in the urban setting, village habits of living and were often insulated from the disrupting effect of urban ways of life. This was regarded as a useful device in the transition from rural to urban living which might be explored by Governments and incorporated in national social policy.

210. Several speakers doubted whether it was proper to regard rural areas as being the scene of very little crime in contrast to urban centres, which were generally thought to have high crime rates. Perhaps it was simply a question of inadequate statistics and the difficulty of establishing a rural-urban dichotomy. It was possible that the rate of criminality in rural areas was as high

as in urban areas but simply went undetected. This was especially important because of the tendency to assume that the urban setting itself gave rise to criminality. One speaker stressed the point that persons who became involved in criminal behaviour shortly after migrating from rural to urban areas had perhaps been misfits in the rural areas and had left for the city for this reason. This was a question urgently in need of study since misconceptions in this respect could lead to the adoption of inappropriate social policies.

211. Several speakers pointed out that the principal problem was the loss of direct or primary control over the behaviour of the individual, which usually was exercised by the family or by the tribe. The emphasis on the individual, which was characteristic of urban living, undermined this authority. One speaker pointed out that, while there would be merit in attempting to strengthen the family structure, it must be recognized that there were severe limitations on the capacity of family elders to assimilate the new culture represented by urban life. It was very likely, therefore, that the youth would have to be approached and, in this connexion, youth groups and youth movements were very important. Indeed, it might prove that an effective way of influencing social change among the elders of the family and group was through the youth. The Section was of the opinion that peer groups could become either a constructive or a destructive force depending upon a number of factors, all of which were amenable to social planning. Gang behaviour, now a matter of great concern to many countries, need not be the inevitable consequence of the formation of peer groups in situations of rapid social change.

212. Considerable support was expressed in the Section for the creation of national agencies to co-ordinate planning and research in the field of prevention of crime. Especially since the roots of criminal behaviour were so deeply embedded in the social and economic life of a country it was important that such agencies should have intimate and continuous relationships with the central authorities responsible for social and economic planning. The special preventive agency should be staffed by persons well qualified in the social defence field in order to bring to social and economic planning the special knowledge and direction required for this purpose.

213. It was pointed out that social change should also be accompanied by changes in penal legislation. There was a tendency for the law to lag behind change. This was unfortunate, particularly since it very often introduced additional complications. The Section considered that the individualization of justice was also extremely important. Where new restrictions and regulations were little understood, it was essential that both the attitude of the offender and the most logical measures to prevent the recurrence of the disapproved behaviour should be taken into consideration. This was not only a matter of flexibility in adjudication: it also called for flexibility and imagination in devising treatment plans. In connexion with this phase of the discussion, the Section heard a special statement from Miss Graham Hall (International Commission of Jurists) on the importance

of maintaining harmony between law and the social order.

214. At its fourth and last meeting on this item, the Section considered the following draft conclusions and recommendations, which had been drawn up by the Rapporteur in collaboration with the Chairman and the Secretary:

"The question of the types of criminality resulting from social changes and accompanying economic development in less developed countries is one to which inadequate attention has been given and on which too little authentic data are available. It is therefore necessary that the conclusions and recommendations of the Congress on this topic be recognized as only tentative and urgently in need of verification based on sound research.

"Criminality which may be identified with social changes accompanying economic development in less developed countries is not new in the sense of forms of behaviour not previously otherwise observable. Attention should therefore be focused on the increases in criminality in general in relation to social change and not limited to concern with special types of criminality.

"Criminality is not necessarily a consequence of social changes accompanying economic development in less developed countries. Social changes and economic development are both inevitable and welcome, and under proper circumstances, may even contribute to a decrease in criminality.

"The extent to which there will be criminality resulting from social changes accompanying economic development in less developed countries is directly related to two factors: the social stability of the groups of individuals affected by social changes and the social stability and cohesiveness of the community in which the social changes are taking place. The stability of both elements can be developed and maintained by social planning for which every government should assume responsibility.

"Migration, and especially internal migration, which is to be found associated with social changes accompanying economic development in less developed countries has been erroneously assumed to be a cause of criminality. It is not migration, *per se*, that causes criminality, but rather the social instability, the weakening of primary social controls and the exposure to conflicting social standards of behaviour associated with migration that are to be identified with crime causation. This same conclusion is to be applied to urbanization and to industrialization.

"The social instability, the weakening of primary social controls and the exposure to conflicting social standards, which have a causal relationship to criminality, are intensified when the rate of social change is rapid, when the degree of social change is high and when the lag between the break-down of old social institutions and the creation of new institutions is great.

"The nature and rate of social change is subject to control and should be a matter for national planning.

"Since these factors are closely related to the control of criminality, programmes for the prevention of criminality should be closely co-ordinated, if possible by an agency organized for this purpose, and constituted by persons highly qualified in this field. It is recommended that this agency operate as an integral part of a co-ordinated scheme for national social and economic planning since, as stressed in United Nations social surveys, there is an urgent need to eliminate compartmentalization of thought and to integrate social and economic objectives in countries undergoing rapid development.

"Research is urgently required to assess the many factors of social change which have the potentiality to contribute to criminality and research is equally urgently required to evaluate measures of prevention. To this end, there must be a marked increase in the adequacy of statistical techniques and procedures, to which national attention should be called and international assistance sought. As an adjunct to statistical methods of research, reliance should be placed on case studies, field observations by teams of qualified experts and pilot projects. The United Nations should be asked to assume primary responsibility for carrying out this research but should associate with its endeavours the services of the specialized agencies of the United Nations, appropriate non-governmental organizations, research institutes and other competent resources. The scope of the research should vary in order to provide proper attention to factors which may be universal, regional or local in character.

"In order to control the rapidity of social change and the capacity of the community to provide a stable social setting for the population, it may be advisable and necessary to limit migration into urban centres. It is unlikely that this can be carried out effectively by regulations and restrictions; at any rate, it is highly preferable that this be done by providing to the rural areas the social and economic advantage in search of which the rural inhabitant leaves the land for the city.

"In connexion with rural-urban migration, one essential element in maintaining the social integrity of the individual is the preparedness of the migrant for this experience and the preparedness of the urban community to receive him. In both instances, community development, now occupying a major role in national economic and social policy in most countries, has an important role to play. Indeed, urban community development may prove a principle instrument for the prevention of criminality resulting from social changes and accompanying economic development in less developed countries. Urban preparedness also involves providing reception and orientation services (including temporary shelter), town planning including housing, educational and vocational opportunities to the new population, and family and child welfare services.

"The penal code must be in harmony with and reflect social change. Individualization of justice must be envisaged so as to allow a rational adjudi-

cation which takes into consideration both the social order and the special circumstances of the individual.

"In considering the question of criminality and social change, the focus is generally upon the urban centre. This emphasis may be warranted, but it would be advisable to assess the impact of social change on rural areas as well, since this may uncover the roots of crime which later manifests itself in the urban setting.

215. In the course of the debate on these conclusions, it was agreed that the term "less developed countries" should be used only if it was clearly indicated that this referred to the economic sphere only.

216. The Section was of the general opinion that it should be cautious in arriving at conclusions since, concerning this subject, there was too much conjecture and too little scientific data. It was agreed that this point of view should be specifically stated in the final recommendations of the Section.

217. Considerable discussion took place on the statement that the nature and rate of social change were subject to control. Some participants did not wish to imply that the rate of change should be controlled, and other speakers did not wish any reference to the nature of change. Both of the references to "nature" and to "rate" were therefore dropped. Similarly, in connexion with internal migration, several participants were reluctant to recommend any form of compulsory restriction on the movements of individuals. A proposal that the rate of migration should in principle be subject to governmental control was accepted by the Section, but it was also proposed that this should be done only by encouraging persons to remain in rural areas by providing them with the social and economic advantages in search of which they intended to go to urban centres.

(d) DISCUSSIONS IN PLENARY MEETING

218. The conclusions and recommendations of the Section on this item were introduced by the General Rapporteur and the Rapporteur at the second plenary meeting. They were adopted unanimously and may be found in annex 1, 3.

4. SHORT-TERM IMPRISONMENT

(a) BACKGROUND

219. Short-term imprisonment has been included in the work programme of the United Nations in the social field since 1949 and became a priority project in 1958, when the *ad hoc* Advisory Committee of Experts recommended that consideration of this question be included in the agenda of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders.²⁵ In 1958, the United Nations European Consultative Group decided to constitute a working

²⁵ See footnote 1.

group to study this problem.²⁶ The Secretariat accordingly gathered information on short-term imprisonment in the countries belonging to the European Consultative Group; this information was discussed by the working group when it met in 1959. The findings of the working group were published in the *International Review of Criminal Policy*, No. 15.²⁷

(b) DOCUMENTATION

220. The material gathered in countries belonging to the European Consultative Group as well as data collected by the Secretariat in other regions of the world, were used in the preparation of the general report prepared by the Secretariat on short-term imprisonment (A/CONF.17/5).

(c) DISCUSSIONS IN THE SECTION

221. Section II devoted four of its meetings to a discussion of short-term imprisonment. The first meeting took the form of a general debate; at the second and third meetings, the discussion centred mainly on the various substitutes for short-term imprisonment and the reform of short-term imprisonment itself. Draft conclusions and recommendations were considered at the fourth meeting.

222. Mr. Barry, the Chairman, first referred to the four aspects of the topic as outlined in the programme: regulations and practices in force, types of offenders sentenced to short-term imprisonment, the effectiveness of this kind of punishment and substitute forms of punishment.

223. Miss Pfander, the Rapporteur, introduced the general report and commented on the main points for discussion, namely, the definition of short-term imprisonment in terms of duration; the need for reducing the frequency with which short prison sentences were imposed; the ways and means of achieving this end through legislative and judicial action; the substitutes for short prison sentences and, finally, the more constructive use of short-term imprisonment where the imposition of such sentences is unavoidable.

224. Several participants expressed the view that short-term prison sentences below a certain duration (cf. for example three or six months) should be totally replaced by other forms of punishment. The great majority of the participants felt, however, that in view

²⁶ "European Consultative Group on the Prevention of Crime and the Treatment of Offenders, 4th session, Geneva, 11-21 August 1958", ST/SOA/SD/EUR/6, para. 225. In General Assembly resolution 415 (V), the organization of regional United Nations Consultative Groups was recommended. As a result, a European Consultative Group was established in 1952 and has met in alternate years since that date. The *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in 1958, expressed the view that, pending the establishment of other regional groups, membership in the European Consultative Group should be open to Governments outside the region. As of 1961, the European Consultative Group will, accordingly, be designated as the United Nations Consultative Group, pending the organization of other regional groups.

²⁷ United Nations publication, Sales No.: 60.IV.2, p. 31.

of the high incidence of short prison sentences it was not possible to dispense rapidly with all short-term imprisonment and that the only practical course would be progressively to diminish the use of this form of punishment.

225. It was the consensus, therefore, that a realistic solution of the problem, in accordance with the development already brought about in some countries, could only lie in a gradual transition from greater to lesser frequency of the imposition of short sentences. This could be achieved by increasing the use of substitute measures applied in freedom. The institutional treatment of short-term prisoners should at the same time be greatly improved.

226. It was emphasized that the aim should be individualization of treatment and that action for this purpose must be taken: (1) by various substitute measures whose use would be made possible through appropriate legislative provisions; (2) by the use of such measures by the judiciary; (3) by assigning prisoners with short sentences to separate institutions, preferably following an open regime, and otherwise by proper classification, training and rehabilitative treatment in prison.

(i) Definitions, objectives and effects of short-term imprisonment

227. On the basis of information given in the general report, the section discussed the fact that the definition of short-term imprisonment in terms of length varied greatly from country to country. While the maximum duration is six months in most countries and three months in others, in a number of countries short-term imprisonment is held to include all prison sentences up to one year's duration. The debate indicated that this is the case, for instance, in the Philippines and in several Latin American countries.

228. In view of the widely differing legal or administrative definitions of "short-term" imprisonment, the Section did not attempt to reach any internationally acceptable definition of short-term imprisonment in terms of a maximum time-limit.

229. On the other hand, with respect to the minimum term of imprisonment provided for or admitted by law, Mr. Sabek (United Arab Republic) claimed that such a minimum should not be less than three months. Mr. Cucchiara (Italy) suggested that imprisonment up to six months served no useful purpose and should be replaced by suspended sentences. Mr. Bouzat (International Association of Penal Law) considered that imprisonment for a few days should be abolished. Mr. Bondar (Byelorussian Soviet Socialist Republic) stated that, in his country, imprisonment for less than three months still existed but was seldom imposed, being considered a rather ineffective method of punishment. Mrs. Sulaimanova (Union of Soviet Socialist Republics) reported that, at the drafting stages of the new criminal code for the Uzbek Soviet Socialist Republic in 1959, there had been considerable discussion whether short-term imprisonment should be completely abolished or not, in spite of some statistical research showing that

substitute measures had been used in almost 90 per cent of the cases, it was decided that the use of short-term imprisonment could not be abolished immediately and that deprivation of liberty for periods of not less than three months must be retained.

230. No specific recommendations regarding any minimum term likely to eliminate the shortest type of sentences were made by the Section.

231. As regards the purpose of short sentences, Mr. Nhean-Sath (Cambodia), Mr. Ourir (Tunisia) and others reminded the Section that short-term imprisonment and its substitutes, like any other punishment, must be devised in such a way as to contribute most effectively to the prevention of crime; solutions must therefore vary from one country to another. Several participants felt strongly that any short prison term could be justified only if its purpose were not merely punishment, although this is still the case in many countries. The rehabilitative and not the punitive element of imprisonment was said to be essential. Mr. Bates (United States of America), however, felt that, as far as deterrence was concerned, the best time to release a man would sometimes be on the second morning, when he had realized what loss of liberty meant and what it was like to be an outcast.

232. Mr. Cannat (Monaco) and Mr. Clerc (Switzerland) suggested definitions of short-term imprisonment irrespective of any specific time-limit. The former suggested that a short sentence was "imprisonment for too short a term to make rehabilitation possible", and the latter, that it was "imprisonment leaving insufficient time to apply normal methods of penal treatment". This last proposal was welcomed by Mr. Vethencourt (Venezuela). Objections were, however, made to both definitions. Mr. Bouzat (International Association of Penal Law) and others thought that, independently of any re-educational aim, it was still necessary to retain short-term imprisonment for certain persons as a deterrent; this was true, for instance, in the case of driving offences, where sentences of one, two or three months were sometimes necessary. Even a very short sentence, said Mr. Zlataric (Yugoslavia), might be of value as a shock treatment and would not, at least, disrupt employment and family relations as a longer one did. He saw a disadvantage in using the rather vague concept of "normal" or "ordinary" treatment; that definition implied that any kind of treatment would be incompatible with short-term imprisonment, which was not true in view of certain successful attempts at applying treatment during short periods of imprisonment. None of the above definitions was retained by the Section.

233. While the treatment of the offender, wherever possible or necessary at all during a short prison term, was generally considered the most desirable objective, Mr. Vassalli (Italy) and other participants pointed out that the retributive function of punishment could not be completely disregarded; in this sense Mr. Vassalli thought the general report was realistic in admitting that for lesser offences a short term rather than a longer one might be adequate, provided that imprisonment was necessary at all. Mostly, however, as pointed out by Mr. Haz (Chile) and other participants from Latin

America, as well as from the Philippines, the purely retributive function of punishment, still retained in penal codes in relation to the amount of the damage caused, leads to comparatively severe sentences of imprisonment.

234. If, because of its deterrent and retributive function, short-term imprisonment cannot always be avoided, Mr. Zlataric (Yugoslavia), Mr. Nagel (Netherlands) and other participants agreed that it was not even undesirable in all cases. Mr. Nikiforov (Union of Soviet Socialist Republics) considered that both the educational and the punitive functions of short sentences should be kept in mind.

235. The Chairman pointed out the usefulness of a short prison term in some cases, provided it was followed by a comparatively long period of parole. Mr. Walczak (Poland) said that a short prison sentence should, in principle, be served in full but when it appeared that the sentence had achieved its purpose a prolonged stay in prison would be useless. Conditional release should, in his view, be granted, more particularly in lieu of imprisonment from six to twelve months.

236. Mr. Haz (Chile) and Mr. Vethencourt (Venezuela) noted that in their countries, as well as in others, there was also the problem of lengthy criminal proceedings which, in practice, led to the result that many short sentences, when eventually passed, did not leave time enough for any rehabilitative treatment under sentence, or were in fact shorter than the period spent by the offender under detention pending trial. Mention was also made of the further question whether or not the law allows for deduction of the period of detention pending trial from the duration of the sentence. Mr. Junod (Union of South Africa) drew attention to the role of the police, who were trained to make arrests rather than to prevent crime, and did so often for very minor offences including purely technical or administrative contraventions. These questions of criminal procedure, of importance in many countries, while linked to the question of short-term imprisonment in practice, were felt to be outside the scope of the problem under consideration; he noted, however, that detention pending trial would be taken up by the United Nations Secretariat as a separate study to be prepared in 1961.

237. Recalling the stand taken in 1950 by the International Penal and Penitentiary Congress at The Hague, that short-term imprisonment was in principle not desirable, the speaker further warned against weakening that recommendation; courts used short sentences indiscriminately in many countries and contamination in prison was a very real danger; the effect of imprisonment on a man's life should be borne in mind and a short sentence should only be imposed as a last resort.

238. Mr. Ralescu (Romania) said that in his country short-term prison sentences were regarded as inefficient, inhuman, and liable to have grave moral consequences. For these reasons of principle, and on moral and practical grounds, he supported the abolition of short-term imprisonment and its replacement by other measures.

239. The undesirable or definitely harmful effects of short stays in prison were not reviewed as such but taken by most members of the Section as sufficiently

well-known to warrant the replacement of short-term sentences by other measures wherever possible. Referring to the general report prepared by the Secretariat, Mr. Nikiforov (Union of Soviet Socialist Republics) said that in his country short-term prisoners were not housed with arrested persons awaiting trial, and therefore the harmful effects observed elsewhere on this account did not occur. Miss Muñoz Palma (Philippines) pointed out that the unfortunate consequences which, for example, a six months' sentence often had on a young man's career and home life tended to be out of proportion to the offence committed.

(ii) Individualization of treatment

240. The Section considered that the Congress should not be content with repeating, as had been done for forty years, that short-term imprisonment was harmful and ought to be abolished. Mr. Dupréel (Belgium) urged that a new and constructive approach be made to the problem, which should be viewed in the same way as, for example, solitary confinement, which had also been condemned in the past but then was found to be a proper method within certain limits. Short-term imprisonment might be the appropriate penalty in certain cases, in accordance with the principle of individualization of treatment. It would seem essential to define more clearly those cases in which, given a modern method of prison treatment, short-term deprivation of liberty could be justified, while always keeping in mind the need to reduce the great number of short sentences and to find the best measures to replace short-term imprisonment when individualization did not require deprivation of liberty. In order to overcome the long-standing discrepancy between theory and practice in matters of short-term imprisonment, the question should be studied simultaneously in its legislative, judicial and penitentiary aspects. The opinion to be expressed by the Congress on the subject of short-term imprisonment should allow for the different situations involved and should take the form of a qualified statement, as automatic application was always bad. Mr. Triantaphyllidis (Greece) and others shared these views.

241. As Mr. Radzinowicz (United Kingdom) recalled, the problem of short-term imprisonment arose from the fact that, at the end of the nineteenth century, penal legislation required only that punishment be related to the gravity of the offence; in addition there were hardly any substitutes for imprisonment in the case of minor offences. Today it was still held—though no longer so firmly—that there should be a relationship in gravity between offence and punishment. Other factors were also taken into consideration so that punishment might take many forms in accordance with the personality of the offender. Further, there was less certainty about the effectiveness of long-term imprisonment which, it was recognized, had considerable disadvantages if carried beyond a certain point. As a result of the system of substitutes built up so far, the problem had lost some of its importance, since the new attitude to short-term imprisonment in the United Kingdom entailed a determined effort to avoid imprisonment under four weeks; it was felt, however, that short-term imprisonment from

four weeks to six months could be effective within certain limits. Research at Cambridge Institute of Criminology indicated that it could well be used in a restricted way.

242. The evolution brought about in the United Kingdom was also described by Mr. Graham-Harrison (United Kingdom), who considered it an interesting example of the increasing replacement of short sentences by other measures and said that the solution ultimately could lie only in such a gradual change. On the advice of the Advisory Council on the Treatment of Offenders, which had been asked to devise suitable substitute forms of punishment, the United Kingdom Government had come to the conclusion that there was no justification for a sweeping condemnation of short-term imprisonment. In certain cases it was indispensable and in appropriate cases it could be useful. Hence it had a legitimate and necessary place in the criminal law. The speaker made it clear, however, that the Government of the United Kingdom was in no way complacent about the extent to which short-term imprisonment was used, considered that it should be used only when no adequate substitutes were available and held that every effort should be made to mitigate its bad effects and to use it constructively. Every effort was made also to devise suitable substitute forms of punishment and ensure their use. The courts had now a wide range of such substitutes at their disposal.

243. Mr. Junod (Union of South Africa), Mr. Nikiforov (Union of Soviet Socialist Republics) and Mr. Fairn (United Kingdom) supported these views and the need for individualizing the punishment according to the crime committed and the personality of the offender concerned, which would make it possible to dispense with short prison sentences in a great number of cases.

(iii) Imposition of longer sentences

244. It was recognized that longer prison terms were in the main impracticable when the offences committed were minor, and Mr. Vassalli (Italy), Mr. Graham-Harrison (United Kingdom) and others thought they should be avoided, because rehabilitation in the community was more difficult after a longer term. Mr. Nikiforov (Union of Soviet Socialist Republics) also believed that for minor offences there was no need to abolish short-term imprisonment as a means of punishment, since this might lead to the imposition of longer sentences.

245. Mr. Bates (United States of America) referred to the confusion which existed regarding functions of long and short sentences and stressed that any implication that longer prison terms were more desirable than shorter ones must be avoided in the recommendations to be made by the Congress.

246. In this connexion, Mr. Eriksson (Sweden) suggested that, while the first principle should be to use short prison sentences only when absolutely necessary, the second principle should be to award the shortest possible term, since it was much better to reform short-term imprisonment than to avoid it by awarding longer terms. In his view, persons who had to go to prison should go for as short a time as possible. Mr. Hye-Knudsen (Denmark) and Mr. Loveland (United States of America) and others agreed with Mr. Eriksson.

(iv) *Legislative and judicial means of reducing the frequency of short-term imprisonment*

247. Since it was generally considered that total abolition of short-term imprisonment was not a practical proposition, the legislative and judicial means of reducing its frequency were recognized to be of the utmost importance for all countries which do not yet make sufficient use of substitute forms of punishment.

248. Regarding legislation, the first and most important point appeared to be that the law should provide for a great variety of substitute measures in freedom. Those particularly discussed by the Section are dealt with in more detail in (vi) below.

249. Mr. Herzog (International Association of Penal Law) drew attention to an essential feature of present legislative trends: short-term imprisonment was being replaced more and more by substitutes but these substitutes themselves, in case of non-payment of fine or non-observance of conditions imposed, were again sanctioned by short-term imprisonment—a fact which obviously did not solve the problem.

250. A second point was strongly made by many participants, including Messrs. Dupréel (Belgium), Junod (Union of South Africa), Garrett (United Kingdom) and Kaufman (United States of America) who said that short-term imprisonment should be avoided as a legal sanction for a great number of trivial offences, mainly property offences, and for quasi-criminal, technical or administrative infractions of rules and regulations, such as income tax violations, non-payment of personal taxes, contravention of customary laws, minor road traffic offences, etc. In this connexion, Mr. Ralescu (Romania) mentioned that, whereas in the past the penal code of his country had contained a section on contraventions punishable by short-term imprisonment, that section had been abolished and such contraventions were no longer considered offences, but were handled by administrative bodies or by other public authorities.

251. Regarding the role of the judiciary, Mr. Sánchez (Philippines), Mr. Vethencourt (Venezuela) and other participants recommended that, in countries where the law does not at present leave much choice to the judge, the judge should be given greater discretionary powers to impose substitute forms of punishment as provided by law, bearing in mind the importance of rehabilitating the offender.

252. Mr. Herzog (International Association of Penal Law) questioned whether the problem of short-term imprisonment was not as much a matter of judicial psychology as of legislative reform. From his experience, the tendency in respect of long-term sentences was for judges to take extenuating circumstances into account and to award the minimum sentence possible; even the abolition of short-term imprisonment proper would not therefore necessarily lead to the disappearance of short sentences, because this psychological problem remained.

253. The basic problem of the choice to be made by the judge between treatment in freedom and institutional treatment was considered of the utmost importance. As treatment in freedom whenever possible was considered preferable, many participants felt that judges

should be greatly encouraged to use the various substitutes for short-term imprisonment, which could be made available by way of legislation.

254. An example of the judicial means of reducing the application of short-term imprisonment was given by Mr. Loveland (United States of America), who mentioned that nearly half the offenders punishable under the federal system in his country were now placed on probation, and of the total number of cases disposed of by the courts only 9 per cent had resulted in sentences of less than six months; furthermore, probation was the primary substitute for short-term sentences, which had been reduced in cases coming under federal jurisdiction by over 50 per cent in the last ten years. These results had been achieved by the efforts of the judges to educate themselves by means of conferences and by discussing problems of this nature with other experts in the field. He suggested that action of this kind by the judiciary constituted perhaps the most immediate and effective way of reducing the application of short-term imprisonment. Mr. Dupréel (Belgium) also supported adequate criminological training of judges so that they would not impose short-term imprisonment unless really justified.

255. The need for the judge to be properly informed about the individual offender and his personal circumstances was emphasized by Mr. Nagel (Netherlands) and others. Mr. Hermon (Israel) considered that some kind of pre-sentence examination by competent staff would be very useful, even in the case of minor offenders, so as to avoid short-term imprisonment whenever possible.

(v) *Research*

256. The gap between the desire to suppress short sentences and the actual situation in nearly all countries could not, in the view of Mr. Bayer (Yugoslavia), be explained simply by judicial automatism. To remedy the situation, he, as well as Mr. Nagel (Netherlands) and others, urged that the cases in which short-term imprisonment was necessary should be defined by legislation, and that certain criteria should be established to that effect. Mr. Zlataric (Yugoslavia), on the other hand, referred to the suggestion made in the general report by the Secretariat in response to a suggestion put forward by one of the Yugoslav national correspondents, Mr. Srzentic, to the effect that the categories of offenders for whom short-term imprisonment was inappropriate should be defined.

257. Mr. Hermon (Israel) and others thought it most important to specify how to reduce the number of short sentences on the basis of research such as that carried out by the Institute of Criminology at Cambridge, England; such research helped in ascertaining which type of offender would benefit from short-term imprisonment and which would be harmed by it, as well as the kinds of offences involved. From research carried out in Israel it appeared, for instance, that older or more mature men might benefit from short-term imprisonment more readily than younger men, for whom it was often found to be harmful; it also appeared that, for

certain types such as pickpockets, who tended to become recidivists, short-term imprisonment was unsuitable. Research into the rehabilitative effect of short prison sentences was recently started in his country, said Mr. Ogawa (Japan); a provisional conclusion was that short-term imprisonment seemed rather inappropriate in cases of theft. This was also confirmed by Mrs. Sulaimanova (Union of Soviet Socialist Republics).

258. Mr. Hye-Knudsen (Denmark) described an experiment started in Denmark in 1952 when additional prison staff, needed temporarily after the war when the size of the prison population had been far above normal, was kept in service after the number of inmates had fallen to its usual level. In the short-term prisoner experiment two groups of offenders, one receiving a new form of treatment and the other the old type of treatment, were compared. The new short-term treatment scheme included the use of specialist staff composed of two social workers, one sociologist and one psychologist. It was found that the extent of recidivism was considerably less among those treated in the new way. It was further found that prisoners serving short terms had the same need of after-care as other prisoners.

259. Mr. Mannheim (United Kingdom) recalled that in his report to the Congress of The Hague, ten years earlier, he had strongly recommended research into the subject, but this suggestion had only been taken up in Denmark shortly thereafter. Since then, he had been asked by the United Kingdom Home Office to undertake research into the extent of the imposition of imprisonment by magistrates' courts and he had suggested doing research into short-term imprisonment at the same time. This research had been undertaken, with financial support from the Home Office and the Nuffield Foundation, by Dr. Andry of the London School of Economics and the report would soon be published; it covered the individual study of a hundred short-term prisoners at Brixton. While it had been hoped that a reduction in short-term imprisonment might lead to a great saving in public expenditure, it was now likely that the substitute measures recommended in that study would cost even more.

260. The Section felt that more research of the various kinds reported would eventually lead to better use of the method of short-term imprisonment.

(vi) *Substitutes for short-term imprisonment*

261. The provision of substitutes was considered of foremost importance in the problem of short prison sentences. The Section felt that the gradual reduction in the use of short prison sentences must be brought about primarily by the increased use of suspended sentences and probation, fines, extra-mural labour and other measures not involving deprivation of liberty. A fairly comprehensive list of such measures had been given in the general report.²⁸ Since it was not possible to recommend longer sentences, the chapter on substitute forms of punishment was considered by some participants the most valuable part of the report; the Section did not,

however, proceed to a detailed review of these various measures.

262. Suspended sentences and probation, the two substitutes already most frequently in use, were strongly recommended for further expansion in the practice of various countries, and for introduction in the legislation of those countries where such provisions do not yet exist. Mr. Bouzat (International Association of Penal Law) made a recommendation that these substitute measures should as a general rule be used in the case of first offenders instead of imposing short sentences of from one to six months. In the Byelorussian Soviet Socialist Republic suspended sentences were increasingly used for minor offences, stated Mr. Bondar (Byelorussian Soviet Socialist Republic). Mr. Haz (Chile) pointed out that in his country a special law empowered the judge to suspend the sentence of a first offender, so as to avoid his contamination in prison. In many countries, it was emphasized, there was already wide recourse to suspended sentences for first offenders in the case of offences which would normally entail sentences of up to one year.

263. Mr. Garrett (United Kingdom) speaking with special reference to overseas territories, referred to the problem of breaking down public reluctance to accept such measures as binding-over and probation that the authorities were trying to implement. Probation had been fairly successful but depended upon financial considerations and lack of trained personnel in these territories.

264. Mr. Sánchez (Philippines) stated that the fine was the only legal substitute for short-term imprisonment existing in the Philippines. Although fines were used extensively in many countries, several participants called for the increased use of this measure instead of the imposition of prison sentences, especially when payment by instalments or other arrangements were provided which took the offender's means into account. Others drew attention to the very serious problem that commutation of unpaid fines into imprisonment still represented in some countries, where even today the majority of short-term prisoners were serving sentences in lieu of a fine. Mr. Junod (Union of South Africa) stressed the injustice of using fines as punishment since they benefited only those who had the money to pay them. Mr. Loveland (United States of America) agreed on the disadvantages of using fines as a substitute for short-term imprisonment, because fines did not constitute rehabilitative treatment although they might have a deterrent effect on a few offenders; he asked that fines be used only with great discretion and care. On the basis of the principle of individualization, Mr. Nikiforov (Union of Soviet Socialist Republics) thought it inappropriate to commute unpaid fines into imprisonment or, on the other and, to commute imprisonment into a fine, any substitution one way or another being excluded by Soviet penal law. Mr. Graham-Harrison (United Kingdom) mentioned that the courts in England had been required for twenty-five years to inquire into the offender's circumstances before committing him to prison for failure to pay a fine or maintenance payments.

265. With reference to the latter, the same participant mentioned the new measure of attachment of wages;

²⁸ A/CONF.17/5, para. 437.

the courts in England and Wales had been empowered in 1959 to order deductions from the earnings of men in arrears with maintenance payments; the maximum period of detention in default had been reduced from three months to six weeks. As a result, the number of maintenance defaulters in prison had decreased about 50 per cent.

266. Compensation for the damage caused to the victim was also considered a useful alternative sanction. Mrs. Ahlqvist (Finland) said that in the labour colonies of her country offenders were paid at almost regular wages, which enabled them to pay compensation.

267. Mr. Sabek (United Arab Republic) said that another means of paying a fine was labour in freedom. He considered that such labour should, if possible, be in the offender's own particular line of work.

268. Labour in freedom was, however, felt to be a substitute for short-term imprisonment which was by far preferable to fines. Mr. Vethencourt (Venezuela) and Mr. Bengelloun (Morocco) favoured the adoption of legal provisions for compulsory work in freedom, either in agriculture or in other areas of activity. The successful experiment of extra-mural employment carried on in the Trust Territory of Tanganyika under United Kingdom administration was described by Mr. Garrett (United Kingdom); the courts now released offenders directly to extra-mural work without having them pass through prison, whenever they opted for work instead of imprisonment up to six months. This system did not disrupt normal family life and after the compulsory working hours from 7 a.m. to 1 p.m., the man was free to do his own job. In 1959 some 10,000 persons were thus kept out of prison and given extra-mural work, and only very few of them failed to meet the conditions of this regime in freedom.

269. Many other substitutes for short-term imprisonment were referred to in the course of the debate; these included suspension of prosecution, a warning or public reprimand by the court, forfeiture or suspension of certain rights, ban or suspension from public office or a profession or trade, ban on residence, administrative supervision, confiscation, temporary withdrawal of driving licence (except where this created unreasonable hardship when the vehicle was needed as a means of livelihood), and compulsory medical treatment in the case of drug addicts and alcoholics.

270. Systems of correctional or re-educational labour, which had largely replaced short terms in prison in various Soviet Socialist Republics, re-educational commitments to work for periods up to one year under the supervision of the factory employing the offender, as well as the transfer of minor cases of offences such as theft to community courts were described.

271. Among the substitutes briefly referred to in relation to short-term imprisonment in the case of young offenders were: the British detention centres and attendance centres, which were held to provide useful sanctions for a limited range of minor offences even for offenders in the young adult age group; re-educational centres for young offenders in Tunisia, Yugoslavia and other countries; and special boarding homes recently estab-

lished in Denmark for difficult cases of young adult offenders who had been placed on probation.

(vii) *Constructive use of short-term imprisonment*

272. Since the abolition of short sentences seemed impracticable in the near future, the efficient organization of short-term imprisonment where it had to be used appeared to the Section to be almost as important as the question of substitutes for it. As the manner of carrying out short sentences was considered unsatisfactory almost everywhere, most participants held that the methods of imposing this penalty must be reformed so that it could be used to good effect.

