

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



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CONTENTS

Part I. Introduction

	<i>Paragraph</i>	<i>Page</i>
I. Terms of reference	1-2	1
II. Preparation	3-4	1
III. Participation	5-12	1
IV. Agenda	13-15	2
V. Documentation	16-19	2
VI. Officers	20-24	2
VII. Organization of work	25-27	4
VIII. Other activities	28-32	4
IX. Publicity	33-34	5

Part II. Proceedings of the Congress

I. Opening meeting	35-39	6
II. Deliberations of the Congress		
A. Standard Minimum Rules for the treatment of prisoners		
1. Background	40-48	7
2. Documentation	49	7
3. Order of proceedings	50-52	7
4. Resolution on the Standard Rules	53	8
5. Discussion of the provisions of the Secretariat draft	54-113	8
(a) Retention of the word " minimum " in the title of the Standard Rules	60-61	8
(b) Position of the general principles in the text	62-65	8
(c) Application of the Standard Rules to Trust and Non-Self-Governing Territories	66-75	9
(d) Application of the Standard Rules to prisoners sentenced to " security measures "	76-77	10
(e) Religion	78-87	10
(f) Amendments to make certain provisions of the draft more flexible	88-102	11
(g) Amendments to increase the protection afforded to prisoners.	103-108	13
(h) Miscellaneous	109-113	14
B. Selection and training of personnel for penal and correctional institutions		15
1. Background	114-115	15
2. Documentation	116	15
3. Order of proceedings	117-119	15
4. Resolution on the selection and training of personnel for penal and correctional institutions	120	16
5. Discussion of the Secretariat draft recommendations	121-164	16

	<i>Paragraph</i>	<i>Page</i>
(a) Non-military organization of the staff	126-131	16
(b) Efficiency of prison staff and the social nature of their functions	132-140	17
(c) Amendments to make certain recommendations more flexible	141-153	18
(d) Training institutes for prison personnel and research institutes	154-158	21
(e) Miscellaneous	159-164	22
C. Open penal and correctional institutions		23
1. Background	165-168	23
2. Documentation	169	23
3. Order of proceedings	170-171	23
4. Resolution on open penal and correctional institutions	172	23
5. Discussion of the Secretariat draft recommendations	173-218	23
(a) Definition of the open institution	174-177	23
(b) Administrative organization of the open institution	178-179	24
(c) Timing of admission to open institutions	180-182	24
(d) The criterion governing the selection of offenders	183-190	25
(e) Transfer of prisoners unable to adapt themselves to the open system	190-192	25
(f) Conditions for the successful operation of open institutions	193-205	26
(g) Advantages of the open system	206-212	27
(h) Conclusions	213-218	29
D. Prison labour		29
1. Background	219-223	29
2. Documentation	224	30
3. Order of proceedings	225-228	30
4. Resolution on prison labour	229	30
5. Discussion of the question of prison labour	230-298	30
(a) The debate	230-235	30
(b) General principles	236-286	31
i. Compulsory and non-punitive nature of prison labour	236-243	31
ii. Full employment and the role of the State	244-256	32
iii. Vocational training	257-263	33
iv. Type of work	264-267	34
v. Remuneration	268-274	35
vi. Prison labour and open institutions	275-277	36
vii. Work outside the institution prior to release	278-279	37
viii. Working conditions and social security	280-282	37
ix. Remission of sentence for satisfactory work	283-286	37
(c) Convention concerning Forced or Compulsory Labour	287-289	38
(d) Proposals for further study	290-298	39
i. Integration of prison labour with the national economy	290	39
ii. Methods of remuneration	291-292	39
iii. Labour programmes for special categories of offenders	293-294	39
iv. Labour of untried prisoners	295-297	39
v. Employment of prisoners after release	298	40
E. Prevention of juvenile delinquency		40
1. Background	299-302	40

	<i>Paragraph</i>	<i>Page</i>
2. Documentation	303-306	40
3. Order of proceedings	307-318	41
4. Resolution on the prevention of juvenile delinquency	319-326	42
5. Discussion of the question of prevention of juvenile delinquency .	327-440	44
(a) The community	328-338	44
i. General discussion	328-336	44
ii. Conclusions and recommendations	337-338	46
(b) The family and the school		46
(aa) The family		46
i. General discussion	339-352	47
ii. Conclusions and recommendations	353-361	48
(bb) The school		49
i. General discussion	362-365	49
ii. Conclusions and recommendations	366-368	50
(c) Social services including health services		51
i. General discussion	369	51
ii. Conclusions and recommendations	384-390	54
(d) Work	391-392	56
(e) Other agencies		56
i. General discussion	393-411	56
ii. Conclusions and recommendations	412-432	59
(f) Research	433-440	61
F. Technical assistance in the field of the prevention of crime and the treatment of offenders	441-443	62
G. Role of the Congress and activity of the United Nations in the field of the prevention of crime and the treatment of offenders	444-446	63
III. General lectures	447-476	63
1. Europe	448-476	63
2. Asia and the Far East	453-458	64
3. Middle East	459-464	64
4. North America	465-470	65
5. Latin America	471-476	65
IV. Closure of the Congress	477-480	66