273. Since contamination was the first thing to avoid, Mr. Dupréel (Belgium) and other participants claimed that special institutions, or at least special quarters in the local or district prisons, were needed for short-term prisoners, and that, in addition, young prisoners should be separated from older prisoners. In order to avoid contacts with other prisoners, Mr. Triantaphyllidis (Greece) recommended the separate confinement of persons imprisoned for less than two months; he mentioned that a modern cellular prison had been built for this purpose in his country. Mr. Bengelloun (Morocco) drew attention to classification procedures in general as a means of making short prison terms more effective.

274. Mr. Loveland (United States of America) drew attention to the urgent practical problem of replacing the large number of inadequate local prisons by sufficiently large regional institutions to permit the employment of competent staff and to include rehabilitative facilities for short-term prisoners. He said that in Puerto Rico this problem had already been solved satisfactorily by means of six regional prisons providing educational training.

275. Mr. Hermon (Israel) asked for the creation of good penal institutions which would do no harm to those imprisoned for a short term, and Mr. Radzinowicz (United Kingdom) felt that short-term imprisonment should be carried out in humane and sanitary conditions. Mr. Gandasubrata (Indonesia) drew attention to several distinctions made in his country between long- and short-term prisoners; the latter were allowed to wear civilian clothes and, for the last three months of the sentence, to work outside the prison, while during the final month they could spend one night at home with their family.

276. Mr. Graham-Harrison (United Kingdom) said that efforts to mitigate the bad effects of short terms in prison and to use the period constructively were made in his country by means of a so-called induction period and by classification, with a view to separating the less criminal types from the others and moving as many as possible into open prisons. The English Prison Commission also tried to provide more work of a better standard for short-term prisoners. Mr. Triantaphyllidis (Greece) asked that such prisoners should always be given work in prison.

277. Attention was also drawn by Mr. Graham-Harrison (United Kingdom) and others to the impor-

ance of welfare services to keep prisoners in touch with their families and to find work for them on release; these speakers also stressed the importance of observing at an early stage which prisoners were likely to become recidivists; in this way short-term sentences might yield useful results. Mr. Tartaglione (Italy) also dwelt on the usefulness of personality observation with a view to proper classification and individualization even in the case of short-term prisoners.

278. On the basis of the Danish experience already quoted, Mr. Hye-Knudsen (Denmark) expressed the belief that short-term imprisonment could be a satisfactory form of punishment if the time allowed were well used and the necessary staff were made available.

279. The need for properly trained correctional staff to give short-term prisoners some measure of individualized treatment was also emphasized by Mr. Hermon (Israel).

280. He, as well as Mr. Triantaphyllidis (Greece) and other participants, pointed out that a rehabilitative effect was possible to some extent even in a very short period; this could be achieved, for example, through conversation with the prisoner by an understanding member of the staff. The Highfields project in New Jersey was described by Mr. Bates (United States of America) as an example of short-term treatment consisting of group discussions among the inmates to find out their own shortcomings and possible remedies for them. This method had been surprisingly successful.

281. Mr. Cannat (Monaco) suggested that, whenever the prisoner was in need of re-educational treatment, this should be provided to the greatest possible extent even during a short term. While in principle he was opposed to short-term imprisonment as a purely coercive measure, he felt that there were rare cases where it might be salutary; this would be the case, for instance, when antabuse treatment was applied in prison by a psychiatrist to an alcoholic offender who did not accept such treatment in freedom. With respect to persons sentenced for drunkenness, Mr. Bates (United States of America) also described an interesting experiment started by a judge of the police court at Denver, Colorado, who arranged for co-operation by the state hospital and meetings with the Alcoholics Anonymous movement to deal with psychological difficulties of such prisoners; this experiment had led to a great reduction in the number of persons found guilty of drunkenness in the area.

282. Messrs. Hye-Knudsen (Denmark), Hermon (Israel), Eriksson (Sweden), Bates (United States of America) and others concluded that short-term treatment of different kinds was needed. Apart from the use of short-term imprisonment as a deterrent in some cases where real treatment was not necessary, it should also as much as possible permit the use of the right kind of treatment for the individual. The imposition of short-term prison sentences was felt to have harmful effects only as long as prisoners were neglected and proper methods were not applied to make such sentences constructive in effect.

(viii) *The use of an open regime for short-term prisoners*

283. While most participants favoured special institutions or separate sections, or otherwise a certain amount of classification for short-term prisoners, the increasing use of an open regime for this category of prisoner was considered one of the most positive features in recent developments in various countries.

284. Mr. Bengelloun (Morocco) considered that preference should be given to open or semi-open institutions wherever short-term imprisonment was indispensable. Mr. Nikiforov (Union of Soviet Socialist Republics) mentioned the correctional colonies established in his country with a view to alleviating the regime for prisoners serving sentences of up to one year. Mr. Eriksson (Sweden) drew attention to the modern change in the concept of imprisonment, which should be simple deprivation of liberty, preferably in an open colony as was the rule in Sweden, rather than detention in a security building. Messrs. Hye-Knudsen (Denmark) and Loveland (United States of America) supported this view. Mr. Triantaphyllidis (Greece) proposed that open institutions should be used wherever possible for sentences exceeding two months, except for sex offenders, recidivists, etc.

285. Mr. Bates (United States of America) referred to the Huber Act in the State of Wisconsin, which greatly helped in combating idleness by giving prisoners useful work to do outside the prison.

286. Mr. Fairn (United Kingdom) described how his Government, in view of the mounting population of the local prisons, had launched an experiment some years earlier by transferring all prisoners not requiring maximum security to an open regime. When the Eastchurch Open Prison on the Isle of Sheppey was started, the population consisted mainly of prisoners serving sentences of twelve months or under and in many cases of three months or even less. It was found not only that first offenders could be treated in this way but that the method was also applicable to recidivists, provided they were of the sort who could be accommodated in an open prison without risk to the local population. It had been found possible by employing prisoners on a large farm and by other means, to provide a full working day and undertake other constructive activities. The prisoners even published their own magazine. Institutions like Eastchurch now existed all over the country.

287. The possibility of making short-term imprisonment in open conditions a constructive experience was further illustrated by Mr. Liesching (United Kingdom) speaking from his experience as Governor of the Haldon Open Prison Camp for 120 short-term prisoners. While it was not possible during a short sentence to give prisoners effective education or trade courses, it was, however, possible, he felt, to influence a man's ideas. In an attempt to do that, the Camp was run on the theme of service to the surrounding community; during their spare time the prisoners took part in a variety of activities, the object of which was to help people who were in greater need than the prisoners themselves; these activities included, for instance, making toys for deaf children, giving concerts for the blind and donating blood. On his first day the prisoner was given a booklet explaining

how he could play his part in these activities and also drawing his attention to the one advantage afforded by prison life, namely, time for reflection over his shortcomings and how to correct them. The best relationship between staff and prisoners could be achieved when both came to feel that they were working on a common project and when prisoners were placed in a community from which they could gain fresh purpose in life.

288. This was recognized by members of the Section to be the type of experience for which those who wanted to reform short-term imprisonment were looking.

(ix) *Potential importance of the Congress recommendations on this topic*

289. Government representatives from Chile, the Philippines, Tunisia and Venezuela emphasized the potential importance of Congress recommendations on this topic in promoting current reform projects regarding the problem of short-term imprisonment in their countries. Mr. Junod (Union of South Africa) dwelt on the contribution that the Congress could make in the field of public information, since the considered opinion of such a group could hardly be over-estimated; Mrs. Jaynes (United States of America) pointed to the need of public support for the Congress recommendations because it was important for professional people to communicate with lay people and to make them aware of the problems in need of solution. It was decided to include these points in the conclusions and recommendations.

290. During the fourth meeting on short-term imprisonment, the following draft conclusions and recommendations were submitted for paragraph by paragraph consideration by the Section:

"1. The Congress notes that the great frequency of short prison sentences is related to the circumstances that by far the largest proportion of all offences resulting in convictions are minor or petty offences.

"2. In view of this fundamental situation the Congress realizes that a rapid total abolition of short-term imprisonment, however desirable in principle, is not feasible in practice and that a realistic solution of this problem can be achieved only by a gradual reduction of the frequency of the use of short sentences.

"3. This gradual reduction must be brought about primarily by the increased use of substitutes for short-term imprisonment, such as suspended sentences, probation, fines, penal labour performed in conditional freedom, and other measures that do not involve the deprivation of liberty.

"4. In the cases where short-term imprisonment is unavoidable, sentences should be served in proper and suitable institutions and treatment should be as constructive as possible during the period of the detention. Wherever possible, preference should be given to open institutions as places where sentences are served.

"5. The Congress recommends that the Governments of member nations should, as soon as practicable, ensure the enactment of legislative measures necessary to carry the foregoing recommendations into effect."

291. A number of points were raised during the discussion of paragraphs 1 and 2. For example, Mr. Dupréel (Belgium) and Mr. Kaufman (United States of America) emphasized that short-term prison terms were sometimes imposed for major offences and they felt that the impression should not be created that short-term imprisonment applied only in the case of less serious offences. Mr. Nikiforov (Union of Soviet Socialist Republics) stated that an increasing number of purely administrative offences were being committed, and that short-term imprisonment should not be the legal sanction for offences of that kind. Mr. Bates (United States of America) thought that the general public would find it difficult to understand why short-term imprisonment was undesirable unless a brief explanation were included in the recommendations. Mr. Rodríguez Devesa (Spain) said that it should be made clear that short prison terms were imposed only when no other form of punishment was appropriate.

292. A small drafting committee was appointed to re-draft paragraphs 1 and 2, and the text as proposed by the committee was adopted after the introduction of two further modifications.

293. Paragraph 3 was adopted by the Section after the words "penal labour performed in conditional freedom" had been replaced by the words "extra-mural labour" at the suggestion of Mr. Cannat (Monaco).

294. Various suggestions were made in connexion with paragraph 4. Mr. Nikiforov (Union of Soviet Socialist Republics) wished a statement to be included in the recommendation to the effect that a fine should not be substituted for imprisonment nor should a short term be commuted to a fine. Mr. Street (Canada) wanted some provision to be made for parole; he considered it undesirable to keep an offender in prison longer than was necessary and that a short term in prison followed by a longer period on parole was preferable to a long prison sentence. Mr. Haz (Chile) reiterated his previous statements about the length of judicial proceedings, and thought that the recommendation should take this problem into account.

295. Paragraph 4 was amended in accordance with the above suggestions and paragraphs 4 and 5 were then adopted.

296. The conclusions and recommendations as amended were adopted as a whole by the Section.

(d) *DISCUSSIONS IN PLENARY MEETING*

297. The conclusions and recommendations on short-term imprisonment were submitted to the Second Plenary meeting by the General Rapporteur and a brief account of the Section's work was given by its Rapporteur for this item. The text, which was adopted unanimously, is included in annex I, 4.

5. THE INTEGRATION OF PRISON LABOUR WITH THE NATIONAL ECONOMY, INCLUDING THE REMUNERATION OF PRISONERS

(a) *BACKGROUND*

298. The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, adopted a number of recommendations on prison labour and suggested that further study be given by the United Nations Consultative Groups to the question of integrating prison labour with the national economy and to that of remuneration.

299. These questions were examined by the Second Asia and the Far East Seminar on the Prevention of Crime and the Treatment of Offenders (Tokyo, 1957), the fourth session of the European Consultative Group on the Prevention of Crime and the Treatment of Offenders (Geneva, 1958), and the Second United Nations Seminar for the Arab States on the Prevention of Crime and the Treatment of Offenders (Copenhagen, 1959).

300. The *ad hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in 1958, recommended the inclusion of this topic in the agenda of the second Congress.²⁹

(b) *DOCUMENTATION*

301. The Congress had before it a general report (A/CONF.17/1) prepared at the request of the Secretariat by a consultant, Mr. J. Carlos García Basalo, who also acted as Rapporteur for this item.

302. The Congress also had before it a report prepared by the Secretariat (A/CONF.17/2), analyzing the basic questions raised by the integration of prison labour with the national economy and setting forth a series of proposals for the consideration of the Congress.

(c) *DISCUSSIONS IN THE SECTION*

303. Section III devoted four meetings to a consideration of the question of the integration of prison labour with the national economy, including the remuneration of prisoners. The Rapporteur, M. García Basalo, introduced his report and a statement was made by Mr. Kahale, Secretary of the Section for this item, who introduced the report of the Secretariat.

304. At the suggestion of the Chairman, Mr. Cornil, the Section devoted its first two meetings to a consideration of the question of the integration of prison labour with the national economy, and its third meeting to the question of remuneration.

305. A number of speakers described prison labour conditions in their respective countries, with particular reference to measures taken to integrate prison labour into the national economy.

306. Although some improvements were noted, the existing position in most countries regarding prison labour, and particularly its integration into the national

²⁹ See footnote 1.

economy, seemed to have remained unsatisfactory, despite a number of recommendations adopted at the international level. It was particularly noted that the recommendations on prison labour adopted at the 1955 Congress had not, to all intents and purposes, been applied in practice.

307. Mr. Robson (New Zealand) attributed the lack of progress to public indifference and even hostility to the problem, and considered that, unless a solution could be found to arouse popular interest in support of the integration of prison labour into the national economy, the lack of progress would persist.

308. The statements made by most speakers revealed differences in the economic and social structures of various countries and pointed to the advisability of adapting integration measures to national characteristics.

(i) *General principles*

309. There was general agreement that work in prison should not in itself be regarded as a punishment but as a means of putting the punishment of imprisonment to constructive use.

310. A number of speakers referred in their statements to general principles governing prison labour, in so far as these principles had direct bearing on the questions of integration and remuneration.

311. There was some question whether prison labour should be considered a right, an obligation or a means of treatment. Several speakers referred to the compulsory nature of prison labour.

312. Mr. Garofalo (Italy) felt that prison labour should be compulsory because communal life made it necessary for every individual to be useful, because such labour helped to prevent idleness and because the prisoner should be given an opportunity to earn his living. Mr. Sabek (United Arab Republic) and Mr. Verster (Union of South Africa) subscribed to the principle that prison labour should be regarded as a right but that the prisoners should not be allowed to refuse to work.

313. On the other hand, Mr. Orvain (France) expressed some hesitation as regards the compulsory nature of prison labour. In his view, it was much more important to make the prisoner willing, if not eager, to work, than to make labour compulsory. Mr. Badr-El-Din-Ali (United Arab Republic) thought that there could be no categorical statement about compulsory prison labour, for much depended on conditions in each country. Mr. Rashed (United Arab Republic) favoured the greater flexibility provided by the formula that prison labour should be regarded as a normal activity of the prisoner. The use of this formula would overcome problems arising from unduly rigid theories which held that prison labour was a right, a duty, or part of treatment.

314. The Chairman, summarizing the general opinion of the Section, stated that prison labour should be regarded as a prolongation of the labour of the free man, since most prisoners had been working before they were in prison and, as far as possible, the work they did in prison should be a continuation of the work they had done as free men. He suggested therefore that

reference should be made, not to working prisoners, but to workers in prison.

(ii) *Integration of prison labour with the national economy*

315. The Rapporteur drew the Section's attention to some key problems arising in connexion with the integration of prison labour into the national economy and referred to several experiments in countries where the principle of integration had been put into practice.

316. A number of speakers expressed some reservations regarding the importance or the practicability of the integration of prison labour into the national economy and also felt that some restrictions might be necessary in order to ensure that prison labour was not in unfair competition with free labour. Mr. Olavarría Avila (Chile) observed that, in most Latin American countries and also perhaps in Asia and Africa, the majority of the prison population came from the poorer classes, where poverty was the result of a lack of education or training. He felt, therefore, that the question of integration of such unskilled labour was of no practical importance at this time in some countries. The most important purpose of prison labour was that of rehabilitation through vocational training, since many prisoners had to be taught a trade that they could follow after their release. Mr. Hermon (Israel) also felt that there was a danger of viewing prison labour as a value in itself, whereas its aim should be the preparation of the prisoner for his life in the labour force after release.

317. Mr. Nikiforov (Union of Soviet Socialist Republics) said that it would be better to envisage prison labour as part of the national labour force rather than to consider it, erroneously, as part of the national economy. Mr. Peterson (United Kingdom) felt that there was some ambiguity in the use of the word "integration" and expressed the view that the integration of prison labour with labour as a whole was impracticable and might be undesirable, since it might interfere with the rehabilitative functions of prison labour. He therefore considered it appropriate to speak of "assimilation" rather than "integration". The section agreed to define the question of integration in those terms.

318. It was generally agreed that the organization of prison labour should be based on social rather than penal considerations. It was also agreed that prison labour must be performed in conditions similar to those of free labour and that methods of work should resemble as closely as possible those of work outside. It was generally considered that the system of individual placement in semi-liberty or in week-end detention would help to further this type of work and that the system of open institutions was already a forward step in this direction.

319. The Rapporteur noted that the problem of providing enough work to keep prisoners employed for a normal working day had not yet been solved in a number of countries; the main obstacles were the lack of adequate space and equipment in institutions, and also certain social pressures exerted on the grounds of unfair competition with free labour. Mr. Bennett (United States of America) agreed with these conclusions and noted that, in his country, prisoners were for the most

part eager to work; the problem was, however, to find work for them.

320. In this respect, Mr. Younes (United Arab Republic) was of the opinion that there should be a state monopoly of prison labour so as to provide full employment for prisoners and to eliminate unfair competition between prison labour and free labour. Mr. Badr-El-Din-Ali (United Arab Republic) proposed that Governments should allocate a certain sum in their budgets for the industrialization of prisons.

321. With regard to the organization of prison labour, a number of speakers considered that there should be full co-operation with employers and trade-unions, and that the formation of committees representing all parties could be a most valuable step in that direction. Mr. Bennett (United States of America) emphasized the advantages of diversification in placing prison labour, not only for the prisoners themselves but also because it meant that no single industry would be called upon to bear too great a burden.

322. The Section was not in general agreement regarding the "State-use" system, whereby the State buys all products manufactured in prison. Mr. Lamers (Netherlands) suggested that all state services should be obliged to give their orders primarily to prison administrations for goods to be made by labour in prisons, at the same cost as those made outside. Mr. Bates (United States of America) thought that the State-use system had the advantage of requiring diversification, which increased training opportunities for the prisoners and minimized opposition from industry and trade unions. Mr. Hermon (Israel) felt that it was somewhat unhealthy both from the economic and emotional point of view for private contractors to use prison labour; he was thus of the opinion that all work of a private nature should be removed from prisons and replaced by the State-use system.

323. Mr. Peterson (United Kingdom) did not agree that all work of a private nature should be removed from prisons, because he felt that such work allowed of more diversification than was possible under the State-use system. Mr. Cannat (Monaco) remarked that he had never known any prisoner to complain of working for private firms and noted that, in some countries, private firms paid higher rates than did the State.

324. Mr. Dudley (United States of America) pointed out that at a time of recession it would be very dangerous to have a prison labour system based on private work. If the State-use system were developed, with suitable diversification, it would be possible to carry on at such times, but if all the emphasis was placed on private use the whole system of rehabilitation of prisoners would be jeopardized.

325. The Secretary of the Section drew attention to the recommendations on prison labour adopted by the 1955 Congress, which clearly stated that recourse might be had to private industry when sound reasons existed, provided adequate safeguards were established to ensure that there was no exploitation of prison labour and that the interests of private industry and of free labour were protected.

326. The Section agreed that work performed within the prison system, whether organized by the prison

administration, by private employers or even with the participation of the prisoners, must necessarily include different types of employment corresponding to the movement of the labour market, and that prisoners must in every case be under the sole control of the prison administration. There was also general agreement that it is the duty of a prison administration to ensure the full employment of able-bodied prisoners, and that special efforts be made to secure orders from public authorities. At the suggestion of Mr. Bennett (United States of America) the Section proposed that the United Nations organize an interchange of information between the various countries regarding prison labour, so that each country might benefit from the experience gained in other countries: this proposal was later incorporated in the Congress recommendation on this subject.

(iii) *Vocational training*

327. The Section, which was in general agreement that prison labour forms part of treatment, examined the question of the assimilation of prison labour to free labour from the point of view of vocational training. The Rapporteur called attention to the *Standard Minimum Rules for the Treatment of Prisoners* and observed that, in accordance with rule 72, the interests of the prisoners and of their vocational training must not be subordinated to economic considerations.

328. Mr. Vethencourt (Venezuela) suggested that the prisoner's working day could be somewhat shorter, so that he could also be given some form of education and vocational training. Mrs. Verheven (Belgium) observed that the present tendency in some countries was to teach prisoners trades which no longer offered employment opportunities and suggested that they should be taught trades which would enable them to enter the labour market upon their release. Mr. Orvain (France) agreed that the work the prisoner performed must be of a kind that he could continue to perform after his release, but doubted whether vocational training could be given to prisoners serving short-term sentences. Mr. Verster (Union of South Africa) reported that in his country a prisoner who was given vocational training could take a test and receive a diploma granted on the same basis as that granted to a private apprentice and with no mention of prison, so that after release he could find work in that particular trade. Mr. Cape (United Kingdom) pointed out that vocational training would not be as beneficial in the case of illiterate prisoners and suggested that arrangements be made for such prisoners to attend classes during working hours if they so wished.

329. In the light of the foregoing remarks, the Section agreed that vocational training and the education needed to acquire it are indispensable factors in setting certain prisoners to work.

(iv) *Remuneration*

330. The Secretary of the Section introduced the part of the secretariat report concerning this topic. The Rapporteur referred to the experience gained in several

countries regarding the criteria by which the remuneration of prison labour should be determined.

331. The ensuing discussion revealed divergent views on this matter. The Chairman noted, however, that not a single participant had supported the idea of nominal remuneration for prison labour; it seemed to be generally agreed that this idea had been superseded by the principle that countries must move towards the payment of normal remuneration.

332. Some reservations had been expressed with regard to the principle of equal pay for equal work and several speakers raised the problems inherent in its application, referring particularly to the question of productivity and of the quality of output.

333. Mr. Peterson (United Kingdom) observed that the productivity of labour in prison must be raised to a standard comparable with that of outside labour before payment at the same rates could ever be considered. He also suggested that there should be equal pay for equal responsibility, because a free workman had many expenses and liabilities which a prisoner did not have. Mr. Kuznetsov (Union of Soviet Socialist Republics) agreed that before establishing equal pay for equal work it should be made possible for the prison worker to produce as much as the free worker, and noted that in the Union of Soviet Socialist Republics all modern facilities were provided to enable prisoners to increase their productivity and thus to create a realistic basis upon which the principle of equal pay for equal work could be applied. In this connexion he felt that the working day of the prisoner should be the same as that of the free worker. Mr. Srzentic (Yugoslavia) also suggested that the remuneration of prisoners should depend on the amount, the quality and the nature of the work performed by them and that consideration should be given to the fact that the cost of their maintenance was paid by the community. Mr. Allam (United Arab Republic) agreed that the prisoner should be paid according to his productivity. He observed, however, that maintenance work in the prison, while not productive from the market point of view, was productive in the penal system; the prisoner should, therefore, receive pay for it on the same basis as he would in freedom, the money being charged to the budget of the prison administration.

334. Mr. Hermon (Israel) felt that it would create serious tension in the prison community if prisoners whose output was higher were more highly paid than others. He did not therefore agree with the idea of paying individual prisoners what they themselves earned, but suggested the establishment of co-operatives in prisons whereby equal payment could be made on a group basis. Mr. Tartaglione (Italy) remarked that prison labour, which forms part of treatment, could not be judged by the purely economic criterion of the value of the output, and subscribed to the principle of equitable remuneration proposed in the secretariat report as a transitional measure.

335. Mr. Triantaphyllidis (Greece) remarked that, in addition to the practical difficulties of paying prisoners at the same rate as free workers, there was in many countries the problem of unemployment or under-

employment. In such circumstances, the payment of high wages to prisoners would place them in a privileged position; this would arouse public disapproval and would also lessen the fear of imprisonment and hence its deterrent effect.

336. Mr. Eriksson (Sweden) raised the problem of how and by whom the wages were to be paid. In his opinion they should be paid by the State in its capacity as employer and should be regarded as working costs, as in free industry. He suggested, therefore, as a first step, the modernization and rationalization of prison labour so that it could be operated on as economical a basis as free industry. Prisoner's wages could then be gradually raised to the rates prevailing in free industry. If that were not done, the State would have to subsidize wages; the principal objective of wage payments to prisoners would then be defeated, since this objective was that a man should support himself and his family by his own work.

337. The question of deductions to be made from the prisoner's wages was debated at length. It was generally agreed that whatever deductions were to be made they should not prevent the prisoner from retaining a portion of his wages for his personal use.

338. The secretariat report had included a suggestion that no deductions should be made towards the maintenance of the prisoner in prison as it was felt that this should be the responsibility of the prison administration. Several speakers felt, however, that deductions should be made, primarily to cover maintenance costs. Mr. Haz (Chile) noted that it was essential for morale and character-building purposes that prisoners should pay for their keep. Similarly, Mr. Walczak (Poland) and Mr. Orvain (France) felt that if prisoners received the same remuneration as free workers without having to pay any of their living expenses they would be placed in an unduly advantageous position. Mr. Kuznetsov (Union of Soviet Socialist Republics) also subscribed to this view.

339. Several other forms of deduction were also referred to in the course of the discussion. Mr. Timár (Hungary) mentioned a tax of one per cent deducted in his country from the prisoner's pay and noted that other deductions were also made to cover the cost of their keep, expenses of criminal proceedings, damages awarded to victims and fines inflicted on the prisoners. Mr. Junod (Union of South Africa) envisaged, in addition to deductions for the prisoners' families and dependants, some deductions to compensate the victims as far as possible. He suggested in this respect that prisoners should contribute through a state compensatory fund so that they would feel that they had made some reparation for the wrong they had done. Mr. Walczak (Poland) also envisaged some deductions to assist the State in its struggle against crime and to support various social organizations working to help ex-prisoners. He mentioned that under the Polish Criminal Code five per cent of the prisoners' remuneration was retained and handed over to a committee to assist ex-convicts.

340. At the fourth and final meeting devoted to this topic, the Section examined the following draft conclusions and recommendations prepared by the Chairman, the Rapporteur and the Secretary in the light of the

general discussion on this topic and on the basis of the preliminary decisions taken by Section III:

"The Section

"Having noted the conclusions on prison labour adopted at the 1955 Congress,

"Having noted also that the majority of these conclusions have not, to all intents and purposes, been applied in practice;

"Reaffirms the general principles contained in these conclusions;

"Takes note of the proposals made in the Secretariat's report and also of the analysis of the existing position as set out in the General Report,

"Declares that:

"1. The problem cannot be solved unless account is taken of present differences in the economic and social structure of the various countries;

"2. The assimilation of prison labour to free labour is based on the principle that in the majority of cases the prisoner is a worker deprived of his liberty;

"3. Prison labour, the moral and social value of which cannot be denied, must be regarded in the same light as the normal and regular activities of a free man. It forms an integral part of prison treatment. It must therefore be suited to the natural capacities, character and, if possible, preferences of the individual, to help in preparing him for normal life. In the case of certain categories of prisoner suffering from physical or mental handicaps, work should be regarded from a therapeutic aspect (*ergo-therapeutics*);

"4. The way in which prison labour is performed by the prisoner must be one of the factors in determining the possibilities of earlier release.

"5. Methods of prison work should resemble as closely as possible those of work outside, going as far as complete assimilation or integration. To this end it might be desirable to set up in each country a joint co-ordinating committee consisting of representatives of the authorities and of the bodies concerned with production problems including representatives of industry and of the workers;

"6. In countries where labour planning exists, prison labour must be integrated into the plan. Systems of co-operative management of prison labour existing in certain countries should form the subject of a more extensive study;

"7. Consideration must be given to keeping the public better informed on the nature and aims of prison labour;

"8. Specific questions regarding integration can be considered from the vocational training, prison labour and remuneration angles:

"(a) Vocational Training

"(i) Vocational training, an indispensable factor in setting certain prisoners to work, must be based on the same programmes and lead to the same diplomas as those awarded in vocational training centres in the

outside world. Steps must even be taken to enable prisoners to attend such centres outside the institution.

"(ii) As regards adult prisoners who are forced by circumstances to change their trade or occupation, it would be advisable in particular to adopt accelerated vocational training methods, applicable especially to prisoners serving fairly short sentences.

"(b) Prison Labour

"(i) It is the duty of the Prison Administration to ensure the full employment of able-bodied prisoners, a special effort being made to secure orders from public authorities.

"(ii) Prison labour must be performed in conditions similar to those of free labour, in particular with respect to equipment, hours of work and protection against accidents. Application of the social security measures in force in the country concerned must be made possible.

"(iii) Whenever practicable, prisoners should be sent to work outside the prison either for private employers or even on their own account.

"(iv) A system of semi-liberty or week-end detention would help to bring about this type of work. The open prison system is already a forward step in this direction.

"(v) Work performed within the prison system, whether organized by the Administration, by private employers or even with the participation of the prisoners, must necessarily include different types of employment corresponding to the movement of the labour market. However the work is organized, prisoners must in every case be under the sole control of the Prison Administration. The number of individuals assigned to domestic work must be reduced to the minimum possible.

"(vi) To achieve the above objectives, the United Nations Secretariat should organize the exchange of information and possibly technical assistance on methods of organizing prison labour in the different countries.

"(c) Remuneration

"(i) The principle of remuneration for prison labour was affirmed in rule 76 of the *Standard Minimum Rules for the Treatment of Prisoners*.

"(ii) The payment of token remuneration to prisoners doing productive work is incompatible with current theories on prison treatment.

"(iii) The payment of a minimum wage amounting, for example, to one-third of the wages of a free worker, would be a step in the right direction.

"(iv) The final aim should be the payment of normal remuneration equivalent to that of a free worker, provided output is the same both in quantity and quality. For this purpose prison work must be organized in an economic and rational way.

"(v) Normal remuneration must henceforward be demanded from private employers for whom prisoners work.

"(vi) Such a system of remuneration must be applied to all prisoners doing productive work, including those employed in domestic work whose remuneration should be regarded as a charge on the regular budget of the Prison Administration.

"(vii) The payment of normal remuneration does not mean that the total remuneration is paid to the prisoner; deductions can be made by the Administration to cover part of the cost of maintenance, the indemnification of the victim, the support of the family and the constitution of a savings fund against his release. These deductions should, however, not prevent the prisoner from retaining a portion of his wages for his personal use."

341. The Section was in general agreement regarding the principles proclaimed in these conclusions. A few amendments were suggested with regard to paragraphs 4, 5 and 8 of the draft text.

342. Mr. Peterson (United Kingdom) referred to paragraph 4 and remarked that in his country the possibilities of earlier release based on the way in which prison labour was performed by the prisoner would apply only to prisoners serving an indeterminate sentence; he suggested that the wording of the paragraph should be altered to that effect. The Chairman did not agree that this provision should be limited to those serving an indeterminate sentence, because in many countries conditional release was possible. However, with a view to meeting the objection raised, he suggested insertion of the words "where the law permits" in this paragraph. It was so agreed.

343. With respect to the same paragraph, Mr. Bates (United States of America) said that in his country a specific allowance of four to five days a month could be earned by a prisoner in lieu of, or in addition to, his monetary payments. He felt that a clear-cut distinction should be made between this type of allowance and the commutation for good behaviour which may be given by the courts. While commutation of sentence could be revoked, the allowance for work performed was recognized in some states as irrevocable. In his view, paragraph 4 as it stood did not suggest the equivalent of a money payment. Mr. Nikiforov (Union of Soviet Socialist Republics) agreed with Mr. Bates (United States of America) that paragraph 4 should be further clarified. He noted that, in his country, experience had shown that in certain cases there was a danger of release being granted too early or before prisoners had been sufficiently rehabilitated. He suggested, therefore, that a reference be made to the advisability of taking into account the quality and quantity of work performed by the prisoner, to be assessed on the basis of a predetermined scale.

344. The Chairman proposed that paragraph 4 be revised to read as follows:

"When the law allows of an earlier release, the way in which prison labour is performed by the prisoner must be one of the factors taken into consideration or may even bring about an automatic reduction of his sentence."

It was so agreed.

345. With respect to paragraph 5, Mr. Bates (United States of America) felt that the proposal regarding the setting up, in each country, of a joint co-ordinating committee had not been sufficiently stressed in the text. The Chairman thought this was impossible considering the differences in existing penal legislation. However, it was agreed to alter the wording of the paragraph so as to make the establishment of such committees "highly desirable."

346. Mr. Haz (Chile) proposed that such joint co-ordinating committees should include representatives from agriculture, explaining that in his country prisoners were mainly employed on the land. It was so agreed.

347. There was general agreement that the question of vocational training had direct bearing on the integration of prison labour into the national economy; the wording of paragraph 8 (a) did not give rise to any objection, except that it was felt that reference should also be made to the question of the education of prisoners.

348. Mr. Bondar (Byelorussian Soviet Socialist Republic) suggested the addition of some reference recommending the adoption of measures for the education of prisoners of a low level of education or of those wishing to improve their standard of education. Mr. Nikiforov (Union of Soviet Socialist Republics) supported Mr. Bondar and pointed out that such measures would automatically reflect on the standard of work of prisoners when in prison, as well as improving their chances of obtaining employment on the completion of their sentence.

349. In the light of the foregoing remarks, the Section decided that a reference should be made in the text indicating that the education needed to acquire vocational training was also an indispensable factor in setting certain prisoners to work.

350. Regarding the same paragraph, Mr. Peterson (United Kingdom) felt that the draft recommendations providing that steps must be taken to enable prisoners to attend vocational centres outside the institutions seemed to be going too far and proposed that the wording be altered to read: "in suitable cases inmates should be allowed to attend such centres." It was agreed to revise the text along these lines.

351. There was general agreement on the duty of the State to ensure the full employment of able-bodied prisoners. There was some discussion, however, in connexion with sub-paragraph 8 (b) (i) on the extent to which State-use should be the principle on which such employment should be based. Mr. Bates (United States of America) expressed the view that, since the intent of the draft recommendation was to facilitate the integration of prison labour into the economy, it should not be expected to specify that State-use should be the only purpose. Nonetheless, he felt that the text of the recommendation was not strong enough, and suggested that a stronger wording than "special effort" should be inserted in order to make it clear that State-use should come first. At the suggestion of Mr. Peterson (United Kingdom) it was agreed that the paragraph be re-drafted to indicate that orders from public authorities should be the primary source of employment for prisoners. It was agreed to revise the text along these lines.

352. Regarding the application of the social security measures to prisoners, Mr. Peterson (United Kingdom) felt that the recommendation proposed in sub-paragraph 8 (b) (ii) was too far-reaching and suggested that the words "should be considered" replace "must be made possible". The Chairman agreed that the provision regarding the application of social security measures was undeniably difficult to enforce, but felt that something stronger was needed than the wording proposed by Mr. Peterson. He subsequently suggested that the sentence should be reworded to read "the social security measures in force in the country concerned must be applied to the fullest extent possible". It was so agreed.

353. Sub-paragraph 8 (b) (iii) gave rise to several objections, particularly with regard to the reference to prisoners who should be allowed to work outside "on their own account". The Chairman explained that these words had been included in the text because many countries had made provisions for such work. Mr. Peterson (United Kingdom) felt that this wording might be misleading and might be interpreted in the sense that a banker might be allowed to work outside the institution and to carry on financial activities and stock market speculations. Mr. Bates (United States of America) agreed with Mr. Peterson (United Kingdom) and felt that the phrase should be given further consideration; the wording should avoid giving any suggestion of indenture. At the suggestion of Mr. Germain (France) the entire paragraph was deleted since it was felt that the point was in any case covered by the wording of sub-paragraph 8 (b) (iv) which dealt with the system of individual placement in semi-liberty or week-end detention.

354. In connexion with sub-paragraph 8 (b) (iv) the only point raised was by Mr. Hermon (Israel), who expressed reservations about the policy of sending prisoners out to work in groups. The Chairman remarked that "semi-liberty" had always been understood to mean individual work. It was agreed that the word "individual" be inserted in this paragraph.

355. There was general agreement that domestic work must be reduced to the essential minimum. There was some discussion, however, regarding the terminology used in sub-paragraph 8 (b) (v). Mr. Bates (United States of America) objected to the use of the word "domestic", because it might be given the wrong connotation; he preferred the word "maintenance". Mr. Nikiforov (Union of Soviet Socialist Republics) suggested that, in order to avoid any misunderstanding, an expression should be found which was acceptable in all languages and which described what was referred to in the text as "domestic work". After some discussion it was agreed to replace the words "domestic work" by "unskilled maintenance work".

356. Commenting on sub-paragraph 8 (c) (iii), Mr. Peterson (United Kingdom) remarked that his Government would not consider it appropriate to pay a rate of one-third of the nominal wage in the event that this was not subject to the deductions referred to in sub-paragraph 8 (c) (vii) of the draft text; he also noted that, if these deductions were made, there would not be much left for the prisoner. He therefore suggested the deletion of this paragraph. It was so agreed.

357. Mr. Peterson (United Kingdom) felt that the word "henceforward" in sub-paragraph 8 (c) (v) should be altered, because it sounded as if normal remuneration were not at present being paid, such remuneration was, however, being paid in the United Kingdom. The Chairman, however, considered that such a reference was necessary to indicate that, at present, normal remuneration should be asked for from the employer in countries where this practice does not prevail. He therefore proposed that the existing text be retained and it was so agreed.

358. Mr. Eriksson (Sweden) suggested that taxes should be added to the deductions that should be made by the prison administration as set out in sub-paragraph 8 (c) (vii). It was agreed that a reference to this effect be included in the text.

359. The conclusions and recommendations as amended were then adopted as a whole by the Section.

(d) DISCUSSIONS IN PLENARY MEETING

360. The General Rapporteur introduced the conclusions and recommendations on this item at the third plenary meeting. He announced that no amendments had been submitted and after brief comments by the Rapporteur for this topic, the text was adopted unanimously. It appears in annex I, 5.

6. PRE-RELEASE TREATMENT AND AFTER-CARE, AS WELL AS ASSISTANCE TO DEPENDANTS OF PRISONERS

(a) BACKGROUND

361. Since 1949, parole and after-care and governmental assistance to dependants of prisoners have been included in the work programme of the United Nations in the social defence field. A study on *Parole and After-care* was published in 1954.³⁰ This subject was also discussed by the European Regional Consultative Group at its second session.³¹ Rules 79, 80 and 81 of the Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, refer to certain features of the pre-release treatment and after-care of prisoners as well as the prisoners' relations with their families.³² In 1958, during the discussion of the organization of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the *ad hoc* Advisory Committee of Experts decided that the questions of pre-release treatment and after-care, as well as assistance to dependants of prisoners, should be included on the Congress agenda.³³

³⁰ United Nations publication, Sales No.: 54.IV.16.

³¹ *European Regional Consultative Group on the Prevention of Crime and the Treatment of Offenders*, Geneva, 23 August-2 September 1954 (ST/SOA/SD/EUR.4).

³² *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Geneva, 22 August-3 September 1955, p. 72.

³³ See footnote 1.

(b) DOCUMENTATION

362. In connexion with this item of its agenda, the Congress had before it a general report (A/CONF.17/8) prepared by Mr. Bent Paludan-Müller, who also served as Rapporteur for this item. A report on this item was also prepared by the United Nations Secretariat (A/CONF.17/9) for consideration by the Congress in conjunction with the general report; the report by the Secretariat outlined the main points of present practice, drew attention to several problems and desiderata arising from present practice, and served, together with the general report, as a point of departure for discussion by the Congress.

363. The International Labour Organisation also prepared a report in connexion with this item entitled "Treatment of Prisoners and After-Care (Vocational Guidance, Training and Placement)" (A/CONF.17/13).

(c) DISCUSSIONS IN THE SECTION

364. Section III devoted four meetings to consideration of this agenda item. Mr. Pillai, the Chairman, decided to divide the discussion into two parts and invited Mr. Paludan-Müller, the Rapporteur, and Miss Hellin, who acted as secretary of the Section for this item, to introduce the sections of the general report and of the secretariat report dealing with pre-release treatment. He then invited the Section to discuss this matter. Before considering questions of after-care and assistance to dependants of prisoners, further introductory statements were made by the Rapporteur and the Secretary.

(i) Pre-release treatment

365. During the debate on this topic, it was agreed that the prisoner must be prepared for life as a free man in the community during the entire period of detention. However, not all participants advocated the use of special pre-release programmes to promote this end, since some felt that it should be furthered by the whole treatment process. These participants emphasized the importance of the role of the family, the community and the open institution. Participants speaking in favour of specific pre-release measures stressed the value of pre-release leave and of semi-liberty or "leave for work", although different views were expressed whether both short-term and long-term prisoners should be given pre-release treatment and, if so, how long such pre-release treatment should last.

366. Mr. Costa (Brazil) said that in his country it was the custom for prisoners to spend the last part of their sentence in an open, agricultural institution, where their families could live with them. Mr. de Azpiazu (Argentina) explained that efforts were now being made in his country to establish contacts between the prisoner and the community into which he was to return; these efforts were made during the three months preceding the discharge of the prisoner. Difficulties arose from the fact that most prisons in Argentina were far from the towns, so that prisoners were often a thousand kilometres distant from their family and community.

367. In speaking of the duration of pre-release treatment, Mr. Loveland (United States of America) described the programme under which prisoners lived in a pre-release unit; there they discussed their problems with staff members, employers, members of labour unions and public-spirited citizens from nearby communities and, in general, enjoyed greater freedom than in the earlier stages of imprisonment; this programme was usually initiated two or three months before release.

368. A standing order issued in 1957 in his country was outlined by Mr. Bahrudin (Indonesia). This order set forth the activities by which prisoners could be prepared for life after release, and included labour, study and attendance at religious services, as well as participation in sports outside the prison.

369. Mr. Nikiforov (Union of Soviet Socialist Republics) indicated that in his country there was special treatment during the entire duration of the sentence, based on the theory that, throughout the period of detention, the prisoner was preparing not only for life as a free man but also for his activities in the community; he was therefore not only given vocational training, but his whole personality was prepared for release. The prisoner could participate in lectures, conferences, conversations on various subjects, amateur theatricals, broadcasts etc., as a general measure of social orientation. While the transition of a prisoner to life in the free community involved difficulties, Mr. Nikiforov emphasized that it was more important to organize a systematic regime and to provide the necessary facilities for the prisoner throughout his term of imprisonment, than to devise special pre-release measures. Experience in the Union of Soviet Socialist Republics had shown that most prisoners led normal lives in a very short time after their release.

370. Mr. Cape (United Kingdom) agreed with the representative of the Union of Soviet Socialist Republics that prison training should be entirely directed towards release. If, however, there was too much emphasis on training, the prisoner became unduly dependent on prison life and found himself in difficulties as soon as he was released.

371. It had been suggested, Mr. Cape continued, that the minimum sentence to which pre-release measures should be applied was one year. Seventy per cent of the prison population in the United Kingdom were serving sentences of not more than six months. It was not, however, possible to send these prisoners, many of whom were first offenders, back into the world without some form of pre-release treatment. Experienced welfare officers, therefore, worked closely with short-term prisoners from the very beginning of the sentence. In the immediate pre-release period there were classes and courses covering all the problems the prisoner might face, including the important question of leisure and recreation, which often provided occasions when released offenders got into trouble again. The system of home leave had produced encouraging results and was being extended to more and more prisoners. For others, visits outside the institution for shopping and other purposes were arranged. Individual and group counselling was being developed throughout the prison service.

372. Mr. Reale (Italy) said that special pre-release treatment was possible in his country only in the case of long sentences and should start not more than one year before the prisoner's release, so as not to lose its effectiveness. In fact, he felt that a shorter period might be better, but much depended on the length of the sentence. In pre-release treatment, use was made of the services both of prison personnel and of the people to whom the prisoner would be entrusted after release. Great importance was attached in Italy to the regime of semi-liberty, which was granted during the last year of their sentence to prisoners of both sexes serving sentences of not less than five years. They were given permission to leave the prison, in civilian clothes, for a certain part of the day, for work or education.

373. Mr. Hermon (Israel) observed that he was particularly impressed by the idea of the prisoner being allowed to live with his family and thought that suggestion merited universal consideration. He agreed with those speakers who thought that there should be no definite pre-release period but who felt that all treatment should keep the prisoner as near as possible to normal life; this was particularly true in the case of short-term prisoners.

374. Mr. Orvain (France) considered that measures designed to help the prisoner when he left prison should be applied from the very beginning of the sentence, by maintaining family and social ties. Moreover, in France, primary, secondary and even higher education were available to prisoners through correspondence courses; sports matches were organized with outside teams. A recent innovation consisted in the designation of a special judge who decided how the individual sentence was to be carried out and who could authorize the prisoner to leave the prison for certain periods of time, for various reasons. This arrangement had proved a great success. The role of that judge was even more important in connexion with semi-liberty, which was proving an excellent means of preparing prisoners for their release.

375. Mr. Cannat (Monaco) held that it was not possible to divide the treatment of prisoners into two periods. Among the methods which could be used were: first, personal contact between the prisoner and some person who would become his friend without exercising any supervisory function; and, secondly, semi-liberty. The latter technique should not, however, be used too soon; a year before release would be the earliest possible time, and six months earlier would be preferable. Prisoners awaiting release should be housed in a different part of the prison.

376. Mr. Saheb (United Arab Republic) said that, in his country, the problem arose of the distance of the medium security institution from the family of the offender; moreover, many prisoners were not interested in agricultural work. A plan was, however, under consideration to provide medium security institutions which offered various types of vocational training.

377. Mr. Baddou (Morocco) said that, in his country, pre-release treatment was designed to provide prisoners with a trade, as well as civic and religious education, to combat illiteracy, as well as to enable them to make

contacts outside the institution. Although pre-release treatment was mainly intended for long-term prisoners, it was hoped to provide similar facilities for other prisoners. Vocational training for agriculture and industry was provided in a number of colonies or institutions and, owing to the shortage of skilled labour in the country, prisoners who had been taught a trade would have no difficulty in finding employment on their release.

378. Mr. Subotincic (Yugoslavia) felt that pre-release treatment should begin when the prisoner started to serve his term, and that no category of offender should be excluded from such treatment. Arrangements should be made for remission of sentences and for outside contacts before release. Experience in his country showed that prisoners adapted themselves more readily to life in freedom if, before their release, they had been working in institutions where conditions resembled those of free life.

379. Mr. James (Singapore) drew attention to the problem of unemployment existing in certain parts of South-East Asia; this problem was closely connected with the question of training prisoners for freedom. In discussing practices in the Singapore prison system, he indicated that, as an experiment, conjugal visits were being permitted for all married prisoners, and that about 70 per cent of the prison population were being sent to work outside the closed prisons; in addition prisoners were permitted to use recreation facilities together with the general public.

380. Mr. Bondar (Byelorussian Soviet Socialist Republic) agreed with previous speakers who said that re-education should begin on the first day of the sentence. In his country provision was made for both general and technical education. On the completion of courses, prisoners were awarded certificates or diplomas on the same basis as other students. Provisions were also made for co-operation between the prison administration and the social services; the re-education of the prisoner was considered a matter of public interest. The prison administration, therefore, worked closely with local and municipal authorities. The importance of the prisoners' contact with their families was recognized and, in some colonies, special facilities were provided to enable detainees to meet their husbands or wives.

381. Mr. Fairn (United Kingdom), in speaking of long-term prisoners in England and Wales, said that the first hostel for recidivists had been planned more than six years ago. The hostel system had now been extended to all prisoners serving sentences of five years or over, whether or not they were recidivists. Eight hostels existed, providing both male and female prisoners with six to nine months' treatment towards the end of their sentence. Co-operation with the Ministry of Labour's Employment Exchanges, the Probation Service and after-care associations was a feature of the system; prisoners earned a proper wage, made contributions towards their own upkeep, as well as towards that of their dependants, and were able to save a little money to use when they were discharged.

382. Mr. Badr-el-Din-Ali (United Arab Republic) said that in his country pre-release treatment had been

accorded since 1956 to prisoners serving sentences of over four years.

383. Mr. Bates (United States of America), referring to a statement in the Secretariat's report to the effect that the releasing authority should be vested in an independent board, rather than with the judge, whose predominating concern must be the administration of justice, remarked that the parole system in the United States had been under bitter attack for years as being too favourable to the prisoner. The public had to be convinced that parole was in the interest of public safety. He therefore made a plea for the inclusion of a judge on the parole board, so that the interests of the public would be protected.

384. Mr. Kuznetsov (Union of Soviet Socialist Republics) agreed with previous speakers who had felt that pre-release treatment should start upon entry into prison; he went on to emphasize the opportunities for contacts with the outside world available to prisoners in his country. Places of detention were managed by the Ministry of the Interior, but social and cultural organizations also played important roles. Each detention centre included workshops and installations which were run by industrial enterprises under the control of competent technicians. Over 90 per cent of the detainees were following courses under the guidance of professional staff. Adolescents received an education similar to that of other children, under teachers appointed by the Ministry of Education. Writers, artists and musicians helped to organize activities in co-operation with government officials.

385. Mrs. Flatau-Shuster (Poland) emphasized the importance of family relationships. An experimental prison in Poland had introduced the practice of releasing prisoners for periods of up to forty-eight hours. The inmates, aged between eighteen and twenty-five, could stay anywhere within twenty kilometres of the prison and could meet their families and friends. In another prison, conjugal visits were permitted. Since the prisoner's family life was important for his readjustment, he felt that it would be helpful if the Congress recommendations could include suggestions regarding the extent to which prisoners should be allowed to receive conjugal visits, with all the consequences such visits entailed, and whether such visits should be limited to legitimately married prisoners.

386. Mr. Herzog (International Association of Penal Law) called attention to the fact that serving a prison term frequently had the effect of depriving a man of his professional status. It had been found that, as more and more professions became organized, there was a tendency to exclude persons who had been condemned for criminal offences; there was, therefore, a contradiction between the trend towards rehabilitation and the obstacle to it created by deprivation of professional status.

387. Mrs. Verheven (Belgium) considered it an excellent principle to permit prisoners to work outside their place of detention; however, she drew attention to the unpreparedness of public opinion in this respect, and to the dangers of undue prolongation of the period of semi-liberty.

388. Mr. Tyrwhitt (United Kingdom) drew attention to the importance of the prison visitor, who was able to relieve the pressure on both the prison staff and the prisoners. Miss de Nave (International Conference of Catholic Charities) emphasized the need to co-ordinate the activities of voluntary and official organizations, as well as to train voluntary personnel in various techniques.

389. Mr. Rafael (Denmark) referred to the inevitable lack of initiative inherent in prison life; confrontation with choices upon release therefore posed a problem of readjustment. He described an experiment in Kragshovede, where both long- and short-term prisoners passed through a release unit. Mr. Péan (Salvation Army) also pointed out that a man's initiative was diminished or even destroyed during long periods of detention, and emphasized the importance of the chaplain's role in connexion with rehabilitation.

(ii) *After-care, as well as assistance to dependants of prisoners*

390. During the debate on this question, general agreement was apparent on a number of points, including the importance of the role of the community in the rehabilitation of the offender and the educational function of the press with respect to the future of the released prisoner; the need for further research concerning the failure of some offenders who had been granted conditional release; the attitudes of the public towards offenders, and particularly the attitudes of employers; the need to co-ordinate the work of voluntary and official organizations concerned with after-care; the desirability of using voluntary workers, who could befriend the offender; and the need to assist dependants of prisoners.

391. Particular importance was attached to continued contact with the family and to the provision of employment upon release. In connexion with the latter, the unnecessary exclusion in some instances of released prisoners from certain occupations was regretted. It was also considered that, while employment was very important for the prisoner upon release, there should be greater flexibility with respect to the proof of employment required in some countries as a condition of release; other provisions could be made for furnishing such proof of employment. Substitute measures for the revocation of conditional release were also suggested.

392. Determination of the releasing authority proved to be the most controversial topic. There was agreement that persons or bodies vested with such authority should be qualified for this task; however, the idea of an "independent" release authority was subject to a number of interpretations, some of which conflicted with the release practices in use in certain countries.

393. Mr. Cannat (Monaco) felt that the decision for conditional release should be made by the judge who knew the prisoner, and not by a commission who had never seen him. He opposed any arrangements for organizing groups of ex-prisoners. He wondered whether it might not be possible for the Congress to call on Governments to ask the press to respect the privacy of ex-prisoners.

394. Mr. McClemens (Australia) drew attention to the problem of the support of the prisoner's dependants, and said that a federal pension was now paid in Australia to the wives and children of prisoners, under the "deserted wives' pension scheme".

395. Mr. Tsvyrko (Union of Soviet Socialist Republics) said that in his country there was as much concern for the ex-detainee as for the prisoner. The released offender, therefore, was not subject to any restrictions of domicile and was given necessary clothing, free transport to his destination and a little money. If, owing to his physical condition or age, he could not travel alone, he was accompanied to his destination. All local authorities were instructed to help the ex-detainee to the fullest possible extent in getting a new job. Ex-detainees must by law be provided with employment within two weeks after release, the placement being commensurate either with professional qualifications obtained prior to conviction or with skills acquired during detention. Mr. Tsvyrko emphasized that the fact of having served a sentence was not allowed to be an obstacle to employment. Furthermore, appropriate lodgings were found for the former prisoner.

396. He felt it important that the Congress should include in its recommendations the concept that, after release, the ex-detainee must be given appropriate care and proper opportunities to work or to study.

397. Mr. Street (Canada) said that Canada made extensive use of parole techniques. During its first year of operations the National Parole Board had granted parole to 40 per cent of those applying. Owing to the size of the country, the Board was not able to interview all applicants. Prisoners were interviewed by regional representatives in various Canadian cities. Supervision was regarded as the crux of the parole system. It was not, however, always necessary; for instance, a man going to a northern lumber camp, to work on a ship or, sometimes, to a rural area, would not be supervised.

398. Because of the shortage of after-care workers it was necessary to dispense with high educational requirements and to train people with lesser qualifications; greater use of selected volunteers was also being considered.

399. In cases of hardship, dependants were eligible for relief granted by the local authorities, but there was no other provision for them.

400. Mr. Lindores (Salvation Army) said his organization was in constant contact with the National Parole Board in Canada. In interviewing prisoners in all types of institution, the question of parole eventually arose; his organization had prepared report forms to elicit necessary information, which were completed and sent to the Parole Board for consideration. At the same time the Salvation Army offered to provide the supervision that might be required for paroled prisoners. Reports on the prisoner's home situation were also submitted by his organization at the request of the Parole Board; the family might also have been receiving welfare help from the organization during the prisoner's term.

401. It was hoped that Canada might reach the point where unemployment insurance would be payable after release until the released prisoner found satisfactory employment.

402. Father Evans (Catholic International Union for Social Service) said certain obligations of after-care should be the State's responsibility; these should include provision of employment and of social security benefits. A governmental system might, however, be unable to take some factors into account, and human understanding could help in such instances. It was in this sphere that voluntary societies should be given every opportunity to fulfil their special function.

403. Mr. Kirkpatrick (Canada) described the functions of the John Howard Society in Canada. The previous discussion had dwelt on the "survival needs" of the prisoner on his return to the community; in discussing after-care, however, it was necessary to consider the deeper problems that had brought the man into conflict with society or that had arisen for him in prison. Unless the prisoner had developed understanding at the same time as he was being trained in prison, all the institutional training acted only as a veneer which would crack once the man was free. He therefore felt it necessary to develop pre-release techniques, and he hoped that these questions might be considered in the formulation of recommendations.

404. Mr. Dawtry (United Kingdom) said that the prisoner's family might be as much in need of casework as the offender. Family difficulties might be the cause of the prisoner's offence; if these difficulties were not solved, the same problems would face the released prisoner on his return. After-care services needed to include a considerable amount of social rehabilitation, which should perhaps even extend to preparing the family to accept the offender again or to understand his difficulties on his return.

405. Mr. Dawtry also felt there should be some statutory sanctions, other than return to the institution, for offenders who did not comply with the conditions under which they had been released.

406. Mr. de Ghellinck (Belgium) considered that the Congress had not dealt sufficiently with the role of the voluntary prison visitor, who was well placed to gain the confidence of the detainee or of the ex-prisoner and maintain contact with his family. Voluntary bodies could also promote public understanding of the problem of detainees and could enlighten the press on its duty in the matter.

407. He described difficulties which arose in Belgium regarding pre-release access to prisoners by those who would be undertaking post-release supervisory work. In Belgium, practically all detainees on conditional release were assigned to a supervisor, who was drawn either from the prison social service or from the voluntary organizations; ex-prisoners could not be employed in Belgium in the national or local government service.

408. Mr. McClemens (Australia) described the Civil Rehabilitation Committees in New South Wales, which included representatives of the parole service, the Government, the employers, trade unions, churches and volun-

tary organizations, and which were concerned with local rehabilitation in their areas. These committees were thus able to assist in solving problems related, for example, to employment and accommodation problems. In their capacity as an extension of the parole service, the committees received a degree of official recognition which was encouraging to the voluntary organizations and promoted their usefulness. The existence of such groups operated as an educational haven throughout the community.

409. Mr. Saheb (United Arab Republic) listed the objectives of the Cairo Association for the Welfare of Prisoners and their Families, which he represented. These included the provision of material, cultural and medical assistance, vocational training, help in obtaining jobs and aid in integrating ex-prisoners into the community. Other activities included setting up ex-prisoners in suitable trades and meeting school fees for children of prisoners.

410. In 1957 the Cairo Association took over from the Prison Department the administration of an industrial establishment for the employment of habitual criminals having technical skills: the Association was now trying to expand the workshops to accommodate as many as possible of the released prisoners who had failed to secure employment. In 1958 the Association succeeded in encouraging the adoption of a law which replaced the old system of police supervision of former prisoners by a system of monthly reporting. Similar welfare associations operated in other cities; elsewhere co-operation and direct contact existed between the local prison administrations and the local social service units.

411. Mr. Altavista (Italy) did not think that the provision of after-care ought to be automatic; he felt that compulsory aid might do more harm than good by prolonging a state of dependence, and that such aid should be restricted to parolees. He expressed the view that welfare agencies, whether public or private, should have qualified personnel on their staffs.

412. The problem of employment of ex-prisoners was more serious in countries where there was unemployment, such as Italy. A new Bill proposed, *inter alia*, the establishment of employment committees, under the authority of the *Procuratore della Repubblica*, composed of industrial leaders, representatives of labour exchanges, and workers organizations; however, a total solution of the problem required the overcoming of public prejudice against the employment of ex-prisoners.

413. Mr. Cape (United Kingdom) said that after-care was the personal responsibility of all members of the community. Statutory provision had been made in his country for supervision on release for certain categories of adults, for young persons with sentences exceeding three months and for all detainees undergoing Borstal training. For the majority of adult prisoners, after-care was voluntary. It was the firm conviction in the United Kingdom that after-care should be provided for all persons leaving prison. The short-term prisoners included most of the homeless; he would be interested to hear what had been done in other countries about the homeless. He described an experiment at Norman House, where

half of the residents were ex-prisoners and the other half were people who had never been in trouble with the law. As a result of a recent decision, compulsory after-care would be extended from 1,500 to 10,000 offenders, but that would still leave 30,000 to be cared for voluntarily.

414. However much was done officially, the crux of the matter was how much each individual cared about ex-prisoners. It was necessary to imagine what, if an offender were a member of one's own family, one would be ready to do for his rehabilitation; having determined this, one should then not do less for others.

415. The Chairman observed that few speakers had dealt with after-care with particular reference to juvenile delinquents; there was also the question of the role of the public in rehabilitation. It should also be borne in mind that the need for after-care was perhaps just as great for the short-term as for the long-term prisoner.

416. Mrs. Muñoz Palma (Philippines) outlined the Indeterminate Sentence Law in force in her country, by which sentences were generally divided into minimum, medium and maximum periods. An offender receiving a sentence of more than one year was eligible, on certain conditions, for parole after serving the minimum period; he would then serve the rest of it outside the institution. Provided he did not violate the parole conditions, he would be discharged after the probationary period had been completed. There was no parole for habitual delinquents, for persons serving life sentences or for persons convicted of such offences as, for example, treason or espionage. The Parole Board was headed by the Secretary of Justice; the four other members of the Board must include a clergyman, an educator, a psychiatrist and a public-spirited citizen, one of these four being a woman.

417. The speaker regretted there was no definite programme of assistance to parolees, because the Philippines lacked funds and facilities for such a programme. A most important feature of after-care was securing employment for ex-prisoners; she emphasized, however, that any programme would succeed only where an enlightened citizenry was willing to accept the ex-prisoner.

418. Mr. Erra (Italy) stressed the importance of maintaining the link between the detainee and his family; and of helping the family to overcome the difficulties caused by the imprisonment of the head of the household. Children of prisoners should be placed in institutions only where there was no other recourse, and the family environment should be made ready to receive the ex-prisoner. The fullest use should be made by the penal administration of the services of all semi-official or private organizations. The new Bill covering the Italian penal law provided for co-operation between the social services of the State and the Prison Administration on the one hand, and the specialized voluntary agencies on the other.

419. In his country after-care was not normally provided for those serving short sentences; under Italian law such offenders did not, in many cases, go to prison.

420. Mr. McCulley (Canada) suggested that the Congress should strongly recommend the closest possible

development of a working partnership between Governments and voluntary agencies. Left to themselves, Governments did not often provide the lead in these matters, but tended rather to respond to public pressures.

421. In Canada, voluntary agencies were supported by special grants from the federal and provincial governments; these grants, however, infringed on their complete independence. The voluntary agencies were used as supervising agencies for parolees, and their personnel were allowed to go into the prison three months before the discharge of a prisoner and to discuss his plan following release.

422. Mr. Millo (Israel) believed that the public was more inclined to leniency, and that procedures were more flexible, in regard to juveniles; so that to adopt the right practice for adults it was necessary to learn from those for juveniles. He expressed the view that everything done and planned regarding after-care must be regarded as an integral part of a single dynamic treatment process. In Israel, as in many other countries, release was possible after a certain fixed proportion of the sentence had been served; that implied a concern with punishment rather than with rehabilitation.

423. Although rehabilitation programmes were easy to devise, he doubted whether average people, or even the participants in the Congress, were prepared to accept into their households or business persons whom they knew had been guilty of stealing or embezzlement. Since it was possible that the participants were not sure what their own attitude would be in such a situation, it was even more to expect that the public would relinquish its punitive attitude.

424. Mr. Cha (China) described the protective supervision system which had been instituted in his country to give young offenders guidance or treatment for the purpose of rehabilitation. The system operated under the direction of the District Prosecutor and a supervisor, and in co-operation with civic organizations, voluntary bodies and the families of offenders. Released delinquents were also entitled to receive supplementary education. Mr. Cha felt that the system might be further improved if the number of full-time probation officers could be increased.

425. Mr. Walczak (Poland) said that the decisive factor in conditional release was the extent of the prisoner's desire and ability to reintegrate himself into society and to respect the law; and no outside person or body could be entrusted with the responsibility of deciding on conditional release without help from the penal administration, which could advise on the prisoner's probable behaviour.

426. Secondly, under Polish law the power of deciding any question of conditional release was given to the judge, who took into consideration any views expressed by a representative of the penal administration and might even listen to the prisoner himself. Mr. Walczak considered that only the courts were competent to decide in such matters.

427. Mr. Orvain (France) emphasized that efforts made during detention or during the period of conditional release would be in vain if the prisoner were not

assisted after final release. A man who had been sentenced would find difficulty in obtaining employment.

428. He referred to the establishment of Joint Committees of Assistance to Released Prisoners, which maintained a link with the penal administration, and co-operated with probation officers and social workers. There was also a scheme for assigning young magistrates to penal establishments for short periods of observation; they were then expected to submit a report with recommendations, which were sometimes acted upon by the penal administration. He paid tribute to the work of private organizations, and dwelt on the importance of securing the interest and co-operation of the public at large.

429. Mr. Bennett (United States of America) expressed approval of the efforts made by voluntary organizations for the rehabilitation of ex-prisoners.

430. Giving an account of research conducted in the United States of America, with help from the Ford Foundation, to discover why certain ex-prisoners failed to rehabilitate themselves and others had succeeded, he said it had been found that the period immediately following release was critical, when lack of funds, unemployment or anxiety feelings created discouragement. In some penal institutions an employment placement officer had therefore been appointed to contact employers, while certain trade unions had co-operated by interviewing prisoners while they were in prison and issuing them with cards recording their skills. One difficulty encountered had been inability to obtain authority for a prisoner to leave prison in order to be interviewed by a prospective employer.

431. Mr. Bondar (Byelorussian Soviet Socialist Republic) said that in his country, special regulations laid a duty on local authorities to find adequate employment for prisoners within two weeks of their release. If ex-prisoners were unable to work for any reason, the local authority was responsible for their care in state institutions or for the provision of clothing and lodgings.

432. He also mentioned that a special commission, under the control of the local authority, and composed of representatives of professional, social and voluntary bodies, worked with each prison to help released prisoners; it was thus able to ensure compliance with the law concerning employment, and to prevent the prisoner from returning to his old ways.

433. Miss de Nave (International Conference of Catholic Charities) said that assistance for the prisoner's family should be immediate. In formulating recommendations, the Congress should take account of widely differing social structures in different countries, since measures such as those allowing the family to live in the prison would be both psychologically and materially impossible in some countries.

434. A greater number of after-care supervisors was needed so that adequate attention might be given to each prisoner on release.

435. Voluntary organizations were making considerable efforts to obtain staff trained in social work in order to be able to complement the efforts made by the authorities, and they needed help for this purpose.

436. Miss de Nave also drew attention to the need for co-ordination of public and private efforts.

437. Mr. Hayner (United States of America) drew attention to the increasing need for the study and evaluation of specific research programmes carried out in various countries.

438. Describing courses and research programmes at the University of Washington, he suggested that similar measures might be taken by other universities.

439. Firstly, in connexion with a study of attitudes of employers towards the employment of ex-prisoners, he mentioned that questionnaires had been sent to a considerable number of manufacturers, 70 per cent of whom had indicated willingness to employ an ex-prisoner. This favourable response had often been the result of the employer's contact with a parole officer or the prisoner's family.

440. Secondly, another study concerned with the roles played by prisoners in the prison community had revealed a relationship between length of time served and a prisoner's general co-operativeness.

441. Thirdly, a study of types of offenders coming before parole boards had revealed certain patterns and trends as regards family backgrounds, personality and other characteristics. It was hoped by this study to be able to define types of offenders with a view to indicating suitable treatment.

442. Mrs. Droutman (Friends' World Committee for Consultation) gave an account of a pilot project designed to improve the general public's understanding of prisoners' problems, which her organization had been invited by the police authorities to undertake at a women's prison in New York State, with a view to reducing recidivism. Under this project, trained social workers visited selected prisoners once a week during the three months before release, arranged job placement with the co-operation of trade unions, and prepared the prisoners to take jobs. Psychologists and psychiatrists followed the progress of prisoners for a year after release; prisoners were allowed to decide for themselves whether or not to take advantage of such treatment. Her organization had been asked to start a similar project for the benefit of juvenile delinquents. It also planned to hold a seminar designed to interest the general public in prisoners' problems.

443. Miss Marck (International Catholic Union for Social Service) viewed with misgiving the formulation of conclusions and recommendations by the Congress relating to after-care, which applied only to the psychologically normal offender. It seemed to be assumed that all offenders were capable of responding to efforts to reintegrate them into society; she pointed out, however, that in addition to prisoners who did not respond to treatment, there were prisoners suffering from mental disorders, neuroses and psychiatric disturbances, who could not be reintegrated into society solely by help of a material kind. The latter category of prisoners required a special type of after-care which could be given only in conjunction with specialists.

444. Mrs. Renzi Guastalla (Italy) described the work of a voluntary organization dealing with the welfare of prisoners and their families in Milan. An investigation was currently being carried out, in conjunction with the prison authorities, into difficulties encountered by prisoners on leaving prison.

445. She suggested that a seminar should be held to study methods applied by penal administrations and outside organizations to deal with such problems of released prisoners as their feelings of guilt and inferiority and their relations with the authorities. At the same time, the psycho-therapeutic problems of released offenders could usefully be studied by specialists.

446. On the basis of the views expressed in previous meetings, the Chairman, the Vice-Chairman, the Rapporteur and the Secretary drafted the following conclusions and recommendations, which were submitted to the Section at its fourth and final meeting on this item:

"1. Pre-release treatment is part of the general training and treatment programme given to a prisoner in an institution. While general treatment programmes during any part of an institutional term should prepare the offender for return to life in freedom, certain ends can only be achieved during the last part of his imprisonment so that pre-release treatment should be applied especially to persons serving longer terms in an institution, but should not exclude those serving short terms.