Annexes

I. Resolutions and recommendations adopted by the Congress	67
A. Standard Minimum Rules for the treatment of prisoners	67
B. Selection and training of personnel for penal and correctional institutions	73
C. Open penal and correctional institutions	76
D. Prison labour	77
E. Prevention of juvenile delinquency	78
F. Technical assistance in the field of the prevention of crime and the treatment of offenders	82
G. Role of the Congress and activity of the United Nations in the field of the prevention of crime and the treatment of offenders	82
II. List of participants	83
A. Delegates of Governments	83

	<i>Page</i>
B. Specialized agencies	89
C. Inter-governmental organizations	89
D. Non-governmental organizations invited to the Congress	89
1. Non-governmental organizations in consultative status with the Economic and Social Council	89
2. Other non-governmental organizations	92
E. Individual participants	92
III. List of documents	99

PART I. INTRODUCTION

I. Terms of reference

1. The first United Nations Congress on the Prevention of Crime and the Treatment of Offenders was held at the European Office of the United Nations, Palais des Nations, Geneva, Switzerland, from 22 August to 3 September 1955.

2. The Congress was organized pursuant to 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. Resolutions adopted at such international congresses shall be communicated to the Secretary-General and, if necessary, to the policy-making bodies ”.

The Congress is a component part of a broader scheme, which provides also for the designation by Governments of representatives to act as correspondents with the United Nations Secretariat, the organization of regional groups, and meetings of advisory committees of experts in this field; this machinery was set up by the plan for the transfer to the United Nations of the functions of the International Penal and Penitentiary Commission. From the historical point of view, therefore, the first United Nations Congress continued the work of the Congresses previously organized by the IPPC, the twelfth and last of which was held at The Hague in August 1950.

II. Preparation

3. In preparing for the Congress, the Secretariat was guided by the opinions of qualified experts. The *Ad Hoc* Advisory Committee of Experts on the prevention of crime and the treatment of offenders which met in June 1953, in conformity with the aforesaid General Assembly resolution, had on its agenda the question of the organization of the first United Nations Congress in that field. It was requested to advise the Secretariat on all the varied aspects of the preparation of the Congress, especially with regard to participation, the agenda and documentary material. A similar Committee which met in August 1955, two weeks before the opening of the Congress, was also invited to give its opinion on various questions pertaining to the organization of the Congress.

4. On the basis of the recommendations formulated by the *Ad Hoc* Advisory Committee of Experts in 1953, and duly approved by the 1955 Committee, the Secretary-General prepared and published the rules of procedure of the Congress.

III. Participation

5. The Congress, which was designed to give experts from the entire world an opportunity to express and compare their opinions, was attended by several categories of participants : Government representatives, observers from the interested specialized agencies and inter-governmental organizations, representatives of non-governmental organizations invited to the Congress, and individual participants.

6. An invitation to send representatives to the Congress was circulated by the Secretary-General to all Governments of States Members of the United Nations and to twenty-five other Governments. The invitation expressed the hope that Governments would appoint representatives who were experts in the field of the prevention of crime and treatment of offenders and had special knowledge or experience of the questions on the agenda. It also stressed that, in view of the nature of the Congress, the representatives would obviously be speaking in their personal capacity.

7. Three specialized agencies and four inter-governmental organizations were invited to send observers to the Congress as having a direct interest in the questions on the agenda or, at least, in some of the points to be discussed.

8. An invitation was also addressed to fifty-five non-governmental organizations in consultative status with the Economic and Social Council, and to seven other non-governmental organizations. This group included, first and foremost, organizations whose main field of activity is the prevention of crime and the treatment of offenders. The invitation was, however, subsequently also extended, by reason of the interest which they showed in the work of the Congress, to some other organizations, primarily concerned with social, religious, or youth welfare problems of a more general nature, which considered that some of the questions on the agenda of the Congress were of vital interest to their work.