"2. In programmes of pre-release treatment, attention should be given to the specific problems inherent in the transition from institutional life to life in the community. Pre-release treatment should include:

"(a) Special information and instruction on the practical aspects of the offender's future life;

"(b) Group methods;

"(c) Provision for greater freedom inside the institution;

"(d) Transfer from a closed to an open institution;

"(e) Leave for reasonable purposes and for varying periods;

"(f) Permission for offenders to work outside the institution.

As far as practicable, they should be permitted to work under the same conditions as free labour. If they are not housed in an extra-mural hostel, they should be housed separately from the main prison population in a special unit.

"3. Special pre-release measures should take into consideration the social and economic conditions peculiar to each country, with special attention being paid to the needs of the released offender in respect of education, apprenticeship, employment, accommodation and resettlement in the community.

"4. It is desirable to apply the principle of release before the expiration of the sentence, subject to conditions, to the widest possible extent, as a practical solution of both the social and the administrative problems created by imprisonment. The authority releasing the prisoner should be independent and

specialized, and decisions about the prisoner should be taken, preferably after a personal interview with him, but in any case, on the basis of exhaustive information about him.

"5. In deciding a prisoner's conditional release, the releasing authority should have some discretion, within the framework of the law, regarding the time at which he becomes eligible for release. There should also be room for some flexibility regarding the condition of proof of employment, required in some countries before the prisoner is released. It is also desirable that flexibility should be applied in the case of the violation of conditions so that mandatory revocation could be replaced by substitute measures such as warnings; the prolongation, or change in methods, of supervision; and placement in after-care hostels.

"6. The principles under which offenders are excluded from certain occupations should be studied.

"7. The purpose of after-care is to assist and befriend the offender after his release in order to help him to rehabilitate himself in the free community. Provision should be made in the first instance for his immediate practical needs such as clothing, lodging, transportation, maintenance and documents. Special attention should be given to assistance in obtaining employment and the papers necessary for it.

"8. Since after-care is part of the rehabilitative process, it should be made available to all persons released from prison. It is the primary responsibility of the State, as part of the rehabilitative process, to ensure the organization of appropriate after-care services.

"9. In the organization of after-care services, the co-operation of private agencies, staffed either by voluntary or by full-time trained social workers, should be sought. The necessity for a working partnership between official and non-official agencies should be emphasized. The importance of the role of the voluntary after-care worker is fully recognized. Private after-care organizations should be provided with all necessary information to assist them in their work, as well as reasonable access to the prisoner.

"10. Successful rehabilitation can only be achieved with the co-operation of the public. The education of public opinion on the necessity for such co-operation should, therefore, be fostered by the use of all information media and means should be sought to obtain the co-operation of the whole community in the rehabilitative process.

"11. Research projects on various aspects of after-care and on attitudes of the public towards the released offender should be encouraged and assisted.

"12. Special attention should be given to the provision of appropriate after-care for handicapped and abnormal offenders, alcoholics and drug addicts.

"13. The dependants of prisoners should not be made to suffer by reason of the offender's imprisonment. State assistance should be made available to them as in the case of other needy persons and such aid should be given promptly.

"14. The establishment and maintenance of satisfactory relations with the members of his family and with persons who may be of help to him should be supported. To this end the offender should receive adequate remuneration for his work to enable him to contribute towards the support of his family. The advisability of permitting conjugal visits for prisoners should be carefully studied in the light of the social and economic conditions peculiar to each country."

447. A number of modifications, additions and deletions were proposed in the ensuing discussion.

448. Mr. McClemens (Australia) proposed that the first sentence of paragraph 1 should be amended to read: "Pre-release treatment is an *integral part of the process of justice* and of the general training. . . ." He felt that the point should be made quite clear, since there was sometimes a tendency to regard after-care as something distinct and separate, rather than as a part of the over-all duty of justice towards the State.

449. Mr. Millo (Israel) proposed that sub-paragraph 2 (a) should be amended to read: "special information, guidance and discussion on the personal and practical aspects of the offender's future life".

450. Both amendments were approved by the Section.

451. Mr. Fairn (United Kingdom) proposed the deletion of the words "independent and" in the second sentence of paragraph 4.

452. This amendment was put to the vote and was adopted by 88 votes to 56 with no abstentions.

453. In the consideration of paragraph 5, Mr. Millo (Israel), supported by Mr. Street (Canada), proposed the deletion of the words "within the framework of the law" in the second and third lines. Mr. Bates (United States of America) did not support this suggestion, since he felt that it would be inadvisable, either directly or by implication, to authorize a board to use its discretion without reference to the basic laws of the country concerned. Mr. Millo (Israel) explained that the purpose of his amendment was to indicate to countries where the law was very rigid that, in the opinion of the Congress, the law should be flexible and give discretion to such a board.

454. Mr. Tsvyrko (Union of Soviet Socialist Republics) emphasized that the law of the country concerned should be taken into account and that the words "of each country" should be added after the phrase "within the framework of the law".

455. The amendment proposed by Mr. Millo was rejected by the Section, which then approved the amendment proposed by Mr. Tsvyrko.

456. A proposal by Mr. Cannat (Monaco) that a recommendation be made stating that the Government should set an example to employers in giving employment to ex-detainees was accepted for addition to paragraph 6.

457. There was some discussion about the wording of paragraph 7. Mr. Tartaglione (Italy) and Mr. de Ghellinck (Belgium) felt that a reference to the moral aid which the released offender needed should be introduced. Mr. Hermon (Israel) proposed an alternate wording for the first sentence of this paragraph and the

introduction of the words "his emotional needs" in the final sentence. All of these proposals were favourably received and the final drafting of the paragraph was entrusted to the Secretariat.

458. Paragraph 8 was approved.

459. There was general agreement on the suggestion made by Mr. Cape (United Kingdom) that the words "experienced and" should be inserted before the words "trained social workers" in the first sentence of paragraph 9.

460. Paragraph 9, as amended, was approved.

461. Various amendments were proposed in connexion with paragraph 10. Mr. Cannat (Monaco) proposed the addition of the following sentence: "Special importance should be attached to the full co-operation of trade unions." Mr. McClemens (Australia), Mr. Millo (Israel) and Mr. Peterson (United Kingdom), suggested that, in speaking of the co-operation of the whole community in the rehabilitative process, certain groups should be singled out. On the basis of these proposals, the Section approved the addition to the second sentence in paragraph 10 of the words: "especially that of Government, the trade unions and the employers".

462. Mr. Bennett (United States of America) said that the results of research projects were not sufficiently disseminated, especially to judges. At his suggestion, the following addition was approved to paragraph 11:

"The results of such research and the findings of the various disciplines concerned with crime and delinquency should be given the widest possible dissemination, particularly to judges and others having power to determine the character and length of sentences or commitments."

463. Paragraph 12 was approved.

464. A proposal by Mr. Erra (Italy), suggesting that the words "particularly to children" be added at the end of paragraph 13, was approved.

465. Mr. Peterson (United Kingdom) suggested that the second sentence of paragraph 14 should be deleted, since it duplicated what had been said in the Section's conclusions and recommendations on prison labour. He also thought that the words "in the light of the social and economic conditions peculiar to each country" at the end of the paragraph should be deleted, since the question of conjugal visits was not governed solely by social and economic conditions; there were also deep psychological considerations to be taken into account. These proposals were accepted by the Section.

466. Mr. McClemens (Australia) observed that in some countries very little provision was made for visits by the prisoner's family and suggested, therefore, the addition of a further paragraph, worded as follows:

"Reasonable facilities, and in suitable cases financial assistance, should be provided for visits by members of the families of prisoners."

467. With this addition the work of the Section was concluded and the conclusions and recommendations were adopted as a whole as amended, with the exception

of some minor drafting changes which were left to the discretion of the Secretariat.

(d) DISCUSSIONS IN PLENARY MEETING

468. The conclusions and recommendations on this topic were introduced by the General Rapporteur during the second plenary meeting. Two amendments to the text were submitted.

469. The first amendment was proposed by the representatives of Israel and Japan and was supported by those of Austria and Canada. The amendment consisted of an additional paragraph, to be inserted between paragraphs 9 and 10, which read as follows:

"Police authorities, in the execution of their duty of preventing crime and detecting offenders, should give the utmost consideration to the effects of police action on the rehabilitation of former offenders who are suspected of having committed a crime."

470. During the ensuing discussion, the representatives of Australia and the Byelorussian Soviet Socialist Republic, as well as the Rapporteur for this item, opposed this amendment on the grounds that it was not clearly drafted and involved some dangerous implications. At the request of the Chairman, the representative of the Secretary-General outlined the possible consequences of this wording.

471. The amendment was subsequently rejected by 31 votes to 5, with 7 abstentions.

472. Another amendment was then proposed by the representatives of Canada and Israel, supported by the representatives of Austria and the United States of America; the amendment proposed the insertion of the words "independent and" before the word "specialized" in the second sentence of paragraph 4.

473. After some discussion, in which Mr. Peterson (United Kingdom), Mr. Dallinger (Federal Republic of Germany), the Rapporteur for this item and the representative of the Secretary-General took part, the amendment was rejected by 27 votes to 18, with 7 abstentions; the conclusions and recommendations were then adopted as a whole in their original form. The text appears in annex I, 6.

III. Closing plenary meeting

474. Sir Charles Cunningham, the President, opened the third and final plenary meeting by welcoming Sir Lionel Fox, the Honorary President of the Congress, and offering the best wishes of the Congress for an early and complete recovery from his illness.

475. Sir Lionel Fox said he had received the letter informing him that he had been elected Honorary President while he was in hospital, and had determined to attend before the closing of the Congress. He expressed his sincere thanks for the support, messages of sympathy and good wishes he had received from his many friends during his convalescence.

476. The Congress then completed its discussion of the last item on its agenda.

477. Mr. Germain, the General Rapporteur, expressed his thanks and those of other participants to the representative of the Secretary-General, and said that it was good to know that, in these troubled times, agreement could be reached on such subjects as the prevention of crime and the treatment of offenders. He proposed that an expression of esteem for, and gratitude to, the representative of the Secretary-General appear in the record of the Congress.

478. This proposal was unanimously adopted.

479. The General Rapporteur then read a draft resolution concerning the activities of the United Nations in the field of social defence, which had been proposed by the representatives of Australia, Ghana, Israel, Japan, Switzerland, the United Arab Republic, the United Kingdom, the United States of America and Yugoslavia. The draft resolution urged the United Nations not to lessen its support, leadership and programme in the area of social defence, but, on the contrary, to strengthen the facilities available to all countries and territories. It also urged the United Nations to ensure that the reorganization of the Social Defence Section and the division of responsibilities between United Nations Headquarters and its European Office would not reduce the effectiveness of the over-all programme and leadership, and also to ensure that the direction and co-ordination of the social defence programme would continue to be undertaken from United Nations Headquarters. Furthermore, the draft resolution suggested that the situation be reviewed after twelve months with the co-operation of the international organizations directly interested in the prevention of crime and the treatment of offenders. Mr. Bennett (United States of America) introduced this draft resolution, which was also approved by the representatives of Canada, Denmark, New Zealand, Norway, the Philippines and Sweden. The resolution was adopted unanimously. The text may be found in annex II, 1.

480. The General Rapporteur then introduced a draft resolution expressing appreciation of the contribution to the success of the Congress made by the Government of the United Kingdom, the Secretariat of the United Nations, the British Organizing Committee, the representatives of the specialized agencies and of the non-governmental organizations, and the United Nations social defence correspondents.

481. This draft resolution was adopted unanimously. The text appears in annex II, 2.

482. With reference to the convening of the next United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Mr. Kling, the Minister of Justice of Sweden, on behalf of his Government, invited the United Nations to hold its third congress in Stockholm in 1965. He said that Sweden would undertake to do everything possible to make the participants feel at home and to contribute to the success of their deliberations.

483. In noting that visits to institutions would be arranged if the invitation of his Government were accepted, he expressed great admiration for the way in which the second Congress had been organized, both

by the British Committee and by the United Nations.

484. On behalf of the second Congress, the President expressed to the Government of Sweden and to Mr. Kling appreciation for this generous invitation.

485. A number of participants expressed gratification at the extent of the agreement which had reached on many points during the discussions; they thanked the United Kingdom, the British Organizing Committee, the United Nations Secretariat, the people of London, various officers of the Congress and all the participants for the contributions they had made. The speakers included: Mr. Sánchez (Philippines); Mr. Bengelloun (Morocco); Mr. Echeverría (Mexico); Mr. Noujaim (Lebanon), speaking for the Arab League and for the Arab countries; Mr. Smirnov (Union of Soviet Socialist Republics); Mr. Bennett (United States of America) and Mr. Reale (Italy).

486. Sir Lionel Fox said that, in his capacity as Chairman of the British Organizing Committee, he was quite overwhelmed by the kindness with which the efforts of the Committee had been received and he wished to thank all participants.

487. The President regretted that the expeditious way in which the Congress had finished its business had prevented it from hearing an address by Miss Henderson, Director of the Bureau of Social Affairs of the United Nations, who had intended to address the meeting on the following day.

488. The representative of the Secretary-General said that it was very gratifying that almost a thousand persons from over eighty countries and territories had attended the Congress, and particularly that on this occasion there had been participants from countries and territories which had not been represented at the first Congress. On behalf of the Secretary-General, he thanked the United Kingdom Government for its hospitality, and also thanked the Government of Sweden

for its generous invitation to hold the next Congress in that country.

489. The President then read a message of greeting and congratulation from Mr. Butler, the Home Secretary of the United Kingdom, and said that he himself had been much impressed and stimulated by the knowledge, humanity and realism shown by the participants and their desire to approach the problems constructively. The extent of agreement reached was a measure of their success, and he hoped that the conclusions of the Congress would serve to stimulate public interest, which could be of great help in this field. The large attendance had indicated world-wide concern in a world-wide problem for which there was no single or simple method of prevention, and no treatment that might be regarded as certain. It was a problem which could not be solved by any universal formula. The recommendations of the Congress, however, included suggestions regarding the way in which the problem could be approached.

490. The efforts to be made must include further inquiry into the nature of crime, but at the same time the practical measures proposed must be carried out. Not all of these measures would necessarily be effective, but many would be of great use. The knowledge that everyone was concerned with this problem would greatly help these efforts, as would the fact that the Congress had increased public awareness of the problem.

491. The President expressed his gratitude to the officers of the Congress and to the United Nations Secretariat. He also thanked the Congress for the honour they had done him in electing him President and for the unfailing forbearance and kindness shown him. He would always remember the Second Congress for the friendships he had made with many people from many lands, for the success it had achieved and for the inspiration it had provided.

492. The President then declared the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders closed.

PART THREE. LECTURES

493. As noted in paragraph 18 above, the Congress met on three occasions to hear lectures on matters related to its agenda.

I. Criminological and penological research

494. The first lecture, on criminological and penological research, was delivered by Mr. Leon Radzinowicz, Alternate President of the Congress and Director of the Institute of Criminology, University of Cambridge.

495. Mr. Radzinowicz began by describing the scope of criminology. In its narrow sense, criminology was concerned with the study of the phenomenon of crime and of the factors or circumstances associated with criminal behaviour and the state of crime in general. There remained, however, the vitally important problem of combating crime. The systematic study of all the measures to be taken against crime in the spheres of direct and indirect prevention, of legislation, enforcement of the criminal law and various methods of treatment constituted an integral part of criminology.

496. Certain major limitations should be imposed on the scope of criminological research to enhance its value. Criminology was not a primary and self-contained discipline. Advances in research into the causes of crime must evolve from reciprocal advances in other departments of knowledge. The unilateral approach, based on the assumption that crime is the outcome of a single cause, must be abandoned since, at best, it could provide only a partial explanation of the incidence of crime. The attempt to elucidate the causes of crime should be put aside altogether. The most which could be done was to throw light upon the combination of factors or circumstances associated with crime, and even then it was necessary to recognize that these factors or circumstances could be associated with other forms of behaviour. This limited approach should be restricted still further by being confined to particular groups of offenders. It should also be kept in mind that the factors and circumstances themselves acquired a different meaning with the advances of research and the growing awareness of the complexity of the problems involved.

497. The methods used in criminology were as diverse as its pursuits. What the methods had in common was that they were inductive and empirical. What they all virtually lacked was that they were not experimental in the true sense of the word; the phenomena of crime and punishment could not be manipulated like non-human subjects in laboratory experiments. Since there were fashions in methods, it was necessary to exercise discrimination and caution in making a choice between them. Progress could be made only by means of an

inter-disciplinary approach, although certain pitfalls in this technique should be avoided.

498. Since financial and technical resources in criminology were limited, an economical and wise direction of efforts should be ensured, and neither pure nor applied research should be neglected. It was of cardinal importance to present material and findings in such a manner as to arouse interest and appreciation of the content. The use of jargon, padding and over-elaborated statistical data, the construction of far-fetched hypotheses, pretentiousness and repetition were deadly sins. Criminologists should avoid crusading zeal, dogmatic beliefs and narrow expertise.

499. Mr. Radzinowicz then reviewed briefly the development of criminological research which, until the First World War, had been centred in Europe where the study of criminology originated. He noted that there was at present a conspicuous scarcity of empirical investigation in Italy, France, the Federal Republic of Germany and Belgium. During the last ten years the Scandinavian countries had undertaken this kind of research in a more systematic way. On the South American continent, in spite of genuine interest in criminology, modern criminological research was still virtually unknown. Until the 1920s, criminological research in the United States of America had been on a very modest scale; but, although the output was uneven, tremendous progress had been made since then and a thorough knowledge of methods used and results obtained in the United States was essential to criminological research in general.

500. Mr. Radzinowicz went on to comment on the public and financial support accorded to criminological and penological research. Little help was being given at the government level, and neglect in the academic sphere was apparent almost everywhere, although there was some sporadic support from scientific foundations. As far as training for criminological research was concerned, curricula were disappointing both at the undergraduate and the graduate levels, and opportunities were so limited that first-class research workers turned to other pursuits.

501. Mr. Radzinowicz reviewed the state of criminological research in England. He described the intensified interest in this field which was manifest in some universities and in the growth of official and public support, and the work being done in universities and other institutions and by individual experts. This interest was also illustrated by the establishment in the United Kingdom of a Research Unit in the Home Office, the activities of the Advisory Council for the Treatment of Offenders and the organization of the Institute of Criminology in Cambridge. The purpose of the Institute was to perform the double function of teaching and research.

Instruction would eventually be provided at the undergraduate and the graduate levels. It would have a permanent and a visiting faculty of distinguished specialists. Research would be undertaken in future on the psychiatric and psychological aspects of criminal behaviour, the state of crime, the treatment of offenders and the enforcement of criminal law, and several such projects had been initiated. The Institute was publishing a series called Cambridge Studies in Criminology and would launch an annual publication surveying the main penological and allied developments taking place in the British Commonwealth. It would also build up an international criminological library.

502. In conclusion, Mr. Radzinowicz said that criminal law could not continue to be the object of an exclusively juristic study. In spite of the limitations of criminological research, much solid and critical knowledge had been accumulated, and he emphasized that criminology had already achieved considerable success in dealing with the reality of crime and punishment.

II. Trends in the prevention of crime and the treatment of adult and juvenile offenders in Poland

503. The second lecture, on trends in the prevention of crime and the treatment of adult and juvenile offenders in Poland, was given by Mr. Jerzy Sawicki, professor of penal law at the University of Warsaw.

504. Mr. Sawicki explained that the Polish People's Republic was recodifying its criminal law, since the Penal Code of 1932 no longer corresponded to the revolutionary changes which had taken place in Poland and to recent rapid technological progress. The Codification Commission was divided into three working parties: one was preparing the draft criminal code, another the code of criminal procedure and the third the law dealing with juvenile delinquents and morally neglected juveniles.

505. Article 1 of the draft criminal code brought out both the material and the formal elements in an offence. Only an individual committing an act prohibited, because it is socially dangerous, by the law in force at the time of its commission was to incur criminal responsibility. In emphasizing the material element in the offence, the draft code relied entirely on the principle *nullum crimen sine lege poenali anteriori*. Analogy could not be applied to the detriment of the accused. The draft code aimed at showing the whole range of circumstances which removed an act from the category of an offence. It included among them, in addition to self-defence and duress, the performance of an act covered by the legal rights and duties of an agent, of an act involving the taking of a permissible risk, or of an act consented to by the person entitled to dispose of the property which was being attacked. To the question of the extent of the duties was linked the problem of the order. Article 22, paragraph 2, provided that "An order to perform an act prohibited by criminal law creates no duty for anyone." This provision was, however, qualified by the legal definition of error in connexion with the assessment of the act.

506. Article 23 was an innovation not peculiar to Polish legislation. It read: "A person performing an act involving reasonable risks justified by the exigencies of social life, and particularly of science, technology and sport, is not guilty of an offence." So far as the legal definition of "consent by the person entitled to dispose of the property" was concerned, there was provision in the draft whereby this consent remained inoperative when it ran counter to the principles of social life.

507. After lengthy discussions, the Commission had decided to retain the provision concerning reduced responsibility, whereby the judge was authorized to reduce the penalty as an exceptional measure. The fact that an act was performed when the individual was intoxicated did not remove criminal responsibility for the offence of becoming intoxicated.

508. Mr. Sawicki then described the four principal penalties for which the draft code provided: death, deprivation of liberty, fine and reprimand. It had been considered that the death penalty was still necessary as a general deterrent. It could not be imposed on pregnant women or adolescents. The maximum term of the penalty of deprivation of liberty was fifteen and, exceptionally, twenty years. There was no sentence of imprisonment for life. Deprivation of liberty could be either by penal detention or by imprisonment. The prison sentence would be served under the "progressive" system.

509. The draft code extended the list of accessory penalties: it contained a new legal definition of the loss of the right to exercise a profession; it also introduced a penalty affecting personal assets, and the deprivation of the right to drive a motor-car.

510. The question of the insignificance of the social danger of the act was dealt with as a matter of criminal law and not of criminal procedure. In this case the penalty imposed by the judge could be a reprimand.

511. Conditional suspension of enforcement of the sentence to deprivation of liberty could be allowed when such sentence did not exceed one year in the case of conviction for an offence committed with intent and three years where the offence had not been committed wilfully. The draft code favoured the system of probation. The court could impose various duties on the offender and place him under the supervision of the social welfare officer. The draft code provided for "preventive measures", but only in so far as these constituted medical treatment.

512. In concluding, Mr. Sawicki indicated that the draft code raised the age-limit for minors to eighteen and singled out for different treatment the group of adolescents between eighteen and twenty-one years of age. It tended to lessen the difference between the responsibility of a minor and that of a person aged over eighteen, and provided that the judge could recognize as a minor a person whose age did not exceed eighteen years and six months and whose mental and moral development gave evidence of a clear lack of maturity. The administration of justice in respect of minors was independent. The juvenile courts undertook the preliminary and subsequent investigations in cases involving charges against minors, delivered judgements and supervised the execution

of corrective and educational measures. Under the existing Penal Code, the educational measure most frequently applied was supervision by an officer of the court. Minors displaying advanced demoralization were placed in reformatories. The period of detention in such an institution depended on improvement in the minor's conduct, but he could not remain there beyond the age of twenty-one.

III. The individualization of the sentence

513. Mr. James V. Bennett, Director of the Federal Bureau of Prisons of the United States of America, delivered the third lecture, which dealt with the individualization of the sentence.

514. In introducing this topic, Mr. Bennett remarked that to this day no formula had been found which achieved a true balance between the requirements of the law and the needs and characteristics of the individual offender. Methods such as probation, parole, the indeterminate sentence and sentencing by a separate tribunal marked progress in the individualization of the sentence. Acceptance of these developments by the public, the judiciary and the legal profession had been facilitated by advances in the social and behavioural sciences. In order to solve the problem of judicial discretion in the determination of the sentence, penal codes and administrative procedures must contain such devices and techniques as would contribute most effectively to the sentencing process. At the same time, provision must be made for a continuous and systematic evaluation of the efficacy of the relevant administrative procedures and correctional techniques.

515. Mr. Bennett went on to review existing practices in sentencing, probation and parole in the United States of America. At present, with a few exceptions, practically all sentences in the United States of America were, in effect, indefinite sentences because of the possibility of parole or conditional release. The indeterminate sentence was used in several ways in the various states: both the minimum and the maximum sentence could be specified or the maximum sentence only. Under the indeterminate sentence, offenders ordinarily became eligible for parole consideration after serving the minimum term; those sentenced to definite terms became eligible after serving a specific portion of the sentence. The indeterminate sentence had never quite achieved its early promise to individualize the treatment of the offender, chiefly because of insistence that a considerable measure of deterrence and punishment must be preserved. Two major criticisms were directed against the present sentencing systems in the United States of America: (1) the wide disparity of sentences existing, not only from one state to another, but within the same state for the same type of offence, reflected differences in attitudes of legislative bodies and judges rather than actual differences between offenders or their acts; and (2) the time served by prisoners was sometimes excessive and varied too much in duration.

516. The Federal Government had made the first important reform of the definite sentence in 1950 by the adoption of the Youth Corrections Act, which

affected offenders between the ages of eighteen and twenty-two. If the youthful offender were not placed on probation, the court could sentence him to a definite sentence. If, however, a judge were uncertain as to the disposition of the case, he could commit the youthful offender prior to sentence to the custody of the Attorney-General for study, diagnosis and a recommendation as to treatment. On the other hand, the judge himself could commit the youth, in which case the sentence could not exceed six years. In some extreme cases the commitment could be for an indefinite period, not to exceed the maximum provided by statute for the substantive offence. Release was determined by the Youth Correction Division of the United States Board of Parole.

517. A federal sentencing law passed in 1958 for all offenders under federal law permitted even greater flexibility in sentencing. It provided for three types of sentence: (1) a minimum term, which could not be more than one-third of the statutory maximum term, at which time the prisoner became eligible for parole; (2) a maximum term within the limits prescribed by law, which left eligibility for parole consideration at the discretion of the United States Board of Parole; and (3) a maximum term within the limits of the law and the commitment of the offender for a diagnostic study to the Director of the Bureau of Prisons. A full report and any pertinent recommendations were submitted to the court, which could reduce or reaffirm the original sentence; impose a sentence under any applicable provision of the law; or place the offender on probation.

518. Another important law authorized the Judicial Conference of the United States to establish institutes and joint councils where judges, lawyers, professors and others could study, discuss, and formulate the objectives, policies, standards and criteria for sentencing.

519. Mr. Bennett also referred to the unique organization of the correctional system of the State of California. The responsibility for determining the length of a sentence rested with an Adult Authority and a Youth Authority, which were independent tribunals. All sentenced adult offenders were first sent to one of several reception-diagnostic centres, where diagnostic and classification studies were conducted and recommendations made as to the most suitable type of institution and individual programme. Members of the Adult Authority then fixed the term of imprisonment; they also decided on release. The California Department of Corrections also had a Division of Research, staffed by social scientists, which endeavoured to determine the validity of its methods and sentencing policies.

520. Although there was almost complete agreement in principle that parole should be used for all prisoners, only a few jurisdictions in the United States of America achieved this result in practice. The percentage of prisoners released on parole ranged from about five per cent in one state to almost ninety-nine per cent in another. In spite of the great diversities in practice, parole was believed to be in the public interest and to prevent crime. This also held true for probation, which was used extensively in the United States of America.

521. In concluding, Mr. Bennett referred to the usefulness in achieving greater uniformity in sentencing, parole and probation practices, of Model Acts such as the Standard Act for State Correctional Services. State legislatures might adapt it to their own conditions, needs, and financial possibilities. A redefinition and codification of substantive crimes in terms of contemporary social and economic conditions were also necessary; in this connexion the Model Penal Code of the American Law Institute served a very useful purpose.

IV. Juvenile delinquency in Japan: Characteristics and preventive programmes

522. The fourth lecture was given by Mr. Juhei Takeuchi, Director of the Criminal Affairs Bureau, Ministry of Justice, Tokyo. He addressed the Congress on juvenile delinquency in Japan, its characteristics and the programmes of prevention designed to combat it.

523. Mr. Takeuchi indicated that post-war offences against the penal code committed by juveniles had reached a peak in 1951. There had then been a downward trend in 1955, followed by an upswing to the highest post-war figure in 1959. Since 1955, statistics showed an increase in offences of a violent nature committed by juveniles, although there had not been a substantial increase in offences against property. The number of traffic violations by juveniles had also shown a marked increase. The main characteristics of recent offences by juveniles were as follows: an increase in offences of physical violence and of offences committed in groups by younger juveniles; a greater number of the older juvenile offenders came from upper- and middle-class families. Moreover, unmotivated offences had shown signs of increase.

524. In discussing the causes of juvenile delinquency in Japan, Mr. Takeuchi referred to several social factors: the effect of war-time and post-war chaos; the loss of parents, or the inability of parents to give proper supervision to their children during this period; the sudden changes in the social life of post-war Japan, particularly the weakening of family ties; the discrepancies in the value systems held by youths and by adults; and the deterioration of moral and ethical concepts.

525. Mr. Takeuchi then described the services available for juvenile offenders in his country. The family courts had come into being in 1949 and classification and detention homes for juveniles had been established under the Ministry of Justice. Reform and training schools were classified into primary, middle, advanced and medical schools, according to age, sex, type of crime and necessity for medical treatment. Special sections had been set up within the police departments and the prosecutors' offices to handle juvenile delinquency. Officers of the Ministry of Justice co-operated with volunteers in carrying out probation and parole supervision. Statistics showed that in 1958 there had been almost the same number of offences by juveniles as in 1952. None the less, the number of juveniles with regard to whom the family courts had taken substantial punitive or non-punitive measures had decreased greatly from 1952 to 1958.

This could be explained by the attitude of the family courts, which might discharge juvenile offenders before or after a hearing without taking any formal measures. There was some criticism of the court system on the grounds that such treatment indicated a tendency towards excessive protection.

526. The Research and Training Institute of the Ministry of Justice and the Scientific Police Research Laboratory had been reorganized in 1959 to undertake research on the causes of juvenile delinquency, early prediction of juvenile delinquency, evaluation of treatment in reform and training schools and the effects of short-term imprisonment. These studies were supplemented by the Supreme Court secretariat's studies on family court prediction tables and research by private individuals. Since October 1959, the police all over Japan had also been using, on an experimental basis, the simplified predictive method for detecting potential persistent delinquents. Some prosecutors' offices were conducting surveys based on information obtained from about 22,000 juvenile investigation cards. Among the organizations and persons working to ensure the sound growth of the younger generation and the prevention of juvenile delinquency, mention should be made of the Central Youth Problem Council, composed of officials of ministries of the central Government, National Diet members and people of learning; the local youth problem councils; the police; the probation-parole supervision officers and voluntary probation officers; private organizations; and public-minded individuals. Voluntary control had been exercised with respect to motion pictures, radio and television programmes and publications of dubious value. Intensive community action for the prevention of juvenile delinquency was being undertaken in fifty-six model areas.

527. Mr. Takeuchi emphasized the importance of prognostic studies and said that since 1950 more than twenty prediction studies covering thousands of samples had been carried out in Japan. One group of studies had been concerned with the early discovery of potential delinquents; most of this research related to the validation of the Glueck Social Prediction Table. The second group of studies concerned the recidivistic tendencies of delinquents. Reliable predictive devices would be useful not only for sentencing or parole, but also for controlling the discretionary power exercised by the prosecution and the police. In recent years, the police and the prosecuting authority had been paying more and more attention to the importance of prediction and were developing some experimental prediction tables which might be used for standardizing their discretionary decisions. Prediction studies in Japan were, however, still at an experimental stage, since more reliable methods suited to the socio-cultural background of the country must still be found; none the less the future in this field looked promising.

528. In concluding, Mr. Takeuchi expressed the view that scientific crime prevention programmes should depend largely on universal findings regarding causes of crime and methods of treatment. For this reason, the exchange of information and experts at the international level had become increasingly urgent and

United Nations activity in this field was particularly desirable. The regional institute on the prevention of crime and the treatment of offenders which was to be established in Tokyo jointly by the Government of Japan and the United Nations was a gratifying expression of co-operation at the international level.

V. Criminal policy and juvenile delinquency

529. Mr. Séverin-Carlos Versele, Judge at the Tribunal of First Instance, Brussels, gave the fifth of the general lectures, on the topic of criminal policy and juvenile delinquency.

530. After discussing the reasons for the relative failure of programmes for the prevention of juvenile delinquency and referring to certain trends in criminal policy, Mr. Versele outlined various theories of delinquency causation, and noted that factors and consequences of certain conditions were frequently confused with causes. A single determining factor could not really be singled out, since criminal behaviour was the result of the complex interaction of many factors. The only constant seemingly involved in delinquencies was a condition of insecurity and anxiety, a more or less conscious inner tension which the individual tried to reduce by criminal acts. There was a tendency to equate juvenile delinquency and maladjustment, but this point of view had been variously criticized. It was argued, for example, that the young delinquent was socially different from the maladjusted juvenile, because maladjustment did not bring about the social conflict provoked by the expression of this maladjustment in an offence. Another objection was that the legal definition of maladjustment was vague and led to dangerous arbitrary decisions.

531. Mr. Versele went on to discuss the age of penal majority, which had been raised in various countries in recent years. There was now a trend to set up an intermediate group of young adults. A lack of maturity seemed to be the common denominator of all types of criminal behaviour. Penal majority was, therefore, a very relative notion and logic justified the attempt to attenuate the sharp distinctions between the law applicable to juveniles and the law applicable to adults, by providing special measures for the semi-mature, intermediate group.

532. Some people considered that juvenile delinquency would be prevented by a general improvement of living conditions. It could not be denied that certain problems would undoubtedly be solved by such an improvement, but the matter could not be reduced to a question of material progress alone; social and cultural progress was also essential. Experience had shown that economic well-being could either prevent or provoke crime, depending on whether or not it was accompanied by cultural adjustment to changed conditions.

533. In discussing preventive programmes, Mr. Versele referred to the psycho-physiological and psycho-social condition of man; the family, and the help which could be given to the family; medical and psychological services in the schools; vocational counselling and testing; police activities; the constructive contributions of mass media; and the participation of anti-social juveniles

in certain community organizations. Interventions *ante delictum* posed various problems. There was some danger in prediction techniques; the first function of the courts was to administer the law, not to take social action; and the rights of parents could not be questioned too quickly even if parents made mistakes in bringing up their children. With respect to interventions *post delictum*, there was the question of opting for the court or the administrative system. The court gave greater guarantees of individual liberties, apart from the fact that people instinctively turned to the law in such cases. Even where the administrative system was used, it might be desirable to leave open the possibility of ultimate arbitration by the judicial power. It was important that judges should be specially trained for dealing with juveniles. Then there was the question of the autonomy of juvenile courts, which had certainly been justified in the past, but which might be modified in view of the fact that the tendency of the criminal law was more and more towards the resocialization of the offender.

534. Treatment of juvenile delinquents must be planned in relation to the milieu from which they came and to which they were expected to return. Corporal punishment had no justification since it had no psychological effect which could not be obtained by other means. Imprisonment for juvenile offenders seemed to have been given up since it had no curative value in itself. Placement in a family might be a good method but required certain safeguards. Placement in an institution continued to pose problems. The indeterminate sentence was logical from an educational point of view, but might have harmful effects because of its element of insecurity. Large institutions should be given up in favour of small, family-like, therapeutic communities. Not enough use was as yet being made of individual and group psychotherapy, nor was qualified personnel available in sufficient numbers. Probation was recognized as the best method for the treatment of juvenile delinquency, although there was sometimes not enough personnel to carry it out. It would be interesting to see whether use could be made of attendance centres everywhere or only in certain countries. It might also be worth while to experiment further with financial sanctions for juvenile delinquents.

535. The speaker felt that policies preventing juvenile delinquency should be directed, in each country, by a national study commission composed of government officials and private individuals active in the legal and social fields and in scientific research. Such commissions could promote and co-ordinate aetiological studies, organize and control prevention and treatment bodies, and train specialized personnel. There should also be local prevention committees which would carry out the programme set by the national commissions. Juvenile courts should be staffed by a judge who was also a criminologist and by other specialized personnel and should have great latitude in the sanctions which they could apply.

536. In conclusion, Mr. Versele wished to raise the question of the unification of criminal law. Should the present separation of legislation for minors and adults continue and should the criteria of responsibility and irresponsibility be retained? It might be preferable for

every offender to account for his actions in terms of his maturity, his danger to society and his fitness to benefit from resocializing techniques.

VI. Characteristics of United Nations activities in the prevention of crime and the treatment of offenders

537. The sixth and final lecture, on characteristics of United Nations activities in the prevention of crime and the treatment of offenders, was given by Mr. Manuel López-Rey, Chief of the Social Defence Section of the United Nations Secretariat.

538. He began by summarizing the main features of United Nations activities in this field. It was the purpose of the organization to formulate an international criminal policy which viewed the prevention of crime and the treatment of offenders as a social problem, and to plan a work programme which would lead to the improvement of national policies and practices. Initiative, guidance and co-ordination were the tasks of the United Nations under the mandate of leadership in this field stated in resolution 155 C (VII) of the Economic and Social Council. Such initiative and guidance were provided, for example, by the studies on probation³⁴ and on juvenile delinquency³⁵ which had resulted in the adoption of the *Standard Minimum Rules for the Treatment of Prisoners*,³⁶ which constitute a landmark in penology; and by the programme of action to combat the traffic in persons and the exploitation of the prostitution of others.³⁷ Another important activity of the United Nations was the provision of technical assistance by means of seminars, expert services and fellowship grants to assist Governments in improving existing conditions and to co-operate with them in setting up efficient national programmes in the field of social defence. Apart from publishing monographs, the Social Defence Section, which was the technical administrative unit in the Secretariat dealing with this matter, also edited the *International Review of Criminal Policy* containing articles by prominent specialists and technical bibliographies. The organization of quinquennial congresses on social defence matters, which attracted world-wide attendance by large numbers of specialists, was perhaps one of the Secretariat's most important continuing functions. Others were the organization of regional seminars, the servicing of the *ad hoc* Committee of Experts on the Prevention of Crime and the Treatment of Offenders, and the maintenance of a network of national correspondents who

³⁴ *Probation and Related Measures*, United Nations publication, Sales No.: 51.IV.2; *European Seminar on Probation*, London, 20-30 October 1952, United Nations publication, Sales No.: 54.IV.13; *Practical Results and Financial Aspects of Adult Probation in Selected Countries*, United Nations publication, Sales No.: 54.IV.14; *The Selection of Offenders for Probation*, United Nations publication, Sales No.: 59.IV.4.

³⁵ See footnotes 5 to 12.

³⁶ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Geneva, 22 August-3 September 1955, Annex I. A.

³⁷ *A Study on Traffic in Persons and Prostitution*, United Nations publication, Sales No.: 59.IV.5.

provided the United Nations with information. Several specialized agencies and a number of non-governmental organizations interested in the field of social defence co-operated by participating in meetings and by preparing studies related to their respective activities.

539. Apart from the continuation of these activities, the future programme of work included the following projects: (a) a study of methods used for the prevention of juvenile delinquency, particularly with regard to the provision of social, health and guidance services and their relation to diagnostic services; (b) a study of programmes for the prevention of crime by young adult offenders, including the questions of special legislation, and the development of suitable forms of treatment; and (c) a study of the regimes for adults and juveniles detained prior to sentence or commitment. The United Nations was also concerned with the establishment of regional institutes for training and research. Negotiations with the Government of Japan for the establishment of such an institute for Asia and the Far East had been initiated. The agreement with the Government of Brazil for the establishment of the regional institute for Latin America had been signed in January 1959. The creation of these institutes constituted one of the most encouraging projects undertaken by the United Nations. The activities of the institutes would be within the general framework of the programme of work of the United Nations, yet the institutes would have enough autonomy to adapt this programme to regional needs and characteristics.

540. The future activities of the United Nations in the field of social defence would depend largely on the interest of Governments, on the extent and gravity of crime and delinquency, and the relationships between, and priorities attached to, different social programmes entrusted to the United Nations Secretariat. There seemed to be several obstacles to the proper development of programmes and policies for the prevention of crime and the treatment of offenders. Among these was the belief that crime and delinquency affected only certain groups of society namely, juvenile and adult offenders inside or outside institutions, while in reality they affected society as a whole. One result of identifying policies with these groups only was the neglect of the fact that the problem of the day was prevention rather than treatment. Another obstacle was the belief that the best deterrents to crime and delinquency were acceleration of economic development and general improvement in living conditions. Such improvements were fully justified and probably had a general preventive effect, but the fact remained that economic and social progress, if not properly co-ordinated, usually brought about new forms of crime and delinquency. Other hindrances were the uncritical acceptance of research methods, which should be evaluated and possibly revised in the light of experience, and the lack of effort directed to the prevention of crime and delinquency as compared with that directed to the treatment of offenders.

541. There was no doubt that, in the last twenty years, there had been evident progress in the field of social defence in many countries, but too often this progress had been more apparent than real. Two main explana-

tions might be given for this phenomenon: one was the growing tendency to imitate and transplant criminological theories, programmes and policies from one country to another, which implied a disregard for national reality and needs; the other was the subordination of the term "person" to the criminological cult of the personality of the offender.

542. After discussing certain over-generalizations, and the uses and abuses of prediction methods, and of concepts of delinquency, maladjustment and perso-

nality, Mr. López-Rey concluded by describing progress in prevention and treatment in various geographical regions. Even more rapid progress might, however, be made in the prevention of crime and the treatment of offenders if, as stated, some misconceptions of contemporary criminology were eschewed; if social defence policies in each country corresponded mainly, but not exclusively, to national conditions; if the use of large, closed prisons were avoided; and if greater use were made of open and semi-open institutions.

ANNEXES

Annex I

CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE CONGRESS

1. New forms of juvenile delinquency: their origin, prevention and treatment

Juvenile delinquency cannot be considered independently of the social structure of the State. It retains its fundamental characteristics in many countries either as a resurgence of its traditional manifestations or in the appearance of "new" forms. It should be noted that its recorded increase is partly due to the fact that today a large number of cases are recognized because of a better organization of prevention and treatment, and moreover to the fact that certain countries include in delinquency a series of minor acts of indiscipline or social maladjustment. The new manifestations of juvenile delinquency — the importance of which has often been greatly exaggerated — take such characteristic forms as gang activities, purposeless offences, acts of vandalism, joy-riding and the like, which can be serious from the point of view of public order without necessarily being an indication of serious anti-social behaviour.

Accordingly, the following recommendations are adopted:

The Congress:

1. *Considers* that the scope of the problem of juvenile delinquency should not be unnecessarily inflated. Without attempting to formulate a standard definition of what should be considered to be juvenile delinquency in each country, it recommends (a) that the meaning of the term *juvenile delinquency* should be restricted as far as possible to violations of the criminal law, and (b) that even for protection, specific offences which would penalize small irregularities or maladjusted behaviour of minors, but for which adults would not be prosecuted, should not be created.

2. *Noting* that on the basis of published statistical material it appears that some "new" forms of juvenile delinquency have emerged and increased most rapidly and seriously in certain countries, notwithstanding the great efforts made in those countries to prevent such delinquency; and desiring to ascertain whether such apparent increases are real and, if so, what the reasons may be; and *in order to facilitate* a better formulation and implementation of policies and programmes for the prevention of juvenile delinquency and the treatment of offenders; *recommends* that this question be the object of a study which should be incorporated in the United Nations programme of work in social defence, and be undertaken with the co-operation of the specialized agencies and non-governmental organizations directly interested in the problem.

3. *Considers* that the problem of recidivism among juveniles cannot be met merely by stricter enforcement, and in particular, by longer periods of detention. Diversified methods of prevention and treatment are required, and special attention should be devoted to the preparations for release and for the social readaptation of minors placed in correctional institutions. To that end, it is important and necessary to organize post-institutional assistance.

4. *Concludes* that the emergence of "new" forms of juvenile delinquency requires continuing study and the more intensive

application of experimental as well as conventional forms of prevention and treatment.

Accordingly:

(a) *Considers* that in dealing with the problem of group delinquency, including gang activities, the efforts of official or semi-official agencies and of civic and social groups should be enlisted to help direct the energies of the young into constructive channels. Such institutions as community centres, juvenile and young adult hostels, and the like, and such other means as leisure time activities, sports, cultural activities, family holiday programmes, etc., should be more widely employed;

(b) *Considers* that it is desirable not only to concentrate special attention on particular types of delinquency or of delinquents, but also to provide more intensive studies of the personality and social history of young offenders;

(c) *Finds* that some differences exist in the measures that can be taken to prevent and treat juvenile delinquency in different countries according to their social, economic and political organizations, but *considers* that the problem is largely one of education through the school and the family, using the term "education" to include both the acquisition of knowledge and the formation of character. Where there is a lack of adequate parental guidance or control, and of the child's self-discipline, there is need for an invigorated education both at the adult and at the juvenile level. Such an education should be designed to bridge the gap between the generations by increasing the understanding and sympathy between them, and to extend the sense of moral and social responsibility.

(d) *Considers* that certain kinds of films, publicity, comic books, sensational news on crime and delinquency, low types of literature and television and radio programmes and the like are regarded in some countries as one of the contributing factors to juvenile delinquency. Therefore, in accordance with its own political, social and cultural systems and conceptions, each country may take reasonable steps in order to prevent or reduce the effect of what is considered as an abuse of mass media and as a contributing element in the causation of juvenile delinquency, and in order to stimulate the production of educative and constructive films and literature which will develop the moral and civic traditions of each country.

(e) *Recommends* that more adequate facilities for vocational guidance and training should be established and that provision should be made for working facilities and the constructive occupation of the young when they are no longer in school.

(f) *Recommends* that every effort should be made to increase the co-operation between public and private social agencies, and between professional and voluntary agencies in their efforts to prevent and treat juvenile delinquency. Community co-ordinating councils, area projects, juvenile bureaux, youth commissions and the like may contribute greatly to such co-operation.

2. Special police services for the prevention of juvenile delinquency

The Congress:

1. Considers that the police, in pursuance of their general duty to prevent crime, should pay particular attention to the prevention of "new" forms of juvenile delinquency. They should not, however, go so far as to assume specialized functions more appropriately within the field of work of social, educational and other services.

2. Considers that the preventive action undertaken by the police in the field of juvenile delinquency should remain subordinate to the observance of human rights.

3. Considers that, allowing for variations in national requirements, the report submitted by the International Criminal Police

3. Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries

1. Criminality is not necessarily a consequence of social changes accompanying economic development in less developed countries. Social changes and economic development are both welcome, and under proper conditions may even contribute to a decrease in criminality. The term "less developed countries" refers only to a state of economic development.

2. The question of the types of criminality connected with social changes and accompanying economic development in less developed countries is one to which inadequate attention has been given and on which insufficient reliable data are available. Therefore, conclusions and recommendations on this question are tentative and subject to verification based on sound research.

3. Criminality which may be related to social changes accompanying economic development in less developed countries may not be new in the sense of forms of behaviour not previously otherwise observable. Attention should therefore be focused on the increases in criminality in general in relation to social change and not be limited to concern with special types of criminality.

4. Cultural instability, the weakening of primary social controls and the exposure to conflicting social standards, which have a relationship to criminality, are intensified when social change is disorderly, when the degree of social change is high and when the gap between the breakdown of old social institutions and the creation of new institutions is great.

5. Social change is subject to a certain degree of control and should be a matter for national planning.

6. Migration, and especially internal migration, which is to be found associated with social changes accompanying economic development in less developed countries, has sometimes been erroneously assumed to be a cause of criminality. It is not migration, *per se*, that is conducive to criminality, but perhaps the cultural instability, the weakening of primary social controls and the exposure to conflicting standards of behaviour associated with migration are to be identified with crime causation. This same conclusion is to be applied to urbanization and to industrialization.

7. The unfavourable results which may accompany rapid migration to urban centres may be ameliorated by providing the rural areas with the social and economic advantage in search of which the rural inhabitant leaves the land for the city.

8. In connexion with rural-urban migration, one essential element in maintaining the social integrity of the individual is the preparedness of the migrant for this experience and the preparedness of the urban community to receive him. In both instances, commu-

Organization, under the title *Special police departments for the prevention of juvenile delinquency*, represents a sound basis for the organization and setting up of special police services where they are considered advisable for the prevention of juvenile delinquency.

4. Makes certain reservations, however, with regard to the finger-printing of young offenders, as well as to the advisability of the setting up by the police of a system of good citizenship prizes or bad marks.

5. Attaches great importance to the development of the greatest possible co-operation between the police, various national specialized agencies and the general public as far as measures for the prevention of juvenile delinquency are concerned.

nity development, now occupying a major role in national economic and social policy in many countries, has an important role to play. Indeed, urban community development may prove a principal instrument for the prevention of criminality resulting from social changes and accompanying economic development in less developed countries. Urban preparedness also involves providing reception and orientation services, including temporary shelter; town planning, including housing; educational and vocational opportunities for the new population; and family and child welfare services.

9. Programmes for the prevention of criminality should be closely co-ordinated, if possible by an agency organized for this purpose and constituted by persons highly qualified in this field. It is recommended that this agency operate as an integral part of a co-ordinated scheme for national social and economic planning, since, as stressed in United Nations social surveys, there is an urgent need to eliminate compartmentalization of thought and to integrate social and economic objectives in countries undergoing rapid development.

10. In considering the question of criminality and social change, emphasis is generally laid upon the urban centre. This may be warranted, but it would be advisable to assess the impact of social change on rural areas as well, since this may uncover the roots of crime which later manifests itself in the urban setting.

11. The penal code must be in harmony with and reflect social change. Individualization of justice must be envisaged so as to allow rational adjudication and treatment which take into consideration both the social order and the special circumstances of the individual.

12. Research is urgently required to assess the many factors of social change which have the potentiality to contribute to criminality, and research is equally urgently required to evaluate measures of prevention. To this end, there must be a marked increase in the adequacy of statistical techniques and procedures, to which national attention should be called and for which international assistance should be sought. As an adjunct to statistical methods of research, reliance should be placed on case studies, field observations by teams of qualified experts, and pilot projects. The United Nations should be asked to assume primary responsibility for carrying out this research in the regional institutes for the prevention of crime and the treatment of offenders organized with its co-operation, and/or by undertaking pilot studies with the co-operation of Governments, the specialized agencies of the United Nations, appropriate non-governmental organizations, and other competent bodies. The scope of the research should vary in order to provide proper attention to factors which may be world-wide, regional or local in character.

4. Short-term imprisonment

1. The Congress recognizes that in many cases short-term imprisonment may be harmful in that it may expose the offender to contamination, and that it allows little or no opportunity for constructive training, and would, therefore, regard its wide application as undesirable. The Congress recognizes, however, that in some cases the ends of justice may require the imposition of a short sentence of imprisonment.

2. In view of this fundamental situation, the Congress realizes that the total abolition of short-term imprisonment is not feasible in practice, and that a realistic solution of this problem can be achieved only by a reduction of the frequency of its use in those cases where it is inappropriate and particularly where the offence is trivial or technical or imprisonment is used in default of payment of a fine without consideration of the offender's means.

3. This gradual reduction must be brought about primarily by the increased use of substitutes for short-term imprisonment, such as suspended sentences, probation, fines, extra-mural labour, and other measures that do not involve the deprivation of liberty.

4. In the cases where short-term imprisonment is the only suitable disposition of the offender, sentences should be served in proper institutions with provision for segregation from long-term prisoners,

and treatment should be as constructive and as individualized as possible during the period of the detention. Wherever practicable, preference should be given to open institutions as places where sentences are served.

5. The Congress recommends that:

(a) The Governments of member nations should, as soon as practicable, ensure the enactment of legislative measures necessary to carry the foregoing recommendations into effect;

(b) Scientifically organized research should be undertaken with a view to establishing means whereby it may be determined for what persons and in what circumstances short-term imprisonment is unsuited, and whereby satisfactory classification, training and rehabilitative programmes may be devised;

(c) Suitable programmes should be formulated and put into effect for the instruction and training of correctional personnel concerned with short-term imprisonment;

(d) Methods should be devised and put into effect whereby: (i) Sentencing tribunals may be encouraged to use alternatives to short-term imprisonment; and (ii) the general public may be informed and persuaded of the soundness of the views herein expressed.

5. The integration of prison labour with the national economy, including the remuneration of prisoners

The Congress,

Having noted the conclusions on prison labour adopted at the 1955 Congress,

Having noted also that the majority of these conclusions have not, to all intents and purposes, been applied in practice;

Reaffirms the general principles contained in these conclusions;

Takes note of the proposals made in the Secretariat's report and also of the analysis of the existing position as set out in the General Report,

Declares that:

1. The problem cannot be solved unless account is taken of present differences in the economic and social structure of the various countries.

2. The assimilation of prison labour to free labour is based on the principle that in the majority of cases the prisoner is a worker deprived of his liberty.

3. Prison labour, the moral and social value of which cannot be denied, must be regarded in the same light as the normal and regular activities of a free man. It forms an integral part of prison treatment. Moreover, it must also be integrated into the general organization of labour in the country. It must be suited to the natural capacities, character and, if possible, preferences of the individual, to help in preparing him for normal life. In the case of certain categories of prisoner suffering from physical or mental handicaps, work should be regarded from a therapeutic aspect (*ergo-therapeutics*).

4. When the law allows an earlier release, the way in which prison labour is performed by the prisoner must be one of the factors taken into consideration or may even bring about an automatic reduction of his sentence.

5. Methods of prison work should resemble as closely as possible those of work outside, going as far as complete assimilation or integration. To this end it would be highly desirable to set up in each country a joint co-ordinating committee consisting of representatives of the authorities and of the bodies concerned

with production problems, including representatives of industry, of agriculture, and of the workers.

6. In countries where labour planning exists, prison labour must be integrated into the plan. Systems of co-operative management of prison labour existing in certain countries should form the subject of a more extensive study.

7. It is essential, for the implementation of these recommendations, that the public should be better informed on the nature and aims of prison labour.

8. Specific questions regarding integration can be considered from the vocational training, prison labour and remuneration points of view:

(a) Vocational training

(i) Vocational training, as also the education needed to acquire it, are indispensable factors in setting certain prisoners to work and must be based on the same programmes and lead to the same diplomas as those awarded in educational and vocational training centres in the outside world. Steps must even be taken to make attendance at such centres outside the institutions possible in certain cases.

(ii) As regards adult prisoners who are forced by circumstances to change their trade or occupation, it would be advisable, in particular, to adopt accelerated vocational training methods applicable especially to prisoners serving fairly short sentences.

(b) Prison labour

(i) It is the duty of the State to ensure the full employment of able-bodied prisoners, first and foremost by encouraging public authorities to place orders.

(ii) Prison labour must be performed in conditions similar to those of free labour, in particular with respect to equipment, hours of work and protection against accidents. The social security measures in force in the country concerned must be applied to the fullest extent possible.

(iii) The system of individual placement in semi-liberty, or weekend detention, would help to bring about this type of work. The open prison system is already a forward step in this direction.

(iv) Work performed within the prison system, whether organized by the Administration, by private employers or even with the participation of the prisoners, must necessarily include different types of employment corresponding to the movement of the labour market. However the work is organized, prisoners must in every case be under the sole control of the Prison Administration. The number of prisoners assigned to unskilled maintenance work for which no qualifications are required must be reduced to the essential minimum.

(v) To achieve the above objectives, the United Nations Secretariat is invited to organize the exchange of information and, if necessary, technical assistance on methods of organizing and financing prison labour in the different countries.

(c) Remuneration

(i) The principle of remuneration for prison labour was affirmed in rule 76 of the *Standard Minimum Rules for the Treatment of Prisoners*.

(ii) The payment of token remuneration to prisoners doing productive work is incompatible with current theories on prison treatment.

6. Pre-release treatment and after-care, as well as assistance to dependants of prisoners

1. Pre-release treatment is an integral part of the process of justice and of the general training and treatment programme given to a prisoner in an institution. While general treatment programmes during any part of an institutional term should prepare the offender for return to life in freedom, certain ends can be achieved only during the last part of his imprisonment so that pre-release treatment should be applied especially to persons serving longer terms in an institution, but should not exclude those serving short terms.

2. In programmes of pre-release treatment, attention should be given to the specific problems inherent in the transition from institutional life to life in the community. Pre-release treatment should include:

- (a) Special information and guidance and discussion on the practical and personal aspects of the offender's future life;
- (b) Group methods;
- (c) Provision for greater freedom inside the institution;
- (d) Transfer from a closed to an open institution;
- (e) Leave for reasonable purposes and for varying periods; and
- (f) Permission for offenders to work outside the institution.

As far as practicable, they should be permitted to work under the same conditions as free labour. If they are not housed in an extramural hostel, they should be housed separately from the main prison population in a special unit.

3. Special pre-release measures should take into consideration the social and economic conditions peculiar to each country, special attention being paid to the needs of the released offender in respect of education, apprenticeship, employment, accommodation and resettlement in the community.

4. It is desirable to apply the principle of release before the expiration of the sentence, subject to conditions, to the widest possible extent, as a practical solution of both the social and the administrative problem created by imprisonment. The authority releasing the prisoner should be specialized and decisions about the prisoner should be taken, preferably after a personal interview with him but, in any case, on the basis of exhaustive information about him.

5. In deciding a prisoner's conditional release, the releasing authority should have some discretion, within the framework of the law of each individual country, regarding the time at which

(iii) The establishment of a minimum wage would already be a step forward.

(iv) The final aim should be the payment of normal remuneration equivalent to that of a free worker, provided output is the same both in quantity and quality. For this purpose prison work must be organized in an economic and rational way.

(v) From now onwards such remuneration must be demanded from private employers for whom prisoners work.

(vi) Such a system of remuneration must be applied to all prisoners doing productive work, including those employed in domestic work, whose remuneration should be regarded as a charge on the regular budget of the Prison Administration.

(vii) The payment of normal remuneration does not mean that the total remuneration is paid to the prisoner; deductions can be made by the Administration to cover part of the cost of maintenance, the indemnification of the victim, the support of the family and the constitution of a savings fund against his release, and any taxes to which he may be subject. These deductions should not, however, prevent the prisoner from retaining a portion of his wages for his personal use.

he becomes eligible for release. There should also be room for some flexibility regarding the condition of proof of employment, required in some countries before the prisoner is released. It is also desirable that flexibility should be applied in the case of the violation of conditions, so that mandatory revocation could be replaced by substitute measures such as warnings; the prolongation, or change in methods, of supervision; and placement in after-care hostels.

6. The principles under which offenders are excluded from certain occupations should be re-examined. The State should set an example to employers by not refusing, in general, to give certain types of employment to released prisoners.

7. The purpose of after-care is to bring about the reintegration of the offender into the life of the free community and to give him moral and material aid. Provision should be made in the first instance for his practical needs such as clothing, lodging, travel, maintenance and documents. Special attention should be given to his emotional needs and to assistance in the obtaining of employment.

8. Since after-care is part of the rehabilitative process, it should be made available to all persons released from prison. It is the primary responsibility of the State, as part of the rehabilitative process, to ensure the organization of appropriate after-care services.

9. In the organization of after-care services, the co-operation of private agencies, staffed either by voluntary or by full-time experienced and trained social workers, should be sought. The necessity for a working partnership between official and non-official agencies should be emphasized. The importance of the role of the voluntary after-care workers is fully recognized. Private after-care organizations should be provided with all necessary information to assist them in their work, as well as with reasonable access to the prisoner.

10. Successful rehabilitation can only be achieved with the co-operation of the public. The education of public opinion on the necessity for such co-operation should, therefore, be fostered by the use of all information media, and means should be sought to obtain the co-operation of the whole community in the rehabilitative process, especially that of government, the trade unions and the employers. It would also be desirable that the press refrain from focusing attention on released prisoners.

11. Research projects on various aspects of after-care and on attitudes of the public towards the released offender should be

encouraged and assisted. The results of such research and the findings of the various disciplines should be given the widest possible dissemination, particularly to judges and others having power to determine the character and length of sentences or commitments.

12. Special attention should be given to the provision of appropriate after-care for handicapped and abnormal offenders, alcoholics and drug addicts.

13. The dependants of prisoners should not be made to suffer by reason of the offender's imprisonment. State assistance should

be made available to them as in the case of other needy persons, and such aid should be given promptly, particularly to children.

14. The establishment and maintenance of satisfactory relations with the members of the prisoner's family and with persons who may be of help to him should be supported. The advisability of permitting conjugal visits for prisoners should be carefully studied.

15. Reasonable facilities, and in suitable cases financial assistance, should be provided for visits by members of the prisoner's family.

Annex II

RESOLUTIONS ADOPTED BY THE CONGRESS

1. United Nations social defence activities

Whereas the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders has once again demonstrated the immense importance of the problems of crime and juvenile delinquency to the participating countries and territories;

Whereas the continued grave concern with these problems on the part of the countries and territories represented and their ever broadening earnest participation once again has been made apparent;

Whereas the importance of communication, the sharing of experiences and discussion and study in an effort to alleviate these problems have been again convincingly brought forth;

The Congress resolves to urge the United Nations:

1. That there be no lessening of support, leadership and pro-

gramme in the area of social defence, but that on the contrary there should be distinct strengthening of the facilities available to all countries and territories;

2. That in accordance with the Economic and Social Council resolution No. 731 F (XXVIII) the reorganization of the Social Defence Section and the division of responsibilities between the United Nations Headquarters and the European Office should be such as to ensure that there is no reduction in the effectiveness of the over-all programme and leadership and that the direction and co-ordination of the social defence programme continue at Headquarters; further, it is suggested that the situation be reviewed in twelve months with the co-operation of those international organizations directly interested in the prevention of crime and the treatment of offenders.

2. Expression of gratitude

The Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Having finished its deliberations and adopted recommendations on:

New forms of juvenile delinquency: their origin, prevention and treatment;

Special police services for the prevention of juvenile delinquency;

Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries;

Short-term imprisonment;

Pre-release treatment and after-care as well as assistance to dependants of prisoners, and

The integration of prison labour in the national economy, including the remuneration of prisoners.

Expresses its pleasure that the Secretary-General, in conformity with resolution 415 (V) of the General Assembly and as a historical

continuation of past congresses organized by the International Penal and Penitentiary Commission, has organized this Congress with the kind co-operation of the United Kingdom Government, to which the Congress particularly expresses its gratitude for their hospitality.

Expresses its thanks to the Secretariat of the United Nations, especially to the members of the Social Defence Section for the excellent documentation prepared for the Congress as well as for the organization of the Congress;

Expresses also its thanks to the British Organizing Committee and its secretariat for their efforts in the internal organization of the Congress;

Expresses its thanks to the specialized agencies, non-governmental organizations, and national correspondents of the United Nations in the field of social defence for their reports and contributions, which have greatly facilitated the discussions of the Congress.

Annex III

LIST OF PARTICIPANTS

Note: The information regarding participants is, as a general rule, given in the language in which it was communicated to the Secretariat. The names of participants are listed in alphabetical order. In some cases, the names of participants appear several times in the Annex because they attended the Congress in several capacities. The professional titles of such persons are only given in the first listing of their names.

1. Representatives of Governments^a

ARGENTINA

Sr. Juan Carlos García Basalo
Inspector General del Servicio Penitenciario de la Nación
Ministerio de Justicia, Buenos Aires

AUSTRALIA

The Hon. Mr. Justice J. V. Barry [*Head of the Delegation*]
Justice of the Supreme Court of Victoria
Chairman, Department of Criminology, University of Melbourne

The Hon. Mr. Justice J. H. McClemens
Justice of the Supreme Court of New South Wales

AUSTRIA

Dr. W. Doleisch
Head of Dept. 21, Federal Ministry of Justice, Vienna

BELGIUM

M. Paul Cornil [*Head of the Delegation*]
Secrétaire général du Ministère de la Justice, Bruxelles

Mme Paul Cornil
Présidente du Comité de contact des Œuvres de sauvegarde de l'enfance et de la jeunesse, Bruxelles

M. Maurice de Cnyf
Inspecteur général au Ministère de la Justice, Bruxelles

Chevalier Joseph de Ghellinck d'Elseghem
Avocat près la Cour d'Appel de Bruxelles
Président de la Commission Royale des Patronages, Bruxelles

M. Jean Dupréel
Directeur général de l'Administration pénitentiaire, Bruxelles
Ministère de la Justice, Bruxelles

M. Nico Gunzburg
Professeur émérite, Université de Gand

M. Séverin-Carlos Versele
Juge au Tribunal de Première Instance, Bruxelles

BRAZIL

Mr. Paulo José da Costa Jr.
Lecturer in Criminal Law
Mackensie University
São Paulo

BULGARIA

Mr. Gueorgi Nenov Guergiev
Head of Codification
Ministry of Justice, Sofia

BURMA

Mr. Khin-Maung
Consul-general and First Secretary, Burmese Embassy, London

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Mr. Alexei Georgievitch Bondar
Procurator of the Byelorussian Soviet Socialist Republic

CAMBODIA

M. Hong Cche Kim
Directeur des Services Pénitentiaires

M. Sath Nhean
Magistrat

S. E. Poracsi Sisowath [*Head of the Delegation*]
Député

CANADA

Mr. William Belmont Common
Deputy Attorney-General, Province of Ontario

Dr. Louis Philippe Gendreau [*Head of the Delegation*]
Deputy Commissioner of Canadian Penitentiaries, Ottawa

Mr. Robert Groom, Q.C.
Magistrate and Juvenile and Family Court Judge, Woodstock, Ontario

Mr. Joseph McCulley
Warden of Hart House
University of Toronto

Rev. Martin W. Pinker
Chairman, The Minister's Advisory Council on the Treatment of the Offender and Chairman of the Training Schools Advisory Board
Department of Reform Institutions, Ontario

Mr. T. George Street
Chairman, National Parole Board of Canada, Ottawa

Mr. George C. Wardrope
Minister of Reform Institutions
Province of Ontario

CEYLON

Mr. S. C. Fernando [*Head of the Delegation*]
Permanent Secretary, Ministry of Home Affairs and Rural Development, Colombo

Mr. V. N. Pillai
Commissioner of Prisons, Colombo

CHILE

Rev. Ramón Eugenio Coe Baeza
Capellán mayor de prisiones
Representando también la Comisión Permanente Latinoamericana Penitenciaria Cristiana, Santiago

Dr. Luis Cousiño MacIver
Secretario de la Facultad de Ciencias Jurídicas y Sociales
Profesor titular de Derecho Penal de la Escuela de Derecho de la Universidad de Chile, Santiago

Dr. Israel Drapkin
Director of the Institute of Criminology
Faculty of Law, Hebrew University, Jerusalem

Sr. Darwin Haz
Asesor legal y técnico penitenciario de la Dirección de Prisiones
Director de la Revista Chilena de Ciencia Penitenciaria y de Derecho Penal, Santiago

Sr. Julio Olavarría Avila
Profesor de la Facultad de Derecho de la Universidad de Chile
Abogado de la Contraloría general de la República, Santiago

Sr. Franklin Quezada Rogers
Instituto de Ciencias Penales, Santiago

Sr. Eduardo Varas Videla [*Head of the Delegation*]
Ministro de la Corte Suprema de Chile, Santiago
También representante de la Pontificia Universidad Católica de Chile

CHINA

Mr. Liang Chien Cha [*Head of the Delegation*]
Vice-Minister of Justice, Taipei

Mr. Hsiu Cha
Technical Counsellor
Permanent Mission of China to the United Nations

COLOMBIA

Dr. Bernardo Parra Robledo
Abogado, Bogotá

DENMARK

Mr. Vilhelm Boas [*Head of the Delegation*]
Permanent Under-Secretary of State
Ministry of Justice, Copenhagen

Mr. Axel Hye-Knudsen
Deputy Director-General
Prison Administration, Copenhagen

Mr. Niels Madsen
Head of Section
Ministry of Justice, Copenhagen

Mr. E. Munch-Petersen
President
Board of Child and Youth Welfare, Copenhagen

Mr. Bent Paludan-Müller
Deputy Prison Governor, Sdr. Omme

Mr. Hans Tetens
Director-General
Prison Administration, Copenhagen

Mr. Knud Waaben
Professor of Criminal Law
Director of the Institute of Criminal Science, University of Copenhagen

DOMINICAN REPUBLIC

Srta. Maria Perdomo Vidal
Primera Secretaria
Embajada de la República Dominicana, Londres

ECUADOR

Sr. Eduardo López Proaño [*Head of the Delegation*]
Visitador General de la Administración Pública, Guayaquil

Dr. Hernan Donoso Velasco
Profesor de la Universidad Católica del Ecuador, Quito

EL SALVADOR

Dr. Rafael Antonio Carballo
Ministro de Justicia, San Salvador

Sr. Don Antonio Melendez Prado
Embajador Extraordinario y Plenipotenciario de El Salvador en Gran Bretaña

FEDERAL REPUBLIC OF GERMANY

Oberregierungsrat Dr. Gustav Altenhain
Justizministerium, Nordrhein-Westfalen

Dr. Wilhelm Ansorge
Legal adviser
Bundesministerium für Arbeit und Sozialordnung, Bonn

Leitender Regierungsrat Dr. Walter Clemens
Justizministerium, Hamburg

Dr. Wilhelm Dallinger [*Head of the Delegation*]
Deputy Director General
Bundesministerium der Justiz, Bonn

Regierungsdirektor Dr. Ernst Emmerig
Ministerium des Innern, Bayern

Regierungsdirektor Dr. Theodor Grunau
Oberlandesgericht Hamm, Westfalen

Regierungsdirektor Dr. Josef Herzog
Bundesministerium der Justiz, Bonn

Dr. Hubert Hey
Chief of the Prison Section in the Ministry of Justice, Nordrhein-Westfalen

Dr. Hans-Heinrich Jescheck
Direktor
Institut für ausländisches und internationales Strafrecht der Universität
Freiburg im Breisgau

Dr. Gerhard Kielwein
Direktor
Institut für Kriminologie der Universität, Saarbrücken

Dr. Wolfgang Knies
Universität, München

Dr. Richard Lange
Direktor
Institut für Kriminologie der Universität, Köln

Legationsrat Hans Marmann
Auswärtiges Amt, Bonn

Dr. Hellmuth Mayer
Professor der Universität Kiel
Richter, Hochgericht, Schleswig-Holstein

Dr. Wolf Middendorff
Richter, Freiburg im Breisgau

Oberstaatsanwalt Dr. Theo Roehr
Hannover

Dr. Richard Sturm
Oberlandesgerichtsrat
Bundesministerium der Justiz, Bonn

Dr. Alfons Wahl
Refer for Probation, Criminal Statistics and Immunity Cases
Bundesministerium der Justiz, Bonn
Also representing the *Bewährungshilfe* and the *Bundeszusammenschluss für Straffälligenhilfe*

Landgerichtsrat Dr. Georg Wolff
Bremen

FEDERATION OF MALAYA

Mr. Inder Singh
Superintendent of Prisons, Seremban

Che Murad Bin Ahmed [*Head of the Delegation*]
Commissioner of Prisons, Taiping

FINLAND

Mr. Valentin Soine
Director-General of the Prison Administration
Ministry of Justice, Helsinki

FRANCE

M. Pierre Ceccaldi [*Head of the Delegation*]
Directeur de l'Éducation surveillée
Ministère de la Justice, Paris

M. Marcel Gilquin
Chef du Service des bâtiments pénitentiaires et du travail pénal
Administration pénitentiaire, Ministère de la Justice, Paris

^a Heads of delegations are indicated in brackets.