9. Lastly, the participants in the Congress included those who attended in a personal capacity. This category had been provided for, in the same manner as at previous Congresses organized by the International Penal and Penitentiary Commission, in order to enable experts, both in the scientific and in the practical fields, to be present at the work of the Congress and to make their contribution. An informal procedure was accordingly devised whereby, subject to the prior approval of each application by the Secretariat, the Congress was open to persons in any of the following categories participating in an individual capacity :

(a) Officials of competent ministries and departments,

police officials, officials of institutions for adult and juvenile delinquents;

(b) Members of judicial bodies;

(c) Members of the Bar;

(d) Members of the teaching staff of universities;

(e) Persons who have done distinguished scientific work in the field of prevention of crime and treatment of offenders;

(f) Representatives of governmental or private social agencies which are concerned with offenders or with the prevention of crime;

(g) Representatives of social welfare conferences and schools of social service; and

(h) Persons, or representatives of organizations, invited by the Secretary-General.

10. In accordance with sub-paragraph (h), the Secretary-General invited a number of persons to take part in the Congress as individuals. In particular he sent invitations to all persons who had been employed by the United Nations in the past as consultants or technical assistance experts in the field of the prevention of crime and the treatment of offenders.

11. A total of 191 delegates representing fifty-one Governments participated in the Congress. The International Labour Organisation, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the Council of Europe, and the League of Arab States sent ten observers in all. Forty-three non-governmental organizations accepted invitations and sent a total of 101 representatives (twenty persons participated in the Congress in more than one capacity). Lastly, 235 persons attended the Congress as individuals, some of them from countries which were not officially represented at the Congress, or from Trust or Non-Self-Governing Territories. In all, 512 persons from sixty-one countries and territories took part in the Congress. The list of participants, by categories, appears in annex II of this report.

12. Under the rules of procedure of the Congress only representatives of Governments had the right to vote. Other participants were able to exert their influence in the Congress by speaking during the debates and in certain cases by expressing their views on its decisions. This procedure was in accordance with the recommendation made in 1953 by the *Ad Hoc* Advisory Committee of Experts which stated in support of its decision that "... although the Congress was to express the opinion of the experts, it was nevertheless essential to bear in mind the fact that its recommendations would be submitted to the policy-making organs of the United Nations, which were made up of Government representatives".¹

IV. Agenda

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

(1) Standard Minimum Rules for the treatment of prisoners;

¹ E/CN.5/298, para. 11.

(2) Selection, training and status of prison personnel;

(3) Open penal and correctional institutions;

(4) Prison labour;

(5) Prevention of juvenile delinquency.

All of these questions were included in the programme of work of the Social Commission. Some of them had already been examined between 1952 and 1954 by regional consultative groups on the prevention of crime and the treatment of offenders (regional meetings and seminars organized by the Technical Assistance Administration) and were included in the agenda of the Congress to give an opportunity for discussion of the work of the regional meetings on a worldwide basis, with a view to enabling the Congress to reach conclusions of general application.

14. The Congress also heard five general lectures by eminent experts from Latin America, North America, Asia and the Far East, Europe and the Middle East, respectively, on the main trends in the field of prevention of crime and the treatment of offenders in their regions.

15. Following formal proposals by a number of delegations, the Congress also considered the question of technical assistance and the question of the role of the Congress and of United Nations activities in the field of the prevention of crime and the treatment of offenders, and adopted resolutions on both questions.

V. Documentation

16. The preparatory documentation on the various agenda items included reports prepared by the Secretariat, reports prepared for the Secretariat by consultants, either specifically for the Congress or as part of the programme of work of the Social Commission, country reports prepared at the Secretariat's request by selected outside experts in various regions, documents prepared by the specialized agencies participating in the Congress, and communications submitted by non-governmental organizations in consultative status with the Economic and Social Council. The preparatory documentation relating to each agenda item is described in the part of this report dealing with the deliberations of the Congress.

17. A large part of the preparatory documentation was generously printed in English by the United States Federal Bureau of Prisons and in French by the French Prison Administration.

18. A journal containing the programme of meetings and agenda, a summary of the previous day's proceedings, and various announcements and notices was issued daily by the Secretariat throughout the Congress.

19. A complete list of the Congress documents appears in annex III of this report; there are 120 documents in all.

VI. Officers

20. At its opening meeting, the Congress elected the following persons as President, Vice-Presidents and Honorary Vice-Presidents of the Congress, in accordance with rule 5 of the rules of procedure:

President:

Mr. Edouard de Steiger, former Federal Councillor, former President of the Swiss Confederation, Berne, Switzerland;

Vice-Presidents:

Mr. Fernand Arsanios, *Procureur général* at the Court of Cassation, Beirut, Lebanon;

Mr. Paul Cornil, Secretary-General of the Ministry of Justice, President of the International Association of Penal Law, Belgium;

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

Mr. William P. Rogers, Deputy Attorney-General of the United States, Department of Justice, Washington, D.C., United States of America;

Mr. Evelio Tabio y de Castro Palomino, Justice of the Supreme Court of the Republic, Havana, Cuba;

Mr. Paripurnanand Verma, President of the All India Crime Prevention Society, New Delhi, India;

Honorary Vice-Presidents:

Mr. Sanford Bates, former President of the International Penal and Penitentiary Commission, Pennington, N.J., United States of America;

Mr. Adolphe Delierneux (Belgium) former Deputy Director of the Division of Social Activities of the United Nations Secretariat, St. Jacques-de-Grasse, France;

Mr. El Said Mostafa El Said, Rector of the University of Alexandria, Egypt;

Mr. Karl Schlyter, former Vice-President of the International Penal and Penitentiary Commission, Stockholm, Sweden.