M. Lutz
Ministère de la Justice, Paris

M. Michard
Directeur du Centre de formation et d'étude de l'Éducation surveillée
Ministère de la Justice, Paris

M. Pierre Orvain
Directeur de l'Administration pénitentiaire
Ministère de la Justice, Paris

M. Georges Picca
Chef du Bureau d'Études et de Documentation
Administration pénitentiaire
Ministère de la Justice, Paris

M. Louis Pons
Chef du Bureau de la probation et de l'assistance post-pénale
Administration pénitentiaire, Ministère de la Justice, Paris

M. J. Selosse
Responsable des études et des recherches de l'Éducation surveillée
Ministère de la Justice, Paris

M. Yzerman
Commissaire de Police, Direction des Services de police judiciaire
Sûreté nationale, Paris

GHANA

Mr. David A. Acquah [*Head of the Delegation*]
Assistant Director
Department of Social Welfare and Community Development,
Accra

Mr. A. A. Tibo
Assistant Commissioner of Police, Accra

GREECE

M. Ch. Triantaphyllidis
Directeur Général de l'Administration Pénitentiaire
Ministère de la Justice, Athènes

GUATEMALA

Sr. Gil González
Attaché
Embajada de Guatemala, Londres

Sr. Francisco Palomo [*Head of the Delegation*]
Encargado de Negocios
Embajada de Guatemala, Londres

HOLY SEE

Rev. Augustine Harris
Senior Catholic Prison Chaplain
H.M. Prison Service, England

Rev. H. A. J. Armand Verheggen [*Head of the Delegation*]
Senior Prison Chaplain in the Netherlands

HUNGARY

Mr. István Timár
Chief of the Section of Codification
Ministry of Justice, Budapest

INDONESIA

Mr. Surjobroto Bahrudin
Inspector of Prisons
Division of Penal Institutions
Department of Justice, Djakarta

Mr. Sudarman Gandasubrata
Chief of Penal Institutions
Department of Justice, Djakarta

Mr. Subroto
Deputy Warden, Tjipinang Prison, Djakarta

Dr. Sunario [*Head of the Delegation*]
Ambassador of the Republic of Indonesia to the Court of
St. James

IRAN

Dr. Mohamed Ali Hedayati [*Head of the Delegation*]
Ministre de la Justice et Professeur à la Faculté de Droit de
Téhéran

Mr. Nassiroddine Khajavi
Président de Section à la Cour de Cassation, Téhéran

Mr. Ali Sedarat
Conseiller à la Cour de Cassation, Téhéran

IRAQ

Mr. Mohammed Nocri Kadhim
Judge, Criminal Court of Baghdad

Mr. Rashid Mahmoud [*Head of the Delegation*]
Chief, Codification Section
Ministry of Justice

Mr. Salim Rashid Zober
Warden of the Baquba Prison

IRELAND

Mr. Eamonn O'Riain
District Justice, Metropolitan Children's Court, Dublin

Mr. Patrick A. Terry [*Head of the Delegation*]
Principal Officer, Department of Justice, Dublin

Mr. M. J. Wymes
Superintendent, Garda Siochana
Central Detective Unit, Dublin Castle

ISRAEL

Mr. Colin Gillon [*Head of the Delegation*]
State Attorney, Ministry of Justice, Jerusalem

Dr. Zvi Hermon
Scientific Director
Prison Service of Israel, Tel-Aviv

Mr. Efraim Millo
Director of Juvenile Probation Service
Ministry of Social Welfare, Jerusalem

Assistant Commander Yehuda L. Prag
Israel Police

Mr. David Reifen
Juvenile Court Judge, Tel-Aviv

Mr. Gideon Shomron
Counsellor, Embassy of Israel, London

ITALY

Dr. Giuseppe Altavista
Chief of the Secretariat of the General Division
Institutions for Prevention and Punishment, Rome
Also representing the *Centro Nazionale di Prevenzione e Difesa Sociale*

Dr. Giovanna Ambrosini
Assistant Professor of Criminal Anthropology, University of
Rome
Also representing the Istituto di Profilassi Sociale and the
Istituto di Antropologia Criminale

Dr. Giuseppe Cassisa
Magistrate attached to the General Directorate of Penal Affairs
Ministry of Justice, Rome

Dr. Carlo Erra
Professor of Criminal Anthropology
Counsellor at the Court of Cassation, Rome

Dr. Franco Ferracuti
Professor of Criminal Anthropology, Rome

Dr. Alfonso Garofalo
Member of the Court of Appeal
Chief of Office I of the General Division
Institutions for Prevention and Punishment, Rome
Also representing the *Centro di Prevenzione e Difesa Sociale*

Dr. Uberto Radaelli
Member of the Court of Appeal
Chief of Office IV of the General Division
Institutions for Prevention and Punishment, Rome
Also representing the *Centro Nazionale di Prevenzione e Difesa Sociale*

Dr. Nicola Reale [*Head of the Delegation*]
Section-President of the Court of Cassation
Director-General of the Institutions for Prevention and Punish-
ment, Rome
Also representing the *Centro Nazionale di Prevenzione e Difesa Sociale*

Dr. Giuseppe Renato
Official of the Ministry of the Interior, Rome

Dr. Girolamo Tartaglione
Member of the Court of Appeal, Bari
Also representing the *Centro Nazionale di Prevenzione e Difesa Sociale*

Dr. Giuliano Vassalli
Professor of Criminal Law, University of Rome
Also representing the *Centro Nazionale di Prevenzione e Difesa Sociale*

JAPAN

Mr. Taro Ogawa
Director, Second Research Division, Research and Training
Institute
Ministry of Justice, Tokyo

Mr. Tokio Sugawara
Chief, Prevention of Crime Department
Kanagawa Prefecture Police Headquarters, Yokohama

Mr. Juhei Takeuchi [*Head of the Delegation*]
Director, Criminal Affairs Bureau
Ministry of Justice, Tokyo

Mr. Mamora Urabe
Judge of the Tokyo District Court
Chief of First Section, Criminal Affairs Bureau
General Secretariat, Supreme Court of Japan

Mr. Yoshiho Yasuhara
First Secretary of the Embassy of Japan, The Hague

JORDAN

Mr. Basry Ala ud-Din
Assistant Under-Secretary
Ministry of Social Affairs, Amman

LEBANON

M. Elie J. Boustany
Premier Secrétaire d'Ambassade, Londres

M. Pierre Noujaim [*Head of the Delegation*]
Avocat Général à la Cour de Cassation, Beirut

LIBERIA

The Hon. J. Dossen Richards [*Head of the Delegation*]
Assistant Attorney-General, Department of Justice, Monrovia

Colonel Nathaniel H. S. Baker
Commissioner of the National Police

LIBYA

Mr. Bashir Sunni Muntasser
Second Secretary, Embassy of Libya, London

LUXEMBOURG

Mr. Armand Simon [*Head of the Delegation*]
Chef de Cabinet du Ministre de la Justice
Commissaire du Gouvernement aux Établissements péniten-
tiaires

M. Alphonse Spielmann
Attaché de Justice
Délégué aux Établissements pénitentiaires

MEXICO

Sr. Luis Echeverría [*Head of the Delegation*]
Subsecretario de Gobernación, México, D.F.

Sr. Alfonso Quiroz Guarón
Jefe del Departamento de Investigaciones Especiales del Banco
de México
también representante de la Universidad de México y de la
Academia Mexicana de Ciencias Penales

MONACO

M. Pierre Cannat
Premier Président de la Cour d'Appel

MOROCCO

M. Bel Gnaoui Abdelkader
Chef du Service central de police judiciaire
Direction générale de la Sûreté Nationale

M. A. Baddou
Directeur de l'Administration pénitentiaire, Rabat

M. Ali Bengelloun [*Head of the Delegation*]
Directeur du Ministère de la Justice, Rabat

M. Mohammed Saadani
Premier Secrétaire d'Ambassade, Londres

NETHERLANDS

Mr. Ernest Lamers [*Head of the Delegation*]
Director General of the Prison Administration, The Hague

Miss Theodora Lignac
Staff Member, Direction for Child Welfare
Ministry of Justice, The Hague

Dr. Willem H. Nagel
Professor of Criminology at the University of Leiden

Miss Adriana A. Schwartz
Police Inspector, State Police, Amsterdam

NEW ZEALAND

Mrs. Beatrice Beeby
Psychologist

Mr. J. L. Robson [*Head of the Delegation*]
Secretary for Justice
Department of Justice, Wellington

NORWAY

Mr. Andreas Aulie [*Head of the Delegation*]
Attorney-General of Norway, Oslo

Mr. Johannes Halvorsen
Director of Prison Administration
Ministry of Justice, Oslo

Mr. Rolf Ryssdal
Under-Secretary of State
Ministry of Justice, Oslo

Mr. Bjørn Skau
Counsellor
Ministry of Health and Social Affairs, Oslo

Mr. Jörgen Traagstad
Chief of Section, Ministry of Justice, Oslo

PAKISTAN

Mr. Zulfikar Ali [*Head of the Delegation*]

Mr. M. B. Karim
Assistant Inspector-General of Police
East Pakistan

PERU

Sr. Victor Modesto Villavivencio [*Head of the Delegation*]
Consultor y Visitador general de Establecimientos Penales
Lima

Sr. Jorge Morales Arnao
Funcionario de la Dirección de Establecimientos Penales
Ministerio de Justicia
También Representante del Colegio de Abogados de Ancash,
Huaraz

PHILIPPINES

Mrs. N. Almeda López
Presiding Judge
Juvenile and Domestic Relations Court, Manila

Mr. Hermogenes Concepción Jr.
City Fiscal, Manila

Mr. Fernando A. Cruz
Provincial Fiscal of Bulacan Province

Mrs. Minerva R. Inocencio Piguing
Judge
Municipal Court, Quezon City

Mrs. Cecilia Muñoz Palma
Judge, Court of First Instance
Pasig, Rizal

Mr. Conrado V. Sánchez [*Head of the Delegation*]
Associate Justice
Court of Appeals, Manila

Mrs. Amparo P. Villamor
Administrator
Social Welfare Administration, Manila

Mr. Baldomero M. Villamor
Chief Prosecuting Attorney
Department of Justice, Manila

POLAND

Mrs. Zofia Cstypulkowska
Directeur du Département des Affaires des Mineurs
Ministère de la Justice, Varsovie

M. Stanislaw Walczak [*Head of the Delegation*]
Sous-Secrétaire d'État
Ministère de la Justice, Varsovie

PORTUGAL

Dr. Eduardo Henriques Da Silva Correia
Professeur de Droit pénal à la Faculté de Droit de Coimbra
Président, par délégation du Ministre de la Justice du Conseil
Supérieur des Services Criminels

Mr. Enrico Serra [*Head of the Delegation*]
Director-General of Jurisdictional Services for Minors
Ministry of Justice, Lisbon

REPUBLIC OF KOREA

Mr. Byung Ho Lee
Director of Bureau of Penal Administration
Ministry of Justice, Seoul

Mr. Mun Ki Chu
Chief of Juvenile Section
Ministry of Justice, Seoul

Mr. Wan Ki Min
Legal Affairs Officer
Bureau of Penal Administration, Ministry of Justice, Seoul

REPUBLIC OF VIET-NAM

M. Huy-Ty-Pham (Observer)
Premier secrétaire d'ambassade, Londres

ROMANIA

Mr. Stefan I. Ralescu
Deputy President of the Court of Bucharest

Mr. Grigore Ripeanu [*Head of the Delegation*]
Deputy General Prosecutor, Bucharest

SAN MARINO

Dr. Filippo Gramatica
Professor at the University of Genoa

SPAIN

Sr. Federico Castejón [*Head of the Delegation*]
Magistrado del Tribunal Supremo, Madrid

Sr. J. A. Barrerán
Letrado
Ministerio de Justicia, Madrid

Sr. José Ortego Costales
Catedrático de Derecho Penal en la Universidad de la Laguna

SUDAN

Mr. Hashim Mohamed Abuelgasim
Province Judge
Law Courts, Khartoum

Dr. Taha Baasher
Psychiatrist, Sudan Prison Service

Mr. Mahmoud Bukhari
Commandant of Police, Port Sudan

Mr. Ibrahim Tahir [*Head of the Delegation*]
Commissioner of Prisons, Khartoum

SWEDEN

Mr. Lars Bolin
Head of Division
Swedish National Social Welfare Board, Stockholm

Mr. Torsten Eriksson
Director-General
Swedish National Prisons Board, Stockholm

Mr. Hardy Göransson
Former Director in Chief
Swedish National Prisons Board, Stockholm

Mr. Björn Kjellin
President of the Court of Appeal for Skåne and Blekinge

Mr. Herman Kling [*Head of the Delegation*]
Minister of Justice, Stockholm

Mr. Stig Nordlund
Chief of the Legal Department
Ministry of the Interior, Stockholm

Mr. Carl G. Persson
Under-Secretary of State
Ministry of the Interior, Stockholm

SWITZERLAND

Mr. François Clerc [*Head of the Delegation*]
Professeur de droit pénal à l'Université de Fribourg
Recteur de l'Université de Neuchâtel

M. René Hemmeler
Pasteur, Berne
Représentant également l'Association suisse des aumôniers
de pénitenciers et l'Association suisse pour la réforme pénale

M. Maurice Veillard
Président de la Chambre pénale des mineurs du canton de Vaud

THAILAND

Dr. Prasop Ratsnakorn
Director
Prasat Hospital for Neurological Disorders, Bangkok

Colonel Sudsguan Tansadith [*Head of the Delegation*]
Assistant Commissioner, Metropolitan Police
Chief, Public Safety Division, Police Department, Bangkok

TUNISIA

M. Said Ben Ammor
Secrétaire d'Ambassade, Londres

Mr. Mansour Ennafla
Commissaire de Police à la Direction de la Sûreté Nationale,
Tunis

Dr. Mohamed Ali Haddad
Médecin de la Santé Publique
Chef de circonscription médicale
Menzel-Temimi

M. Mahmoud Khiari [*Head of the Delegation*]
Directeur du Centre de Rééducation
Gammarrth

Mr. Amara Ourir
Avocat Général
Secrétariat d'État à la Justice
Tunis

TURKEY

Mr. Nurullah Kunter
Professor of Law Faculty
University of Istanbul

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Mr. I. I. Netimenko
Public Prosecutor of Lievov Region

UNION OF SOUTH AFRICA

Mr. P. Grobbelaar
Deputy Secretary
Department of Education, Arts and Science
Pretoria

Mr. Victor Verster [*Head of the Delegation*]
Commissioner of Prisons, Pretoria

UNION OF SOVIET SOCIALIST REPUBLICS

Mr. Victor J. Khamanev
Assistant to the Head of Treaty and Legal Department of the
USSR Ministry for Foreign Affairs

Mr. F. P. Kuznetsov
Head of Department, Ministry for Internal Affairs of the Russian
Soviet Federated Socialist Republic

Mr. B. S. Nikiforov
Professor, Criminal Law
All Union Institute of Juridical Sciences, Moscow

Mr. L. N. Smirnov [*Head of the Delegation*]
Deputy Chairman of the Supreme Court of the USSR

Mrs. H. S. Sulaimanova
Academician
Chairman of the Juridical Commission
Council of Ministers of the Uzbek Soviet Socialist Republic

Mr. G. S. Tsvyrko
Chief of Department
Procurature of the USSR

UNITED ARAB REPUBLIC

Dr. Mohammed Badr El-Din Ali
Research Expert
National Center of Social and Criminological Research

Dr. Mohammed Fadel
Professor of Criminal Law and Criminology
Head of Department of Criminal Science
Damascus University

Dr. Abd el Aziz Fath-El-Bab
Director, Juvenile Services Bureau
Ministry of Social Affairs
Cairo

Dr. Ahmad M. Khalifa
Director
National Center of Social and Criminological Research

Dr. Ali Nour-El-Din
Public Prosecutor

Dr. Hafez Sabek [*Head of the Delegation*]
Attorney-General, Southern Region (Egypt)

Dr. Adel Younes
Judge, Supreme Court of Cassation
Cairo

UNITED KINGDOM

Mr. C. P. Cape
Assistant Commissioner
Prison Commission for England and Wales, London

Mr. W. H. Chinn
Social Welfare Adviser, Colonial Office, London

Miss F. M. Collins
Assistant Secretary
National Assistance Board, London

Mr. D. J. Cowperthwaite
Probation and Criminal Justice Divisions
Scottish Home Department

Sir Charles Cunningham [*President of the Congress*]
Permanent Under-Secretary of State, Home Office, London

Mr. R. J. Davis
Director of Industries and Stores
Prison Commission for England and Wales, London

Mr. R. F. R. Dunbar
Permanent Secretary
Ministry of Home Affairs
Northern Ireland

Mr. Gordon Emerson
Principal
Prison Commission for England and Wales, London

Mr. R. Duncan Fairn
Director of Prison Administration for England and Wales,
London

Sir Lionel W. Fox [*Honorary President of the Congress*]
Chairman
Prison Commission for England and Wales, London

Mr. O. V. Garratt
Adviser on Prison Administration
Colonial Office, London

Miss W. M. Goode
Assistant Secretary
Probation Division, Home Office, London

Mr. F. L. T. Graham-Harrison
Assistant Under-Secretary of State
Criminal Department and Probation Division
Home Office, London

Miss E. Hanson
Assistant Regional Controller
Ministry of Labour, London

Mr. A. Healey
Industrial Adviser
Prison Commission for England and Wales, London

Mr. H. Kenyon
Assistant Commissioner
Prison Commission for England and Wales, London

Mr. C. A. Larsen
Employment Department
Ministry of Labour, England and Wales, London

Mr. T. S. Lodge
Statistical Adviser
Home Office, London

Mr. G. H. McConnell
Assistant Under-Secretary of State
Children's Department, Home Office, London

Mr. J. A. McPherson
H.M. Inspector
Scottish Education Department

Sir Charles Martin
H.M. Inspector of Constabulary
Home Office, London

Mr. J. V. S. Mills
Chairman, Juvenile Court, Belfast

Miss J. J. Nunn
Assistant Secretary
Criminal Department, Home Office, London

Mr. J. N. Peddie
Inspector, Welfare and After-care
Scottish Home Department

Mr. A. W. Peterson [*Head of the Delegation*]
Deputy Chairman
Prison Commission for England and Wales, London

Mr. Leon Radzinowicz [*Alternate President of the Congress*]
Director of the Institute of Criminology
University of Cambridge

Mr. T. Renfrew
H.M. Inspector of Constabulary for Scotland

Miss A. M. Scorer
Chief Inspector
Children's Department, Home Office, London

Mr. I. H. E. J. Stourton
Inspector-General of Colonial Police, Colonial Office, London

Mr. H. J. Taylor
Director of Borstal Administration
Prison Commission for England and Wales, London

Mr. N. D. Walker
Scottish Home Department, Edinburgh

Mr. R. J. Whittick
Assistant Secretary, Children's Department
Home Office, London

UNITED STATES OF AMERICA

Mr. Alexander Aldrich
Deputy Commissioner
Youth Programme
New York Police Department

Mrs. John W. Ballantine
Member of the Board, State Home for Boys, Jamesburg, New
Jersey
Member of the New York State Prison Board

Mr. Sanford Bates
President, Federal Prison Industries, Inc.
Pennington, New Jersey

Mr. James V. Bennett [*Head of the Delegation*]
Director, Federal Bureau of Prisons
Department of Justice, Washington, D.C.

Mr. Edward R. Cass
General Secretary
American Correctional Association
Member, New York State Commission of Correction

Mrs. Allen Dulles
Washington, D.C.

Mr. Sheldon Glueck
Roscoe Pound Professor of Law
Harvard University Law School, Massachusetts

Mr. Philip G. Green
Director
Division of Juvenile Delinquency Service
U.S. Children's Bureau, Department of Health, Education and
Welfare, Washington, D.C.

The Hon. Irving Kaufman
Judge, United States District Court, New York

Mr. James J. Kearney
Assistant to the General Counsel
Department of Defense, Washington, D.C.

Mr. Peter Lejins
Professor of Sociology
University of Maryland

Mr. Frank Loveland
Assistant Director
Federal Bureau of Prisons
Department of Justice, Washington, D.C.

The Hon. John W. McIlvaine
United States District Judge
Pittsburgh, Pennsylvania

Mr. Walter C. Reckless
Professor of Criminology and Penology
Ohio State University

Mr. Thorsten Sellin
University of Pennsylvania

Mr. Paul Tappan
Professor of Sociology and Law
New York University

Mr. Maurice Wolkomir
Chairman of the Milwaukee Metropolitan
Crime Prevention Commission

2. Specialized agencies and United Nations Children's Fund

INTERNATIONAL LABOUR ORGANISATION

Mr. Eric Krause
Assistant Director of the London Office

Sir Guildhaume Myrddin-Evans
Special representative in the United Kingdom and Director
of the London Office

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

M. Pierre François
Head, Youth Section

Mr. Dimitri Kalogeropoulos
UNESCO Expert, Paris

URUGUAY

Sr. Leonel Martínez Thedy
Dirección General de Institutos Penales
Montevideo

VENEZUELA

Dr. José Luis Vethencourt [*Head of the Delegation*]
División de Medicina Integral
Ministerio de Justicia, Caracas

Sr. Ali Lasser
Children's Judge, Caracas

Sr. Abel Sánchez Peláez

Srta. Carmen Senior
Abogado Consejo Venezolano del Niño, Caracas

YUGOSLAVIA

M. Dusan Čuskar
Directeur du Département au Secrétariat pour les affaires inté-
rieures, Belgrade

M. Dušan Milanković
Conseiller au Secrétariat pour les affaires étrangères, Belgrade

M. Nikola Srzentić [*Head of the Delegation*]
Sous-Secrétaire d'État pour les affaires judiciaires, Belgrade

M. Bogdan Zlatarić
Professeur en droit, Zagreb

3. Inter-governmental organizations

COMMISSION FOR TECHNICAL CO-OPERATION IN AFRICA
SOUTH OF THE SAHARA

M. Charles L. Pidoux
Anthropologue, Paris

COUNCIL OF EUROPE

M. H. T. Adam
Chef du Département de criminologie

Mr. Hugh J. Klare
First Criminologist, Secretariat

Miss Helga Timm
UNESCO Expert, Munich

WORLD HEALTH ORGANIZATION

Dr. T. C. N. Gibbens
Consultant for WHO
Lecturer in Forensic Psychiatry
London University

Dr. Eduardo Krapf
Chief, Mental Health Section

UNITED NATIONS CHILDREN'S FUND

Sir Herbert Broadley
UNICEF Representative, London

INTERNATIONAL CHILDREN'S CENTRE

Dr. Jacqueline Fabia
Chef du Service des activités sociales

LEAGUE OF ARAB STATES

Mr. Abdel Monem Mostafa
Assistant Secretary-General

Mr. Mohamed Ali Namazi
Supervisor, Legal Department

Mr. Abdel Wahab El Ashmawi
Department of Social Affairs

4. Non-governmental organizations invited to the Congress

(a) Non-governmental organizations in consultative status with the Economic and Social Council

BOY SCOUTS' INTERNATIONAL BUREAU

Mr. John F. Colquhoun
London

CATHOLIC INTERNATIONAL UNION FOR SOCIAL SERVICE

M. Pierre Bibot
Juge, Faulx-les-Tombes (Namur), Belgique

Rev. Illtud Evans
Member of the Committee of the English Catholic Prisoners' Aid Society

Miss Ruth Hyatt
Probation officer, Middlesex Combined Probation Area, England

M^{lle} Marie-Louise Marck
Inspectrice du service social pénitentiaire
Ministère de la Justice, Belgique

Miss Evelyn White
Chairman of Social Workers of the Union

CONSULTATIVE COUNCIL OF JEWISH ORGANISATIONS

Sir Basil Henriques
Justice of the Peace
London

Also representing the Anglo-Jewish Association

Miss Phyllis Green

FRIENDS WORLD COMMITTEE FOR CONSULTATION

Mrs. Jane Droutman
Executive Chairman
Committee on Social Rehabilitation
New York Friends Center, U.S.A.

M. Paul-Charles Déodato
Avocat à la Cour d'appel, Paris, France

Mrs. Doris Eddington
Chairman of the Norwich Juvenile Court, United Kingdom

Mrs. Rosemary Goodenough
Chairman
Santa Clara County Jail Auxiliary, California, U.S.A.

Mrs. Doris Gundry
Member of the Penal Reform Committee of London Yearly Meeting, United Kingdom

Mr. Reginald Higdon
Clerk of Penal Reform Committee, United Kingdom

M^{lle} Claire Tournemire
Visiteuse de prisons, Paris, France

Miss Gerardine van Dalfsen
Psychologist
Therapeutic community for neurotic delinquents "Groot Barelaar"
Lunteren, Netherlands

HOWARD LEAGUE FOR PENAL REFORM (UNITED KINGDOM)

Miss Winifred A. Elkin
Librarian and member of the Executive Committee

Mrs. Violet Creech Jones
Member of the Home Secretary's Advisory Council on the Treatment of Offenders

Dr. Marjorie Franklin
Consultant Psychiatrist
Member of the Executive Committee

Mr. D. L. Howard
Schoolmaster

Mrs. Elizabeth Howard
Deputy Secretary of the League

Mr. Thomas James
Reader in Law
King's College, London University

Mr. Roy Prideaux
Principal of College of Further Education
Barnet, Herts

Mr. Herschel Prins
Probation Officer, Middlesex

Mr. A. G. Rose
Lecturer in Social Administration
University of Manchester

Mr. Merfyn Ll. Turner
Member of the Executive Committee

INTERNATIONAL ABOLITIONIST FEDERATION

Dr. George zu Loewenstein
Permanent consultant for the Federation at United Nations Headquarters

INTERNATIONAL ALLIANCE OF WOMEN — EQUAL RIGHTS — EQUAL RESPONSIBILITIES

Miss Chave Collisson
Chairman, Equal Moral Standards Committee
Also representing the Association of Moral and Social Hygiene

INTERNATIONAL ASSOCIATION FOR VOCATIONAL GUIDANCE

Mr. H. Z. Hoxter
County Youth Employment Officer
County Borough of East Ham Education Committee
London

INTERNATIONAL ASSOCIATION OF PENAL LAW

M. Pierre Bouzat
Secrétaire général
Doyen de la Faculté de droit, Rennes, France

M. Paul Cornil
Président

M. Paul de Cant
Premier Substitut du Procureur du Roi à Bruxelles, Belgique

M. Jacques-Bernard Herzog
Substitut du Procureur de la République près le Tribunal de grande instance de la Seine
Secrétaire général de l'Institut de droit comparé de l'Université de Paris

INTERNATIONAL ASSOCIATION OF SCHOOLS OF SOCIAL WORK

Miss Eileen Younghusband
Member, Executive Board
London

INTERNATIONAL ASSOCIATION OF WORKERS MALADJUSTED FOR CHILDREN

M. Henri Joubrel
Président
Paris, France

INTERNATIONAL ASSOCIATION OF YOUTH MAGISTRATES

Sr. Justo Díaz Villasante
Juez
Madrid, España

M^{me} Rosette Dubuisson
Juge des enfants, Charleroi, Belgique

M. Maurice Frère
Vice-président du Tribunal de première instance
Juge des enfants à Tongres, Belgique

Mr. Ali Lasser
Venezuela

Mr. Wolf Middendorff
Federal Republic of Germany

Sr. José Ortego Costales
España

Sr. Rodolfo Pessagno
Juez de menores
Buenos Aires, Argentina

Mrs. Clare Spurgin
Chairman, Overseas Committee of the Magistrates Association of England and Wales

INTERNATIONAL BUREAU FOR THE SUPPRESSION OF TRAFFIC IN PERSONS

Mrs. Margaret Bligh
Teddington, Middlesex

Dame Rachel Crowley-Thornhill
London

The Dowager Lady Nunburnholme
Vice-President
London

Miss Dorothy May Retchford
London

Mr. Richard Russell
General Secretary
London

INTERNATIONAL CATHOLIC CHILD BUREAU

M. José Luis Bau Carpi
Secrétaire général de la Commission juridique du Bureau
Espagne

R. P. Henri Bissonnier
Secrétaire général de la Commission médico-pédagogique et psycho-sociale du Bureau
France

M. André Bondu
Assistant du secrétaire général administratif
France

M. José Ortego Costales
Espagne

INTERNATIONAL COMMISSION OF JURISTS

Miss Jane Graham Hall
Barrister-at-Law, London

INTERNATIONAL CONFERENCE OF CATHOLIC CHARITIES

Rev. Anton Brunner
Prison Chaplain
Krems-Stein an der Donau, Austria

Rev. Ramón Eugenio Coe Baeza
Chile

M^{lle} Simone de Nave
Directrice des relations extérieures, Direction générale de Caritas
Catholica, Bruxelles, Belgique

Rev. Augustine Harris
United Kingdom

Rev. Emil Kiesel
Chaplain, Boys reformatory
Baden-Wuerttemberg, Federal Republic of Germany
Also representing the Conference of Catholic Prison Chaplains

Rev. Karl Richter
Secretary of the Catholic Welfare Association for Men
Federal Republic of Germany

R. P. Roger Rousset
Aumônier général adjoint des prisons de France

Rev. Richard Schwanzlberger
Mitterarnsdorf, Austria

Rev. J. Van Lommel
Aumônier général des prisons de Belgique

Rev. Armand Verheggen
The Hague, Netherlands

INTERNATIONAL CONFERENCE OF SOCIAL WORK

Miss K. M. Oswald
Secretary, National Citizens' Advice Bureaux Committee, London

INTERNATIONAL COUNCIL OF WOMEN

Mrs. Charis U. Frankenburg
Chairman, Public Health and Child Welfare Sectional Committee
National Council of Women of Great Britain

INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Miss E. C. Bather
Chief Superintendent
Metropolitan Women Police, New Scotland Yard, London

Mr. Richard L. Jackson
Assistant Commissioner
Criminal Investigation Department
Metropolitan Police, London

M. Jean Nepote
Secrétaire général adjoint, Paris

INTERNATIONAL FEDERATION OF CHILDREN'S COMMUNITIES

Mr. Rhys Williams
Probation officer, London

INTERNATIONAL FEDERATION OF SENIOR POLICE OFFICERS

Mr. John Barnett
Chief Constable of Lincolnshire

M. Paul Villetorte
Secrétaire général, Paris

INTERNATIONAL FEDERATION OF SOCIAL WORKERS

Mr. E. G. Pratt
Assistant Principal Probation Officer
London

INTERNATIONAL FEDERATION OF UNIVERSITY WOMEN

Mrs. Nancy Burton
Magistrate
Juvenile Court, Bristol

Mrs. Doris Griffiths
Vice-Président, National Council of Women
United Kingdom

Miss Irene A. F. Hilton
First Vice-Président

Miss Margaret MacLellan
Member of the Advisory Board of the Elizabeth Fry Society of
Ottawa, Canada

INTERNATIONAL FEDERATION OF WOMEN LAWYERS

Dra. Josefina Bartomeu
Abogado, Madrid

Miss Aune Mäkinen-Ollinen
Secretary of Government
Chief of the General Bureau at the Ministry for Social Affairs
Division of Social Welfare, Helsinki

Dra. Susana Solano
Abogado, Lima

INTERNATIONAL HUMANIST AND ETHICAL UNION

Mr. Richard Clements
London

INTERNATIONAL LAW ASSOCIATION

Mr. Leon Radzinowicz
United Kingdom

INTERNATIONAL SOCIETY FOR CRIMINOLOGY

Dr. T. C. N. Gibbens
London

Dr. Hermann Mannheim
Honorary Director of Criminological Research
London School of Economics
Co-founder and co-editor of the British Journal of Delinquency
and the Library of Criminology, London

Mr. Thorsten Sellin
University of Pennsylvania, U.S.A.

INTERNATIONAL SOCIETY OF SOCIAL DEFENCE

M. José Belezá Dos Santos
Portugal

Mr. A. Beria d'Argentine
Secrétaire général adjoint
Représentant également le *Centro Nazionale di Prevenzione e Difesa Sociale*

M. Filippo Gramatica
Président

M. Hans-Heinrich Jescheck
Federal Republic of Germany

M^{lle} Yvonne Marx
France

M. Sévérin-Carlos Versele
Secrétaire général adjoint

INTERNATIONAL SOCIOLOGICAL ASSOCIATION

Mr. B. S. Haikerwal
Lucknow, India

Mr. John Eryl Hall-Williams
Reader in Criminology at the University of London

INTERNATIONAL UNION FOR CHILD WELFARE

M. D. Q. R. Mulock Houwer
Secrétaire général

INTERNATIONAL UNION OF FAMILY ORGANIZATIONS

M. Maurice Veillard
Suisse

INTERNATIONAL UNION OF SOCIALIST YOUTH

Mr. David Horton
London

Mr. James Kincaid
London

Mr. Peter Massie
London

Mr. Alan Scott
London

INTER-PARLIAMENTARY UNION

M. de Baeck
Sénateur, Belgique

Mr. T. F. Peart
Member of Parliament, United Kingdom

LEAGUE OF RED CROSS SOCIETIES

Mrs. Mimi Nielsen Hansteen
Chairman of the Norwegian Junior Red Cross

LIAISON COMMITTEE OF WOMEN'S INTERNATIONAL ORGANIZATIONS

Miss Marguerite Bowie
Barrister-at-Law
London

PAX ROMANA, INTERNATIONAL CATHOLIC MOVEMENT
FOR INTELLECTUAL AND CULTURAL AFFAIRS
— INTERNATIONAL MOVEMENT OF CATHOLIC STUDENTS

Miss Celia Collins
London

Miss Lucy Ware
Justice of the Peace for London Juvenile Courts

ST. JOAN'S INTERNATIONAL SOCIAL AND POLITICAL ALLIANCE

Mrs. Winifred Price
Executive Member

SALVATION ARMY

Lt. Col. Olive Avery
Assistant Chief Secretary of the Women's Social Work of the
Salvation Army
United Kingdom

Colonel Annie Connolly
Chief Secretary, Women's Social Work
United Kingdom

Lieutenant Commissioner William F. Cooper
Governor of Salvation Army Men's Social Services
Great Britain and Ireland

Mrs. Commissioner Eva C. Culshaw
Officer of the Salvation Army

Commissioner M. Owen Culshaw
International Secretary for U.S.A., British Commonwealth,
Latin America, Central America
United Kingdom

Mrs. Brigadier Georgina Lindores
Social Service Officer attached to the Correctional Services
Department
Canada

Brigadier Peter Lindores
Correctional Services Officer and Parole Supervisor for the
Salvation Army in Metropolitan Toronto and Area
Canada

Commissioner M. Charles Péan
Chef de l'Armée du Salut en France

Lt. Colonel Joseph Smith
Correctional Services Secretary
Salvation Army Men's Social Services, Great Britain and Ireland

SOCIETY OF COMPARATIVE LEGISLATION (FRANCE)

M^{lle} Yvonne Marx
Sous-Directeur du Service de recherches juridiques comparatives
du Centre de la recherche scientifique, Paris

WOMEN'S INTERNATIONAL ZIONIST ORGANIZATION

Mrs. Jessie Balter
Public Relations Officer
Federation of Women Zionists of Great Britain and Ireland

Miss Carmel Gilbert
Honorary Officer
Federation of Women Zionists of Great Britain and Ireland

Mrs. Miriam Sacher
Vice-President (England)

Mrs. D. Sieff
Chairman
Federation of Women Zionists of Great Britain and Ireland

WORLD ALLIANCE OF YOUNG MEN'S CHRISTIAN ASSOCIATIONS

Mr. Norman H. Ingle

WORLD ASSEMBLY OF YOUTH

Mr. Martin Morton
Industrial Relations Officer
London

WORLD FEDERATION FOR MENTAL HEALTH

Mr. Richard Hauser
Director of the Institute for Group and Society Development
London

Mrs. Hepzibah Menuhin
Assistant Director of the Institute for Group and Society
Development
London

WORLD FEDERATION OF CATHOLIC YOUNG WOMEN AND GIRLS

Mlle M. J. de Moor
Secrétaire générale

Miss Mary Agnes Doherty
Senior Lecturer in Education
London Institute of Education

WORLD FEDERATION OF DEMOCRATIC YOUTH

M. Pinel
Représentant permanent de la Fédération en France

WORLD FEDERATION OF OCCUPATIONAL THERAPISTS

Mrs. Joy M. Rook
Vice Principal
Liverpool School of Occupational Therapy

WORLD FEDERATION OF UNITED NATIONS ASSOCIATIONS

Mr. Walter S. Benvie
Chairman, Juvenile Court
Paisley

Also representing the Scottish National Council of the United
Nations Associations

WORLD JEWISH CONGRESS

Eva Marchioness of Reading
London

Mr. Maurice Perlzweig
Head of the International Affairs Department of the Congress

WORLD UNION OF CATHOLIC WOMEN'S ORGANIZATIONS

Mrs. K. Brown

Mrs. Dermot Morrah

Mrs. Jacqueline Stuyt-Simpson
Executive Member

WORLD YOUNG WOMEN'S CHRISTIAN ASSOCIATION

Miss Alice Arnold
Consultant for Social and International Questions

Mrs. Mary Collier
Justice of the Peace, Blackburn, Lancashire

(b) Other non-governmental organization

INTERNATIONAL PENAL AND PENITENTIARY FOUNDATION

M. Charles Germain
Secrétaire général, Paris

5. Individual participants

ARGENTINA

Sr. Enrique R. Aftalión
Abogado criminalista, Buenos Aires
Representante del Gobierno de la Provincia de Buenos Aires

Rev. Ignacio de Azpiazu
Asesor, Secretariado Ayuda Cristiana a las Cárceles
Buenos Aires

Sr. Samuel Daien
Profesor de derecho penal
Universidad Nacional de La Plata

Sr. A. E. González Millan
Profesor de derecho penal
Facultad de derecho, Buenos Aires

AUSTRALIA

Mr. John Charles Freeman
Solicitor, Supreme Court of Tasmania

AUSTRIA

Mr. Alfred Bauer
Assistant Governor
Land Court Prison, Vienna

Dr. Max Horrow
Professor of Criminal Law at the University of Graz

BELGIUM

M. Roger Buchin
Professeur de criminologie
École des officiers de gendarmerie, Bruxelles

M. Rodolphe Callewaert
Avocat près la Cour d'appel, Bruxelles

M. Théodule Collignon
Avocat près la Cour d'appel, Liège

Madame Léo de Bray
Secrétaire général du Centre d'étude de la délinquance juvénile,
Bruxelles

M. Raoul Declercq
Premier substitut du Procureur du Roi à Louvain

M. Albert Fettweis
Professeur à la Faculté de droit de l'Université de Liège

Mme D. Genonceaux
Inspecteur principal, Service social pénitentiaire
Ministère de la Justice, Bruxelles

M. Raymond Koeckelenbergh
Directeur général de l'assistance publique, des œuvres sociales
et des sports de la ville de Bruxelles
Représentant l'Office de réadaptation sociale de Bruxelles

Mme Cécile Legros
Service social central du Ministère de la Justice, Bruxelles

Mlle Aimée Racine
Professeur à l'Université libre de Bruxelles
Directeur scientifique du Centre d'étude de la délinquance juvénile,
Bruxelles

Mme Colette Somerhausen
Secrétaire scientifique du Centre d'étude de la délinquance juvénile,
Bruxelles

M. Jean Somers
Assistant social pénitentiaire, Bruxelles

M. C. Van Der Bruggen
Vice-président du Centre d'étude de la délinquance juvénile,
Bruxelles

M. Marcel Van Helmont
Inspecteur général des établissements pénitentiaires, Bruxelles

M. A. Van Wanzeel
Major de gendarmerie commandant les détachements judiciaires,
Bruxelles

Dr. Gaston Varenne
Psychiatre
Université de Ghent

Mme Anne-Louise Verheven
Directeur de l'Office de réadaptation sociale, Bruxelles

BOLIVIA

Sr. Raúl Calvimontes
Presidente, Instituto Internacional Jurídico del Indio

BRAZIL

Dr. Victorio Canepa
President
Brazilian Prison Association, Rio de Janeiro

Dr. Eduardo Otto Theiler
Institute of Brazilian Lawyers
Rio de Janeiro

BRITISH GUIANA

Mr. Cecil Norman Murray
Chief Probation Officer

Mr. Shridath Ramphal
Solicitor-General

BRITISH HONDURAS

Mr. S. F. Smith
Social Development Officer
Social Development Department, Belize

CANADA

Mr. Ernest W. Allen
President, John Howard Society, New Brunswick

Mr. John Arnott
Executive Director, John Howard Society of Nova Scotia

Mr. V. Blackburn
Senior Correctional Officer
Oakalla Prison Farm, B.C.

Mr. Stephen Cumas
Assistant Director
John Howard Society of Quebec

Mr. T. J. Dolan
Correctional Worker
Oakalla Prison Farm, B.C.

Dr. John L. J. Edwards
Sir James Dunn Professor of Law, Dalhousie University
Halifax

Captain D. W. Emberley
President
Kingston Branch
John Howard Society of Ontario

M. C. E. Gernacy
Gouverneur de la Prison de Montréal
Représentant du Département du Procureur Général de la
Province de Québec

Mrs. William H. Gilleland
Representing the Elizabeth Fry Society of Ottawa

Mr. J. W. Hawthorn
Correctional Worker, Oakalla Prison Farm, B.C.

Mrs. Margaret Johnson
Secretary
Elizabeth Fry Society of Kingston

Mrs. Miriam Kennedy
Research Assistant
Department of Forensic Psychiatry
McGill University

Mr. Archie M. Kirkpatrick
Executive Director, John Howard Society of Ontario

M. David Lachance
Directeur exécutif de "St. Vincent Boys' Club", Ottawa

Mr. William T. McGrath
Executive Secretary, Canadian Corrections Association

Mrs. Eva Camac Nickels
Director of the John Howard Society of Vancouver Island

Mr. F. O'Connor
Correctional Officer, Oakalla Prison Farm, B.C.

Rev. Paul-Émile Parent
Directeur de l'École de Formation Mont Saint-Antoine, Montreal

Mr. Frank Roberts
Executive Director, Catholic Rehabilitation Service of the
Federation of Catholic Charities, Montreal

Mr. John Redmond Roche
Judge, Court of Sessions, Montreal (Criminal Jurisdiction)

Mr. Ray Rolfe
Executive Director, John Howard Society of Saskatchewan

Mrs. Colin G. Sutherland
Montreal

Chaplain Minto Swan
Collins Bay Penitentiary, Ontario

Mr. Denis Szabo
Directeur du programme de criminologie
Université de Montréal

CEYLON

Mr. C. S. Jayewardene
Lecturer in Criminology, Faculty of Medicine, University of
Ceylon, Colombo

CHILE

Dr. Hector Brian Rioja
Profesor de Derecho Penal
Universidad de Concepción

Dr. Hernan Cereceda Bravo
Secretario del Primer Juzgado Especial de Menores, Santiago

Miss Cecilia Cohen
Sociologist

Dr. Juan Garafulic
Jefe, Sección Menores en Situación Irregular
Servicio Nacional de Salud

COSTA RICA

Sr. Luciano Rivera Balseca
Fiscal del Juzgado Segundo Superior de Pópayán

Sr. R. Sánchez Ruphuy
Psicólogo
Consejo Superior de Defensa Social, San José

CUBA

Sr. Angel Aparicio Laurencio
Director de la Asesoría Técnico-Jurídica de la Presidencia de la
República
Representante de la Comisión Técnica Penitenciario de Cuba

DENMARK

Miss Henny Fogtmann
Social worker, State Prison Kragshovede, Jerup

Mr. Thorkild Glad
Principal of Reformatory School, Copenhagen

Dr. Jakob Jakobsen
Chief Medical Officer of Public Health, Vejle

Mr. Erhard Jørgensen
Director of Kofoeds Skole, Copenhagen

Mr. Alva Nelson
Professor of Criminal Law, University of Aarhus

Mr. Carsten A. Rafael
Prison Governor, State Prison Kragshovede, Jerup

Mr. Niels Sølling
Prison and Borstal Governor

Mr. Carl Steenstrup
Prison administration bureau
Ministry of Justice, Copenhagen

EASTERN GERMANY

Dr. J. Lekschas
Dean of the Juridical Faculty of the Martin-Luther University
Halle-Wittenberg

Dr. J. Renneberg
Director, Department of Research for Criminal Law
German Academy for the Theory of State and Jurisprudence,
Potsdam-Babelsberg

Dr. G. Stiller
Director of the Institute for Criminal Law
Potsdam-Babelsberg

Dr. Hans Weber
Scientific Secretary
Potsdam-Babelsberg

FEDERAL REPUBLIC OF GERMANY

Dr. Gunter Blau
Judge, Landgericht, Hannover

Mrs. Therese Engels
Social worker
Institution for juvenile delinquents, Siegburg

Mr. Fritz Grzybowski
Detective inspector, Hamburg

Dr. Konrad Händel
Erster Staatsanwalt, Karlsruhe

Mr. H. G. Koetzsche
Detective sergeant, Hamburg

Dr. Albert Krebs
Ministerialrat
Hessisches Ministerium der Justiz, Wiesbaden

Mr. Bernhard Niggemeyer
Chief of the Institute of Criminology of the Bundeskriminalamt
Wiesbaden

Dr. Karl Panzer
Judge, Cologne

Dr. Klemens Potthoff
Public Prosecutor
Vice-president of *Bewährungshilfe*, Bonn

Mr. Wolfram Sangmeister
Chief of Criminal Police, Berlin

Mr. H. Schulenberger
Social Inspector, Berlin

Mr. Helmut Schulz
Social inspector, Berlin

Dr. August Wimmer
Senatspräsident, Bonn

FINLAND

Mrs. Marga Ahlqvist
Defence Counsel, Helsinki

Mrs. Inkeri Anttila
Acting professor of criminal law
University of Helsinki

Miss Ann-Lis Österholm
Referendary of Prison Administration, Helsinki

FRANCE

Mlle Sylvie Boisson
Assistante sociale et psychologie
Maison centrale de Mulhouse et du Haut-Rhin
Service de Probation et d'Assistance du Haut-Rhin

M. Chabrand
Secrétaire du Conseil Supérieur de la Magistrature
Direction des Affaires criminelles
Ministère de la Justice

Mlle Germaine-Marie de Larbès
Chef du Service social auprès du Tribunal de Toulouse

Mlle Germaine Leroy
Déléguée permanente à la liberté surveillée auprès du Tribunal
pour enfants de la Roche-sur-Yon (Vendée).

M. E. J. Mottini
Vice-Président du Syndicat national des avocats
Paris

Dr. Yves Roumajon
Médecin-Consultant du Tribunal des enfants de la Seine, Paris

GHANA

Mr. W. K. A. Des Bordes
Principal Welfare Officer
Directorate of Social Welfare and Community Development,
Accra

GREECE

M. Demosthène Mirasyezis
Avocat au Barreau d'Athènes

Mlle Aglaia Tsitsoura
Avocat au Barreau de Thessalonique

M. V. Vouyoucas
Membre du conseil de la Société de protection des mineurs de
Thessalonique

HAITI

M. Ulrich Noël
Président de la deuxième section
Cour d'appel, Port-au-Prince

HONG KONG

Mr. Arthur Hooton, Q.C.
Solicitor-General

INDIA

Mr. S. K. Anand
First Secretary, Indian High Commission in the United Kingdom,
London

Mr. Syed Ali Baquer
Welfare Officer
Andhra Pradesh Discharged Prisoners' Aid Society
Hyderabad

Mr. Prem Narayan Bhargava
Chairman
Uttar Pradesh Crime Prevention Society, Lucknow

Mr. K. P. Chattopadhyay
University Professor and Head of the Department of Anthro-
pology
University of Calcutta

Mr. Nirmal Chandra Chaturvedi
Honorary Secretary
Uttar Pradesh Crime Prevention Society, Lucknow

Mr. Bhalchandra Deodhar
Superintendent
Central Jail
Indore, Madhya Pradesh

Mr. K. P. Goel
Personnel Officer
Bombay

Mr. S. Gokhale
Superintendent
Receiving Centre for Beggars
Worli, Bombay

Mr. Ranjit Gupta
Deputy Inspector-General of Police, Northern Range
Jalpaiguri, West Bengal

Mr. Ram Babu Mishra
Senior Psychologist, Director, Pilot Centre for the Education of
Juvenile Delinquents, Hazaribagh, Bihar

Dr. A. S. Raj
Deputy Inspector-General of Prisons, Uttar Pradesh, Lucknow

Dr. C. P. Tandon
Inspector-General of Prisons
Uttar Pradesh, Lucknow

INDONESIA

Mrs. H. S. Sutarman
General Secretary of the Foundation for the Suppression of
Prostitution and the Protection of Erring Women
Inspector, Department of Social Welfare, Djakarta

ISRAEL

Mr. Menachem Horowitz
Deputy Chief Probation Officer (Adults)
Ministry of Social Welfare, Jerusalem

ITALY

Mr. G. Barletta
Barrister, Catania

Mrs. L. Bolla
Magistrate at Juvenile Court, Rome

Mr. Renato Breda
Social worker, Rome

Mr. Filippo Calabria
Judge, Rome

Mr. Domenico Cucchiara
Substitute Public Prosecutor, Catania

Mr. Benigno di Tullio
Professor, Institute of Criminal Anthropology
University of Rome

Mr. Alessandro Malinverni
Professor of Penal Law
University of Cagliari

Mr. Giuseppe Maranini
Dean
Faculty of Political and Social Science
University of Florence

Mr. R. Occulto
Specialized educator, Rome

Mr. G. Pecchiai
Instructing Judge
Court of Rome

Mrs. Bianca Renzi Guastalla
Secretary-General, *Associazione Rinascita Sociale*
Counselor — *Consiglio Patronato presso la Procura del Tribunale*
di Milano

Mr. Carlo Reviglio della Veneria
Sostituto Procuratore Generale
Corte Suprema di Cassazione
Rome

Mr. Giovanni Rosso
Consigliere, Corte di Cassazione, Rome
Representing the *Centro Nazionale di Prevenzione e Difesa*
Sociale di Milano

Coronel Pietro Verri
Commander of the School of Carabinieri Officers
Rome

Mr. Giovanni Volpe
Specialized educator, Rome

Mr. Salvatore Zhara-Buda
Magistrate, Rome

JAMAICA

Mr. Odel Fleming
Chief Probation Officer, Kingston

Mr. Ernest G. Williams
Superintendent of Prisons, Kingston

JAPAN

R. P. Antoine Carpentier de Changy
Missionnaire; Professeur à l'Université de Hiroshima et à
Elizabeth College de Hiroshima

Mr. Ideo Ichikawa
Professor, Chuo University, Tokyo

Mr. Sutaro Kyojuka
Assistant Professor, Chuo University, Tokyo

Mr. Soichi Morita
Judge, Tokyo Family Court

Mr. Mitsuhiro Uchibori
Public Prosecutor and instructor in the Research and Training
Institute of the Ministry of Justice, Tokyo

Mr. Tadashi Uematsu
Professor of Criminal Law and Criminology at Hitotsubashi
University, Tokyo

JORDAN

Mr. Hussein Bushnaq
Principal Probation Officer and Head of the Family and Child
Welfare Section
Ministry of Social Welfare, Amman

KENYA

Mr. W. John Withers Burton
Commissioner of Prisons
Mr. Frederick Charles Henley
Assistant Commissioner of Police

LEBANON

Mr. Mustafa El Aougi
Children's Judge, Beirut

MALTA

Mr. Joseph William Attard
Director of Civil Prisons, Pawla
The Hon. Professor John Joseph Cremona
Attorney-General and Member of the Executive Council
Professor in the Faculty of Laws, Royal University of Malta

MEXICO

Sr. Ignacio Diez de Urdanivia Mora
Representando de la Universidad de México
Sr. Aureliano Hernández Palacios
Tribunal Superior de Justicia del Estado de Veracruz

NETHERLANDS

Mr. Johann Anton Adler
Former Counsellor to the Netherlands
Ministry of Justice
Police Department, The Hague

Miss Dieuwke Bakker
Probation Officer, Amsterdam

Mr. Pieter Johannes Coffrie
Head of the Department of Judicial Statistics
Central Bureau of Statistics, The Hague

Miss Cornelia A. M. Krijnen
Inspectrice de Police, Geleen

Dr. Wilhelm M. E. Noach
Institute of Criminology, Utrecht University

Mr. A. A. G. Peters, Assistant
Institute of Criminal Law
Leiden

Miss Louise Ter Haar
Police-Inspector at the Juvenile Department
The Hague Police

Mr. Jacob Van Beramelen
Professor of Criminal Law, Leiden University

Miss Hillegonda van der Laan
Police Officer, Apeldoorn

Miss Leontine Annette Van Heyst
Chief Inspector, Women's Police, Nymegen

NIGERIA

Mr. Simson Bankole-Wright
Principal Welfare Officer and Principal Probation Officer
Ministry of Health and Social Welfare, Western Region, Ibadan

Mr. Myles Carew
Director of Prisons, Lagos

Mr. Frank Giwa-Osagie
Assistant Director of Prisons
Eastern Region, Enugu

Mr. Charles Olusoji Madarikan
Director of Public Prosecutions, Western Region, Ibadan

NIGERIA (contd)

Mr. Patrick Nweke
Senior Superintendent of Prisons
Lagos

NORWAY

Mr. Arne Evensen
Prison Governor, Oslo
Dr. Willey Olsson
Head physician of school for maladjusted children and youths,
Oslo
Mr. Håkon Wiker
Secretary, Ministry of Justice and Police, Oslo
Representing the Association of Norwegian Police Officials

NYASALAND

Mr. Bernard Ward
Force Prosecuting Officer, Zomba

PHILIPPINES

Mr. Primitivo R. de Leon
Attorney, Quezon City
Mrs. F. C. Zaballero
Young Women's, Christian Association of the Philippines,
Manila

POLAND

Mme Alexandra Flatau-Shuster
Professeur-adjoint à la Faculté de Droit de l'Université de Var-
sovie
Dr. E. Neymark
Lay Assessor at the High Court, Warsaw
Mr. Jerzy Sawicki
Professeur de droit pénal, Université de Varsovie
Mme Henryka Veillard-Cybulska
Juge des enfants à Lodz

PORTUGAL

Mr. Francisco Alves Dos Santos
Municipal judge in the court of Carrazeda de Ansiães
Mr. Luis Pinto da Silva
Public Prosecutor in the court of Tondela
Director of the judiciary police in Tondela
Director of the prison of Tondela

REPUBLIC OF KOREA

Mr. Soon Young Kwon
Chief Judge, Seoul Juvenile Court
President, Seoul Child Guidance Clinic
Mrs. Bok Lim Kim
Instructor at Ewka Women's University
Social Work Department
Representing the Seoul Child Guidance Clinic

SIERRA LEONE

Mr. Kenneth Pickering
Director of Social Development

SINGAPORE

Mr. Peter Lionel James
Commissioner of Prisons

SPAIN

Sr. Calixto Belaústegui
Inspector General de Prisiones
Madrid
Sr. Francisco Jimenez
Fiscal de la Jurisdicción militar en Baleares
Representante del Instituto Penal y Penitenciario
Hispano-Luso-Americano-Filipino
Sr. J. P. Meneu Monleon
Abogado, Madrid
Sr. José Maria Rodríguez Devesa
Catedrático de Derecho Penal, Universidad de Valladolid
Representante del Centro Internacional de estudio sobre
moneda falsa

SWEDEN

Mr. Clas Amilon
First Secretary
Swedish National Prisons Board, Stockholm
Mrs. Eva Cullberg
Prison Social Worker, Västerås
Mr. Olof Darell
Judge, Uddevalla
Mr. Carl Henrik Ericsson
Head of Division for Prison Industries
Swedish National Prisons Board, Stockholm
Mr. Carl Holmberg
Expert, Ministry of Justice, Stockholm
Mr. Bengt Hult
Chief of Section, Ministry of Justice, Stockholm
Mr. A. Y. S. Kristensson
Chief Justice
City Court of Stockholm
Miss Ulla Larsson
Secretary of the Ministry of Justice
Miss Ingrid Mattsson-Gavatin
General defender in criminal cases
Stockholm
Mr. Ola Nyquist
Assistant Professor
Uppsala University
Mr. Fritz Serenander
Superintendent of the western group of institutions for adult
inmates, Härlanda, Göteborg
Mr. Gunnar Thuren
Superintendent of institutions for young adults, Göteborg
Mrs. Inger Westmark
Research on juvenile delinquency
University of Stockholm

SWITZERLAND

M. Hans Kellerhals
Directeur des établissements pénitentiaires de Witzwil
M. Victor Kurt
Adjoint à la Division de justice du Département fédéral de justice
et de police, Berne
M. C. Moretti
Fondateur de la Revue internationale de criminologie et de police
technique, Genève
Mme Hélène Rommiciano
Genève

TANGANYIKA

Mr. Michael McKinlay
Assistant Commissioner of Police, Dar es Salaam
Mr. Patrick Manley
Commissioner, Tanganyika Prison Service
Dar es Salaam

TRINIDAD

Mr. Ethan Lewis
Probation Officer
Miss Doreen Lumpress
Sergeant of police
Mr. D. B. St. Aubyn
Commissioner of Prisons

TURKEY

M. Tahir Taner
Professeur de droit pénal à la Faculté de droit d'Istanbul
M. Tomris Taner
Avocat, Istanbul

UGANDA

Mr. J. A. B. Allan
Deputy Commissioner of Prisons, Kampala
Miss Antoinette Swart
Principal Welfare Officer
Ministry of Social Development, Kampala

UNION OF SOUTH AFRICA

Mr. Hennie Grobler
Prison Chaplain of the Dutch Reformed Church of South
Africa, Pretoria
M. Henri Philippe Junod
Directeur de la Ligue pour la Réforme pénale de l'Afrique du Sud
Miss Lorna M. Slater
Organizing Secretary
National Council of Social Services Association of South
-Africa
Mr. Herman Venter
Professor of Criminology
University of Pretoria

UNITED ARAB REPUBLIC

Mr. Hassan Allamm
First Attorney
Tanta
Mr. Ahmed El Alfy
National Center of Sociological and Criminological Research,
Cairo
Dr. Abdel-Aziz M. Askar
Professor of Psychiatry, Faculty of Medicine
Cairo University
Mr. Ahmed Fikrat Attar
Chef du Parquet, Aleppo
Mr. Nabih Djabal
President of the Appeals Court, Aleppo
Mr. A. H. Fahmy
National Center of Sociological and Criminological Research,
Cairo
Mr. Samir El Ganzouri
National Center of Sociological and Criminological Research,
Cairo

Mr. Ezzat Hegazy
National Center of Sociological and Criminological Research,
Cairo

Dr. Hassan El Marsafawi
Associate Professor of Criminal Law
Faculty of Law, University of Alexandria

Dr. Aly Rashed
Professor at the Faculty of Law
Ein-Shams University, Cairo

Mr. Mahmoud Rouchdy
Deputy Attorney-General, Southern Region (Egypt)

Major General Mahmoud Saheb
Assistant Director General, Prisons Administration, Cairo
Representing the Association for After-Care of Prisoners and
Assistance to Dependants of Prisoners

Mr. Ali Yosr Anwar
District Attorney, Abdine, Cairo

Mr. Mohamed Zeid
National Center of Sociological and Criminological Research,
Cairo

UNITED KINGDOM

Miss Joan P. Adams
Principal
London County Council Institute of Further Education
Representing the National Association of Discharged Prisoners

Mr. Richard H. Adams
Principal
"Tunground" Kingswood Schools, Bristol
Representing the Association of Heads of Approved Schools

Dr. Edward William Anderson
Director, Department of Psychiatry,
Royal Infirmary, Manchester

Rev. John Russell Anderson
Chaplain, Barlinnie, Glasgow
Representing the Discharged Prisoners' Aid Society, Glasgow

Mr. Michael Argyle
Lecturer in Social Psychology
Oxford University

Mr. John Arlidge
Inspector
Children's Department, Home Office, London

Mr. William Arnold Lloyd
Professor of Education
University of Cambridge

Miss C. Esther Ascher
Teacher, Remedial Education, Harpenden

Mr. Conrad Ascher
Barrister-at-Law, London

Miss Phyllis Bailey
Research Worker in Criminology, University of Nottingham

Mr. J. R. G. Bantock
Governor, H.M. Prison, Strangeways,
Manchester

Miss Charlotte Banks
Lecturer in Psychology, University College, London
Director of 3rd Foundation research project on young offenders

Dr. Robert F. Barbour
Director of the Bristol Child Guidance Clinic
Consultant Psychiatrist to Bristol Children's Hospital and Royal
Infirmary

Mr. Francis Alan Beattie
Probation Officer, Middlesbrough

Mr. Ralph Henry Beeson
Inspector, Probation Division, Home Office, London

Mr. Clifford Bell
Scientific Officer, Medical Research Unit, Oxford

Miss Mary Christine Belliss
Assistant Governor, H.M. Prison
Durham City

Mr. Michael Bennett
Probation Officer
Middlesex

Mrs. Bettina Berryman
Secretary, International Sub-Committee
National Federation of Women's Institutes

Mr. William C. F. Best
Chief Superintendent of Police
New Scotland Yard
Representing the International Police Association

Captain Sidney William Bickell
Secretary, Men's Social Department, The Church Army, London

Mrs. Gertrude M. F. Bishop
Leicester City Magistrate
Representing the Magistrates, Association of England

Viscountess Bledisloe
Social Worker
Borstal Allocation Center
Wormwood Scrubs, London

Dr. Thomas D. Blott
Medical Officer of Health
Malden, Essex

Mr. Sidney Bone
Finance Officer of the Prison Commission for England and Wales

Mr. Reginald L. Bradley
Former Commissioner of Prisons and Director of Borstal
Administration at the Prison Commission for England and Wales
London

Miss Marjorie Brierley
Deputy Director
Central After-Care Association (Women's and Girls' Division)
London

Mr. John Briers
Clinical Psychologist, Kingswood Training School
Kingswood, near Bristol

Mr. Leslie Brooks
Senior Area Officer
Men's Division
Central After-Care Association
London

Miss Marion Brooks
Chairman, Women's Committee of Discharged Prisoners' Aid
Society, Strangeways Prison, Manchester

Mr. Sidney Brown
Vice-Chairman
Association of Managers of Approved Schools, Leicester.

Mr. Arnold Burman
Justice of the Peace for the County of Durham

Mr. John Lewis Burns
Superintendent, Stamford House Remand Home and Classifying
Centre, London

Miss M. E. Cain
Research Assistant, Criminology Department, London School of
Economics

Miss Pauline Caillard
Lecturer in Sociology, University of Exeter

Mrs. Violet Cape
Justice of the Peace and Prison Social Worker
St. Albans, Herts.

Mr. Thomas Rolland Carnegie
Assistant Governor
H.M. Borstal, Rochester, Kent

Mr. Brian Carter
Probation Officer, North London Magistrates' Court

Mr. Norman L. Caudell
Psychiatric Social Worker, Portman Clinic, London

Mrs. Winifred Cavenagh
Lecturer in Social Studies, University of Birmingham

Rev. Michael Chapman
St. John's Seminary
Guildford, Surrey

Mr. Albert John Chislett
Representing the Justices' Clerks' Society, England and Wales

Mr. George Hallatt Christie
Chairman, Durham and North Riding Discharged Prisoners'
Aid Society

Mr. Charles Clark
Publishing Manager
Stevens and Sons, Legal Publishers

Mr. Norman Clay
Assistant Governor, H.M. Prison, Liverpool

Mrs. Joan Cole
Assistant Governor, H.M. Prison, Holloway, London

Miss Peggy Conway
Head of Prison Welfare Department, WVS Headquarters, London

Mr. Eric Randell Cooper
Deputy Governor, H.M. Borstal Institution
Rochester, Kent

Mr. John Cordle
Member of Parliament
Bournemouth East and Christchurch

Lady Costello
Justice of the Peace for the County of Devon

Sir Leonard Costello, C.B.E.
Justice of the Peace
Chairman of the Devon Branch of the Magistrates' Association

The Rev. Walter Costello
Catholic Chaplain
H.M. Prison, Dartmoor

Mr. Norman Cottam
Detective Chief Inspector, Liverpool City Police
Crime Prevention Department
Representing the Chief Constable of Liverpool

Mrs. Eric Croudson
Magistrates' Association, London

Mr. Anthony Cripps, Q.C.
London

Mr. Harley Cronin
General Secretary of Prison Officers' Association for Great
Britain

Mr. Brian Cubbon
Member of the Criminal Department, Home Office, London

Captain Thomas Cumberbeach
The Church Army, London

Mr. Claude Cumming Forsyth
General Secretary
Royal Scottish Society for Prevention of Cruelty to Children

Miss Ethel Currant
Probation Officer
North London Juvenile Court

Mr. Percy Edwin d'Arcy
Assistant Secretary, The National Association of Discharged
Prisoners' Aid Societies

Mr. C. E. P. Davies
Senior Lecturer
King's College
University of London

Mr. Ronald Davies
Probation Officer, North London Magistrates' Court

Miss Sylvia Dawes
Social Worker, Women and Girls Division, Central After-Care
Association
London

Mr. Frank Dawtry
Secretary of National Association of Probation Officers
London

Mrs. Ada Demer
London Police Court Mission

Mr. John Dennett
Governor, H.M. Prison, Ford
Near Arundel, Sussex

Rev. Matthew J. Dooley
Member
After-Care Council for Scotland, Glasgow

Mr. Richard Doward
Chief Executive Officer
Secretariat, Prison Commission for England and Wales

Mr. David Downes
Research, London School of Economics

Mr. Ronald W. Drinkwater
Head of the Department of Social Studies, the University of Hull

Miss Josephine Drury
Superintendent of Hampshire County Remand Home for Girls
Representing the National Association of Remand Home
Superintendents and Matrons

Miss A. B. Dunlop
Research Assistant
Oxford University

Mr. John Dunphy
Senior Probation Officer, County of London Sessions

Mrs. Hartie N. Eastburn
Justice of the Peace, County Borough of Southampton

Mr. John Percy Eddy
Author, London

Miss Betty Edelson
Probation Officer, London

Mrs. Joan Edmondson
Justice of the Peace
Loughton, Essex

Dr. Phyllis Epps
Physician at H.M. Prison, Holloway, London

Miss Elsie W. Errington
Probation Officer, London Magistrates' Court

Mr. Edward Esquilant
Governor H.M. Prison, Ashwell, Oakham, Rutland

Mr. Brinley Evans
Superintending Inspector
Children's Department, Home Office, London

Mr. Bernard Faithfull-Davies
Chairman, Children's Relief International

Mr. Alexander F. Ferguson
Chairman, Edinburgh Discharged Prisoners' Aid Society

Mr. Robin Ffinch
Governor, H.M. Prison, Maidstone, Kent

Mr. J. C. Field
Research Psychologist, Institute of Psychiatry, London

Mrs. Xenia Field
Member of the Home Secretary's Advisory Council for the
Treatment of Offenders

Mr. Arthur Desmond Fitz-Gibbon
Secretary of the Elstree and District Citizens' Advice Bureau

Mr. Anthony Forder
Assistant Lecturer, Department of Social Science
London School of Economics

Mr. Frank C. Foster
Director of Borstal and Young Prisoner After-Care
England and Wales

Miss Janet Francis
Inspector, Children's Department, Home Office, London

Mrs. Frankel
Member of the Visiting Committee, H.M. Prison, Holloway
London

Mr. Victor R. Garrett
Chairman
The Royal London Discharged Prisoners' Aid Society

Mr. William Richard Gerrard
General Secretary, Liverpool, South West Lancashire and North
Wales Prisoners' Aid Society

Miss Evelyn Gibson
Research Officer, Home Office Research Unit

Mr. John Leslie Gilder
Governor, Hollesley Bay Colony, Woodbridge, Suffolk

Mr. Frank F. P. Gill
Deputy Chief Constable
Civil Aviation Constabulary, London

Mr. Ronald Goldman
Lecturer in Educational Psychology, University of Reading

Mr. G. F. Goodman
Chief Constable of the County Borough of Halifax

Mr. William Gordon
Secretary, Scottish Prison Officers' Association

Mr. Frederick Gray
Chief Constable of the City of Salford

Mr. H. J. H. Greenacre
Institute for the Study and Treatment of Delinquency, London

Dr. Robert Cecil Greenberg
Senior Medical Officer, Mental Health Service, Middlesex County
Council

Miss Edna Patricia Greenburgh
Barrister, London

Mr. Michael Gregory
Honorary Secretary of Catholic Prisoners' Aid Society (England)

Mr. Max Grünhut
Reader in Criminology, University of Oxford

Mr. Ronald Gundry
Chairman, Further Education Committee, Middlesex County
Council

Mr. Sidney Gwynn
Superintending Inspector, Children's Department, Home Office,
London

Mr. Arthur Hadley
Inspector, Children's Department, Home Office, London

Lt. Commander Arthur Hague, R.N.R.
General Secretary of the National Association of Discharged Prisoners' Aid Societies (Inc.)
Director of Men's After-Care, Central After-Care Association

Miss Valerie Haig-Brown
Probation Officer, North London Magistrates' Court

Mr. Hilary Halpin
Member of the Metropolitan Juvenile Court Panel, London

Mr. Cyril Hamlin
Inspector, Children's Department, Home Office (Leeds Region)

Mr. William Hammond
Research Officer, Home Office Research Unit

Rev. F. Handley
Catholic Marriage Advisory Council, London

Miss Bella Harris
Justice of the Peace for the County Borough of Bootle

Rev. Benson Harrison
National Police Court Mission, London

Mr. T. W. H. Hayes
Governor, H.M. Borstal, Lowdham Grange, Nottingham

Mr. M. C. Hazlewood
Barrister
Limpsfield, Nr. Oxted, Surrey

Mr. Theodore Hetherington
Principal, Prison Commission for England and Wales

Mr. Anthony Hewins
Principal, Children's Department, Home Office, London

Mr. Thomas Hill
Children's Officer to Eastbourne Country Borough Council

Miss Sheila Himmel
Probation Officer, Middlesex Probation Service

Rev. Richard Hinde
Fellow of Hurford College, Oxford
Representing the Church of England

Mr. William Hodgkins
Minister, Southend-on-Sea
Representing the Social Responsibility Department of the British Council of Churches

Mr. Christopher Holtom
Assistant, Department of Social Study, Edinburgh

Miss Patricia M. F. Hooper
Senior Psychologist, H.M. Prison, Holloway, London

Mr. Donald Houston
Probation Officer, London Probation Service

Mrs. Hazel Houston
Probation Officer, London Probation Service

Mr. Charles P. Huggard
Superintending Inspector, London Region North Children's Department, Home Office

Miss Margaret Hutchinson
Inspector, Probation Division, Home Office, London

Mr. Frederick Victor Jarvis
Principal Probation Officer
Leicestershire and Rutland Probation Service

Miss Claris Jayne
Inspector, Children's Department, Home Office, London

Mr. Norman A. Jepson
Lecturer in Criminology, Leeds University

Miss Alice C. Johnston
Social Services Administrator, Women's Voluntary Service Headquarters, London

Mr. David Jones
Secretary, Family Service Units, London

Mrs. Dilys Jones
Chairman, Holloway Discharged Prisoners' Aid Society

Mr. E. T. Jones
Steward, H.M. Prison, Dartmoor, Princetown, Yelverton S. Devon

Mr. Glanville Jones
Barrister
Swansea, Wales

Mr. Howard Jones
Lecturer in Social Studies, University of Leicester

Mr. Maurice Jones, Executive Officer
Establishments Branch, Prison Commission for England and Wales

Mr. Walter Jones
Hospital Principal Officer
H.M. Prison, Maidstone, Kent

Mr. William Jones
Inspector, Children's Department Inspectorate, Home Office, London

Mr. Peter Robert Kaim-Caudle
Lecturer in Economics, University of Durham

Mr. Jon Kay-Houat
Assistant Secretary of London Police Court Mission

Mr. R. J. Keeble
Secretary, Standing Conference of National Voluntary Youth Organizations, London

Mr. David Robert Keir
Senior Probation Officer, Lanarkshire Probation Joint Committee
Representing the National Association of Probation Officers

Mr. Wallace Henry Kelley
Inspector
Children's Department, Home Office, London

Miss Margaret M. Kelly
County Borough Organizer
Women's Voluntary Services
Bootle, Lancashire

Mr. John Kilgour
Deputy Chief Inspector, Children's Department, Home Office, London

Miss Dora King
Adviser to the Church Army Board, London

Mr. François Lafitte
Professor of Social Policy and Administration
University of Birmingham

Mr. Thomas Alfred Lane
Prison Officer, Foston, Derby

Mrs. Hettie Last
Liverpool, Merseyside and North Wales Prisoners' Aid Society

Mr. Michael Thomas Leddy
Chief Executive Officer, Industries Branch, Prison Commission for England and Wales

Mr. John Richard Crispin Lee
Assistant Governor, H.M. Borstal, Rochester, Kent

Mrs. Raya Levin
After-Care Officer, Holloway Discharged Prisoners' Aid Society
London

Mr. Frank Liesching
Assistant Governor, Haldon Prison Camp

Mr. Alan Little, Assistant Lecturer, London School of Economics, Sociology Department

Miss Elizabeth Littlejohn
Secretary, Standing Conference of Councils of Social Service
Representing the National Council of Social Service

Mr. William Wigan Llewellyn
Chairman, Prisons and Borstals Committee
The Magistrates' Association of Great Britain

Mr. Enoch J. C. Lloyd
Principal Probation Officer, Shrewsbury

Mr. Benedict Lorraine
Psychologist, Stamford House Remand Home and Classifying Centre, London

Miss Doris Love
Social Worker
Central After-Care Association (Women and Girls Division), London

Mr. Douglas Lyle
Inspector, Children's Department, Home Office, London

Mrs. Sarah Frances McCabe
Research Assistant in Criminology
University of Oxford

Mr. F. H. McClintock, Assistant Director of Research
Institute of Criminology, Cambridge

Mr. James MacColl, M.P.
Chairman, North London Juvenile Court
Representing the Church of England

Miss Mary Kathleen McCullough
Probation Officer, London

Mr. Robert MacDonald
Procurator-Fiscal of the Lower Ward of Lanarkshire
Scotland

Mr. Horace McGregor
Principal, Children's Department, Home Office, London

Mr. John A. McKay
Chief Constable, Manchester City Police

Mr. John Mack
Stevenson Lecturer in Citizenship and Director Elect of the School of Social Study, University of Glasgow

Miss Agnes McKenna
Supervisor, Central After-Care Association (Women and Girls), London

Mr. Thomas McLaughlan
Chairman
Scottish Prison Officers' Association

Mr. George Maclean
Assistant Chief Constable, City of Glasgow Police

Mr. Bruce Whyte Macpherson
Judge of the High Court of Justice of the Isle of Man

Miss Isabella Main McWilliam
Governor, H.M. Borstal, Moor Court

Miss Margaret D. Majendie
Social Worker, Central After-Care Association (Women and Girls), London

Mr. Rodney Maliphant
Senior Psychologist, Ford Foundation Research Project on Young Offenders
Department of Psychology, University College, London

Mr. Bernard Mandell
Visiting Lecturer in Psychology, Institute of Criminology
The Hebrew University, Jerusalem

Miss Lorna Markham
West Midlands Supervisor
Central After-Care Association

Dr. William Mayer-Gross
Senior Fellow of Department of Experimental Psychiatry, University of Birmingham

Mr. J. H. Mercer
Honorary Secretary, Liverpool, Merseyside and North Wales Prisoners' Aid Society

Mr. William Merrilees
Chief Constable of the Lothians and Peebles Constabulary, Scotland
Representing the Chief Constables' (Scotland) Association

Mr. R. R. Meyric Hughes
Vice Chairman of the London Police Court Mission

Miss Mary Millard
Member of the Education and Public Questions Sub-Committee of the National Federation of Women's Institutes

Dr. Derek Miller
First Assistant, Adolescent Unit, The Tavistock Clinic, London

Dr. Emmanuel Miller
Joint Editor, *British Journal of Delinquency*

Mr. Alan Milner
Lecturer in Criminal Law and Administration, Queen's University, Belfast

Mr. George Moore, Magistrate, Glasgow

Mr. George J. Morley Jacob
General Secretary of the London Police Court Mission

Miss Ruth Morrah
Chairman of the Metropolitan Juvenile Courts, London

Mr. Christopher Morris
Assistant Secretary, Home Office, London

Mrs. Pauline T. Morris
Research Officer, Criminological Research Unit, London School of Economics

Mr. Terence P. Morris
Lecturer in Sociology and Criminology, London School of Economics

Rev. Peter Morrison
Chairman of the Borstal Visiting Committee, Barlinnie Prison, Glasgow

Mr. Robert L. Morrison
Principal Psychologist, H.M. Prison, Wormwood Scrubs, London

Mr. John E. Naylor
Sergeant in charge of the Juvenile Liaison Office, Bradford, Yorkshire

Mr. Gerard B. Newe
Representing the Northern Ireland Council of Social Service, Belfast

Mr. Geoffrey Nops
Clerk of the Peace, County of Surrey

Mr. Geoffrey Norman
Headmaster
Dobroyd Castle School, Todmorden, Lancashire

Miss L. Norris
London University

Mr. Anthony Patrick Oakley
Probation Officer, Burghfield nr. Reading

Dr. Denis Arthur Ogden
Medical Officer
Wakefield Training Prison, Yorkshire

Mr. Fred Dawson Ogden
Deputy Director of Works, Prison Commission for England and Wales

Mr. John Oldham
Deputy Clerk of the Peace for the County of Kent

Rev. Maurice O'Leary
Chairman of the Catholic Marriage Advisory Council

Mr. Ronald Openshaw
Chief Education Officer
Representing the County Borough of West Ham Education Committee

Mr. Ernest A. Osborn
Senior Probation Officer, East Ham Magistrates' Court

Mr. Peter Pantry
Probation Officer, County of Bedford Probation Service

Mr. John Parham
Research Worker, Borstal Systems and Staff, London School of Economics

Miss Minnie Patterson
Deputy Governor, H.M. Prison, Holloway, London

Mr. Denis Peach
Principal, Prison Commission for England and Wales

Dr. John D. W. Pearce
Physician in Charge, Departments of Psychiatry
St. Mary's Hospital and Queen Elizabeth Hospital for Children, London

Mr. Leo Perk Vlaanderen
Member, Executive Committee, National Association of Prison Visitors

Mr. Alfred Pilley
Representing the National Association of the Discharged Prisoners' Aid Societies

Mr. A. Plume
Chief Constable, City Police
Norwich

Mr. Phineas Quass, Q.C.
Chairman of Council, Institute for the Study and Treatment of Delinquency, London

Mr. John Quirk
Senior Executive Officer, Finance Branch, Prison Commission for England and Wales

Mrs. Elizabeth Radford
Senior Psychologist, H.M. Prison, Holloway, London

Dr. William H. Reid
Psychiatrist, Tower Hospital, Leicester

Mrs. Clare Renton-Taylor
Executive Member
National Federation of Women's Institutes of England, Wales and the Channel Islands

Mr. Gilbert Revell
Deputy Chief Inspector, Children's Department, Home Office, London

Mr. Thomas I. Richardson
Probation Officer, Oxford

Mr. George H. Roberts
Principal
Children's Department, Home Office, London

Mr. R. G. Robinson
Representing the Association of Education Committees for England, Wales, Northern Ireland and Channel Islands

Mr. Geoffrey T. Robson
Juvenile Magistrate
Stoke-on-Trent

Mr. Edward Rocksborough Smith
Inspector, Probation Division, Home Office, London

Dr. Archibald P. Ross
Senior Medical Inspector, Children's Department, Home Office, London

Mr. John Ross
Former Assistant Under-Secretary of State, Children's Department, Home Office, London

Dr. Harold Stormont Ross
Deputy Physician Superintendent
State Mental Hospital and State Institution
Carstairs Junction, Lanarkshire
Representing the General Board of Control for Scotland

Miss Jane Rowell
Children's Officer, Middlesex County Council

Mr. Albert E. Rowsell
Chief Constable, County Borough of Brighton Police

Mr. Charles Royle, M.P.
Deputy Chairman, British Magistrates' Association

Mr. E. G. Sarsfield-Hall
Deputy Chairman, Court of Quarter Sessions
Cumberland

Mr. Philip Sartain
Director of Works (Buildings), Prison Commission for England and Wales

Miss Eve Saville
General Secretary, Institute for the Study and Treatment of Delinquency, London

Dr. Stephen Schafer
Reader in Criminology, University of Maryland (U.S.A.)
Overseas Programme
London

Dr. P. D. Scott
Institute of Psychiatry, Maudsley Hospital
London

Mr. Philip Sealey
Research Assistant, Ford Foundation Research Unit
Department of Psychology
University College, London

Mrs. B. Serota
Chairman of the Children's Committee
London County Council

Mr. Max Sharman
School Master
Park House School
Godalming, Surrey

Mr. John Shields
Senior Lecturer in Criminology and Criminal Law
University of Edinburgh

Miss Dorothy M. Shipman
Member, Howard League for Penal Reform

Sir Joseph Simpson
Commissioner of Police of the Metropolis
London

Mr. Lennox Simpson
Governor, H.M. Borstal, Portland, Dorset

Miss Colette Size
Probation Officer, London Probation Service

Mrs. Ann D. Smith
Central After-Care Council for Scotland

Mrs. Audrey Smith
Psychiatric Social Worker
H.M. Prison, Brixton

Mr. George Smith
Governor, H.M. Prison, Wormwood Scrubs, London

Mr. Thomas B. Smith
Professor of Civil Law, University of Edinburgh

Mr. Walter J. H. Sprott
Professor of Psychology, University of Nottingham

Miss Georgina M. Stafford
Senior Probation Officer
North London Magistrates' Court

Mr. Simon Staughton
Vice-Chairman
Royal London Discharged Prisoners' Aid Society

Mr. George W. Staveley
Principal Probation Officer
Probation Service
Surrey County

Mr. Peter Stein
Solicitor of Supreme Court
England

Colonel Eric St. Johnston
Chief of Police
Lancashire

Miss Mary Stone
Director
Central After-Care Association (Women and Girls' Division)
London

Mr. Lawrence Stones
Prison Officer
Wetherby, Yorkshire

Mr. Norman Storr
Establishment Officer, Prison Commission for England and Wales

Mr. Joseph Swainston
Chairman, the Prison Officers' Association

Mr. J. H. N. Sykes
Honorary General Secretary
National Association of Prison Visitors

Mr. Harry Taylor
Clerk of the Peace
Stoke-on-Trent

Miss Jeanne Taylor
Probation Officer
County of Hertford

Mr. William Taylor
Borstal Governor
North Sea Camp

Mr. A. A. Templeton
Member, Scottish Advisory Probation Council

Rev. G. Frazer Thompson
Secretary, Royal London Discharged Prisoners' Aid Society

Mr. P. Thompson

Mr. J. Thomson
Prison Welfare Officer
National Association of Discharged Prisoners' Aid Societies
London

Sister Elsie Thrush
Prison Welfare Department, The Church Army

Miss Margaret Tilley
Training Officer, Church of England Moral Welfare Council

Mr. William Charles Tood
Principal Probation Officer for the County of Middlesex

Mr. Reginald Lewin Tyrwhitt
Chairman, National Association of Prison Visitors
Bristol

Miss W. R. Vandy
Inspector
Probation Division, Home Office, London

Mr. A. M. Vaughan
Head of Education Department
Stamford House Remand Home and Classifying Centre
London

Mr. John Walker
Commissioner
Prison Commission for England and Wales

Mr. Norman T. Walker
Reader in Education
University of Aberdeen

Mr. Melvin Wallace
Research Worker in Criminology
University of Nottingham

Mr. Herbert Waller
Chairman of the Bedfordshire Combined Area Probation Committee

Mr. John Walter
Scientist
Bury St. Edmunds, Suffolk

Mrs. M. C. Watkin
Lecturer, Department of Education
University College of Wales
Aberystwyth

Mr. Donald J. West
Assistant Director of Research in Psychiatry
Institute of Criminology
University of Cambridge

Mrs. Mary Westland
Probation Officer
London

Mr. Peter Westland
Probation Officer
Surrey

Mr. George Whittaker
Inspector
Children's Department, Home Office, London

Mr. Basil Wigginton
Assistant Governor, H.M. Prison
Maidstone, Kent

Mr. John Wilder
Probation Officer for Barnet
Hertfordshire

Mr. Leslie T. Wilkins
Research Unit, Home Office
London

Miss Joan Wilkinson
Supervisor, Central After-Care Association
London

Miss Rosalind Wilkinson
Honorary Research Assistant, Department of Psychology
University College
London
Research Assistant, Ford Foundation Unit

Dr. R. R. Willcox
St. Mary's Hospital
London

Mr. David Williamson
Chief Constable
Greenock Burgh Police
Scotland

Mr. Geoffrey Wilson
Chairman, Leeds Branch
National Association of Prison Visitors

Mr. John Wilson
Chief Constable of Lanarkshire Constabulary
Representing the Chief Constables' (Scotland) Association

Mr. J. Wilson Wheeler
Children's Officer
London County Council

Mrs. Muriel Wilson Wheeler
National British Women's Total Abstinence Union

Mr. Mark Winston
Principal of H.M. Prison Service Staff College
Wakefield, Yorkshire

Mr. E. Winter
Senior Child Psychotherapist
Portman Clinic
London

Miss Enid Woodall
Inspector
Children's Department, Home Office, London

Mrs. Moya Woodside
Psychiatric Social Worker, H.M. Prison
Holloway, London

Mrs. N. R. Woodward
Vice Chairman
National Association of Prison Visitors

Mr. Stanley Woollock
Inspector, Home Office Children's Department
Manchester

Baroness Wootton of Abinger
Dorking, Surrey

Mr. George A. Worsley, Prison Visitor
Exeter, Devon

Mr. Arthur E. Young
Commissioner of Police for the City of London

UNITED STATES OF AMERICA

Dr. Arnold Abrams
Department of Psychiatry and Neurology
Chicago Medical School

Mr. Peter C. Alegi
Attorney

Mrs. Ruth P. Baker
Executive Director
International Prisoners' Aid Association
Milwaukee

Dr. Ralph Banay
Executive Secretary
Medical Correctional Association

Mr. John Barrie
Supervisor of Recreation
California Medical Facility
Vacaville

Dr. Nicholas P. Bash
Instructor in Clinical Psychiatry, Hahnemann Medical School,
and Consultant, Philadelphia General Hospital

Mr. Ralph C. Blaha
Chairman
Advisory Committee to the Chief Justice
Municipal Court
Chicago

Mr. Jordan Cavan
Professor of Education
Rockford College
Rockford, Illinois

Mrs. Ruth Shonle Cavan
Professor of Sociology
Rockford College
Rockford, Illinois

Mr. John Phillips Conrad
Associate Director
International Survey of Corrections
Berkeley, California

Mr. Joe B. Dellinger
Executive Director
Prisoners' Aid Association of Maryland

Mr. Leighton W. Dudley
Technical Advisor in Criminology and Corrections
Department of the Air Force

Mr. Harry C. Dupree
Chairman
U.S. Army and Air Force Clemency and Parole Board
Arlington, Virginia

Mr. George Edwards
Justice, Michigan Supreme Court

Mr. Ralph W. England
Assistant Professor of Sociology
University of Illinois

Mr. Victor H. Evjen
Assistant Chief Division of Probation
Administrative Office, U.S. Courts, Washington, D.C.

Dr. Agnes N. Flack
Physician
New Jersey Reformatory for Women
Clinton, N.J.

Dr. Marcel Frym
Professor, University of S. California School of Law
Member, Governor's Advisory Committee on Criminal Insanity
Representing the Governor of California and the American
Society of Criminology

Mrs. Eleanor T. Gluek
Research Associate
Harvard University Law School

Mr. Donald Goff
Chief, Bureau of Correction
State of New Jersey

Dr. Edward Greenwood
Coordinator of Training in Child Psychiatry
The Menninger Foundation
Topeka, Kansas

Mr. Victor Griffin
Reception and Diagnostic Centre
State of Illinois

CONTINUED

1 OF 2

Mr. C. Robert Guthrie
Director
Delinquency Control Institute
University of Southern California

Mr. Norman S. Hayner
Professor of Sociology
University of Washington
Seattle

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Chief Justice

RULES OF PROCEDURE OF THE CONGRESS

I. PARTICIPATION AND REPRESENTATION

Rule 1

The participants in the Congress are divided into three categories:

- (a) Representatives of the Governments invited to the Congress;
- (b) Representatives of the specialized agencies of the United Nations, of inter-governmental organizations and of non-governmental organizations in consultative status with the Economic and Social Council, interested in, or concerned with, social defence matters.

(c) Individual participants having a direct interest in the prevention of crime and the treatment of offenders, including members of the teaching staffs of universities and other institutions, of criminological institutes, and of national non-governmental organizations concerned with social defence matters; members of the judiciary, of the legal profession and of the medical and allied professions; staff members of correctional establishments and institutions for juvenile delinquents; police officials; social workers, etc.

Rule 2

(a) Each Government which proposes to participate in the Congress shall communicate to the Secretary-General the names of the representatives forming its delegation.

(b) Each delegation shall communicate to the Executive Secretary of the Congress, normally within twenty-four hours after the opening of the Congress, the name of the head of the delegation and the names of the representatives who are authorized to cast the vote of the delegation in the absence of its head.

Rule 3

Each specialized agency, inter-governmental, and non-governmental organization which proposes to participate in the Congress shall communicate the names of its representatives to the United Nations Secretariat.

Rule 4

Persons in any of the categories described in Rule 1 (c) may participate in the Congress in an individual capacity if their application to the Secretariat of the United Nations is accepted.

II. ORGANIZATION OF THE CONGRESS

Rule 5

(a) A President and five Vice-Presidents of the Congress shall be elected from among the representatives of Governments in accordance with the procedure provided for in Rule 16. The first Vice-President shall be from the host country and shall, if required, act as Alternate President.

(b) An Honorary President as well as five Honorary Vice-Presidents may be elected by the participants in the Congress.

Rule 6

(a) The Steering Committee shall be composed of the President and/or the alternate President of the Congress, the representative of the Secretary-General and/or his deputy, the General Rapporteur of the Congress, the Executive Secretary of the Congress and/or his deputy, the Chairmen of the Sections and the members of the 1960 *ad hoc* Advisory Committee of Experts convened in pursuance of resolution 415 (V) of the General Assembly. A member of the British Organizing Committee shall be invited to participate in the meetings of the Steering Committee. The Steering Committee may

invite any other participants of the Congress to attend the discussions of the Steering Committee.

(b) The Steering Committee shall be the governing body of the Congress. It shall have the authority to decide the admissibility of any question submitted for consideration to the Congress which does not appear to be closely related to the items on the agenda of the Congress. Only the President, the Representative of the Secretary-General or the Chairmen of the Sections shall submit any such question to the Steering Committee for decision.

(c) The Steering Committee shall meet each day before the Congress begins its daily business.

(d) All decisions of the Steering Committee shall be by a majority of members present and voting.

Rule 7

(a) For the purpose of dealing with the items on its agenda, the Congress shall be divided into three Sections, which shall report to the plenary meetings:

Section I. New forms of juvenile delinquency; their origin, prevention and treatment. Special police services for the prevention of juvenile delinquency.

Section II. Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries. Short-term imprisonment.

Section III. Pre-release treatment and after-care, as well as assistance to dependants of prisoners. The integration of prison labour in the national economy, including the remuneration of prisoners.

(b) These items will be discussed on the basis of general reports issued by the United Nations Secretariat, as well as of reports prepared at the invitation of the Secretariat by specialized agencies, inter-governmental bodies, and non-governmental organizations in consultative status with the Economic and Social Council. Reports or documents other than those officially submitted to the Congress will not be considered as Congress documents. They may, however, be made available by their authors for information purposes only.

(c) Each participant shall choose the Section of which he wishes to be a member. He may, however, take part in the proceedings of more than one Section.

Rule 8

The Secretary-General shall designate a General Rapporteur for the Congress, as well as the Chairmen, Vice-Chairmen and Rapporteurs.

Rule 9

(a) In each Section the introduction of the questions to be considered shall be made by the authors of the respective reports officially submitted to the Congress. If the authors are not available, the introduction shall be made by the Rapporteur assigned to each item. The Secretariat of the United Nations shall introduce the reports prepared by it.

(b) The Chairmen of each Section, in consultation with the Rapporteur assigned to each item and the Secretariat of the United Nations, shall indicate the questions to be discussed and the order in which they are to be taken up.

(c) The conclusions or findings adopted by the Section on each of the items before it shall be submitted to the plenary meeting by the General Rapporteur assisted by the respective Rapporteur.

Rule 10

The United Nations and the Government of the United Kingdom shall provide the necessary services for the functions of the Congress. The Executive Secretary and the Deputy Executive Secretary of the Congress shall be designated by the Government of the United Kingdom. They shall be responsible for making all the necessary arrangements for the meetings, interpretation and translation as well as for the reproduction and distribution of documents and, generally, shall provide whatever services the Congress may require, including the organization of visits.

III. CONDUCT OF BUSINESS

Rule 11

In the plenary meeting, the President, and in each Section, the Chairman, shall declare the opening and closing of each meeting, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to the provisions of these rules, shall have control of the proceedings and of the maintenance of order. He may also propose the suspension or adjournment of the meeting, or the adjournment or closure of the debate on a particular item.

Rule 12

(a) At the beginning of the debate on each item, the right to speak shall first be accorded by the President or Chairman to the representatives of Governments, and the Secretariat of the United Nations. Subject to Rule 13, all the participants in the Congress shall have the right to ask for the floor in the debate.

(b) No speech shall, on the first occasion, exceed ten minutes. Subsequent interventions by the same speaker shall not exceed five minutes.

Rule 13

Only representatives of Governments shall be entitled to raise points of order to move the adjournment or the closure of the debate on an item under discussion, and to move the suspension or adjournment of the meeting.

Rule 14

(a) Formal proposals and substantive amendments concerning conclusions and findings may be submitted, in conformity with Rule 15, by the following persons:

- (i) in the Sections, by any government delegation, seconded by another government delegation;
- (ii) in a plenary meeting, by two delegations of Governments, seconded by two other government delegations.

(b) These formal proposals and substantive amendments shall be submitted in writing to the Secretariat of the Congress which shall submit them for consideration.

(c) The Representative of the Secretary-General, or a member of the Secretariat of the United Nations designated by the said Representative for this purpose, as well as the representatives of the specialized agencies and of inter-governmental organizations, may request that their point of view on a particular matter be recorded.

Rule 15

No proposals, memoranda or communications concerning items other than those on the agenda of the Congress may be introduced in a Section or in a plenary meeting without the approval of the Steering Committee.

IV. VOTING

Rule 16

(a) In the plenary meetings, voting shall be confined to government delegations, each of which shall have one vote. The vote of each delegation shall be cast by the head of the delegation or by

a duly authorized delegate whose name, in accordance with Rule 2, shall have been communicated to the Executive Secretary of the Congress. No rule shall be laid down to determine the way of expressing the vote of a specific delegation. If, in the absence of the head of a delegation or his duly authorized representative, the members of a delegation cannot agree on what should be the expression of the vote of the delegation concerned, no vote or mention will be recorded for this particular delegation.

(b) The vote shall be taken by a show of hands, unless a delegation requests a roll-call vote, which shall then be taken in the English alphabetical order of the names of the States beginning with the State whose name is drawn by lot by the President.

(c) All decisions shall be made by a majority of the government delegations present and voting.*

Rule 17

In each Section, all participants have the right to vote. The decisions shall be made by a majority of those participants present and voting.*

V. EXPRESSION OF VIEWS OF NON-GOVERNMENTAL ORGANIZATIONS AND OF PERSONS PARTICIPATING IN AN INDIVIDUAL CAPACITY

Rule 18

In a plenary meeting, any vote taken according to Rule 16, on a proposal or on a substantive amendment shall, upon request by the President, be followed by a show of hands, for consultative purposes, expressing the views of specialized agencies, inter-governmental and non-governmental organizations and of individual participants. The result of this show of hands shall be recorded in the Report of the Congress.

VI. LANGUAGES

Rule 19

Simultaneous interpretation into English, French, Spanish and Russian will be provided. Speeches may be made in any of these working languages and shall be interpreted into the other working languages.

VII. GENERAL PROVISIONS

Rule 20

Any question not specifically covered by the Rules of Procedure of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders shall be settled by the President or respective Chairmen following as closely as possible the relevant rules of procedure of the functional commissions of the United Nations.

Rule 21

The meetings of the Congress shall be held in public unless it is decided otherwise by a vote taken in accordance with Rule 16.

VIII. REPORT OF THE CONGRESS

Rule 22

The report prepared by the General Rapporteur, the Rapporteurs of the Sections and the Secretariat of the United Nations shall be distributed to all Governments which were invited to the Congress and to all participants in the Congress, as defined in rule 1.

* As stated in the note of invitation sent to Governments "it is understood that in view of the nature of the Congress, the participants will express their own personal opinions".

Annex V

LIST OF DOCUMENTS

Unless otherwise indicated, the basic documentation for the Congress listed below was published in English, French and Spanish. The nine issues of the Congress Journal were also made available in these languages. A trilingual Conference Handbook prepared by the British Organizing Committee was distributed to all participants. During the Congress a series of general documents was made available to all participants giving information on Congress events. The draft conclusions and recommendations submitted to the Sections and the conclusions and recommendations submitted by the Sections to the Plenary were also made available to all participants. Minutes of the Plenary and Section meetings were prepared for the use of the officers of the Congress and the Secretariat only.

The basic documentation for the Congress was as follows:

- | | |
|------------------------|---|
| A/CONF.17/1 | The integration of prison labour in the national economy, including the remuneration of prisoners
General report prepared by Mr. Juan Carlos García-Basalo |
| A/CONF.17/2 | The integration of prison labour in the national economy, including the remuneration of prisoners
Report prepared by the Secretariat |
| A/CONF.17/3 | Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries
General reports prepared by Messrs. J. J. Panakal and A. M. Khalifa |
| A/CONF.17/4 | Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries
Report prepared by the Secretariat |
| A/CONF.17/5 | Short-term imprisonment
General report prepared by the Secretariat |
| A/CONF.17/6 | New forms of juvenile delinquency: their origin, prevention and treatment
General report prepared by Mr. Wolf Middendorff |
| A/CONF.17/7 | New forms of juvenile delinquency: their origin, prevention and treatment
Report prepared by the Secretariat |
| A/CONF.17/8 | Pre-release treatment and after-care, as well as assistance to dependants of prisoners
General report prepared by Mr. Bent Paludan-Müller |
| A/CONF.17/9 | Pre-release treatment and after-care, as well as assistance to dependants of prisoners
Report prepared by the Secretariat |
| A/CONF.17/10 | UNESCO: Youth Centres and Social Maladjustment of Youth
English only |
| A/CONF.17/11 | UNESCO: School and Social Maladjustment of Youth
English only |
| A/CONF.17/12 | UNESCO: La prévention relative aux formes de criminalité résultant de changements sociaux et accompagnant le progrès économique des pays peu développés
French only |
| A/CONF.17/13 | ILO: Treatment of prisoners and after-care (vocational guidance, training and placement)
English and French |
| A/CONF.17/13
corr.1 | English only |
| WHO/MENT/219 | WHO: New forms of juvenile delinquency: their origin, prevention and treatment
English and Spanish |
| INTERPOL | Special police departments for the prevention of juvenile delinquency |

Non-governmental organizations with special competence on social defence matters which had been invited to take part in the Congress were also invited to submit written statements on the various items of the agenda. The statements submitted in response to this invitation were issued by the organizations concerned and not as United Nations documents, and were made available at the Congress in the languages and quantities supplied by the issuing organizations. The titles of these statements are as follows:

1. Notes made for the Second Congress of the United Nations on the Prevention of Crime and the Treatment of Offenders, London, 1960: statement presented by the Catholic International Union for Social Service (In English and French).
2. Contribution to the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Annual

Review, No. 8, 1960) presented by the International Association of Youth Magistrates (bilingual, in English and French).

3. The specialized educator of young people who are in moral danger or delinquent: statement presented by the International Catholic Child Bureau (in English and French).
4. L'interrogatoire de l'enfant en justice: statement presented by the International Catholic Child Bureau (in French).
5. Les nouvelles formes de la délinquance juvénile: statement presented by the International Catholic Child Bureau (in French).
6. The preventive and social function of the police: report presented by the International Federation of Senior Police Officers (in English, French and Spanish).

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