21. In accordance with rule 8 of the rules of procedure the Secretary-General designated Mr. Thorsten Sellin, Professor of Sociology, University of Pennsylvania, Philadelphia, Pennsylvania, United States of America, as General Rapporteur for the Congress.

22. Mr. Adrian Pelt, Director of the European Office of the United Nations, welcomed the participants and opened the Congress. Mr. Manuel Lopez-Rey, Chief of the Social Defence Section of the Secretariat, represented the Secretary-General at the Congress. Mr. Paul Amor, Regional Representative for Social Defence, Geneva, was appointed Executive Secretary, and Mr. Paul Berthoud, a member of the Social Defence Section, was appointed Assistant Executive Secretary of the Congress. Mr. Laszlo Hamori, a member of the Non-Governmental Organizations Section of the Economic and Social Council Secretariat, was responsible for liaison with representatives of non-governmental organizations.²

23. Pursuant to rule 8 of the rules of procedure, the Secretary-General also designated the following persons as officers of the Sections for each of the items on the agenda of the Congress:

² Many statements were made by non-governmental organizations during the discussions, particularly in Section III where fifteen non-governmental organizations took part in the discussions.

Section I. Standard minimum rules for the treatment of prisoners

Chairman:

Mr. James V. Bennett, Director, Federal Bureau of Prisons, Department of Justice, Washington, D.C., United States of America;

Vice-Chairman:

Mr. K. F. Rustamji, Deputy Director, Intelligence Bureau, Ministry of Home Affairs, New Delhi, India;

Rapporteur:

Mr. Jean Dupréel, Director-General of the Prison Administration, Ministry of Justice, Brussels, Belgium;

Secretary:

Miss Héléne Pfander, Secretariat;

Section I. Recruitment, training and status of prison personnel

Chairman:

Mr. Roberto Pettinato, Director General of National Penitentiary Institutions, Ministry of Justice, Buenos Aires, Argentina;

Vice-Chairman:

Mr. J. V. Barry, Justice of the Supreme Court of Victoria, Chairman, Department of Criminology, University of Melbourne, Melbourne, Australia;

Rapporteur:

Mr. Carlo Erra, Judge of the Court of Appeal, attached to the Directorate General of Penal Affairs, Ministry of Justice, Rome, Italy;

Secretary:

Miss Héléne Pfander, Secretariat;

Section II. Open penal and correctional institutions

Chairman:

Mr. Jorge Bocobo, Chairman of the Code Commission, Pasay City, Philippines;

Vice-Chairman:

Mr. Wolfgang Doleisch, *Oberlandesgerichtsrat*, Federal Ministry of Justice, Vienna, Austria;

Rapporteur:

Mr. Torsten Eriksson, Chief of Section, Ministry of Justice, Stockholm, Sweden;

Consultants:

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

Mr. José Agustín Méndez, Director of the Prison Personnel Training Institute, Ministry of Justice, Caracas, Venezuela;

Secretary:

Mr. Edward Galway, Secretariat;

Section II. Prison labour

Chairman:

Mr. Charles Germain, Advocate General, Court of Cassation, Paris, France;

Vice-Chairman:

Mr. Riad Midani, Secretary-General of the Ministry of Justice, Damascus, Syria;

Rapporteur:

Mr. Ernest Lamers, Director-General of the Prison Administration, Ministry of Justice, The Hague, Netherlands;

Consultant:

Mr. Ralph England, Assistant Professor, Department of Sociology, University of Illinois, Chicago, Illinois, United States of America;

Secretary:

Mr. Edward Galway, Secretariat;

Section III. Prevention of juvenile delinquency

Chairman:

Mr. John Ross, Assistant Under-Secretary of State, Home Office, London, England;

Vice-Chairman:

Mr. Shakir Al-Ani, Attorney-General, Ministry of Justice, Baghdad, Iran;

Rapporteur:

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

Secretaries:

Mr. Richard Paw U, Secretariat;

Miss Elizabeth Betz, Secretariat.

24. In accordance with rule 6 of the rules of procedure, the Steering Committee of the Congress was composed of the President and the General Rapporteur of the Congress, the Chairmen of the Sections, the members of the 1955 *Ad Hoc* Advisory Committee of Experts convened in pursuance of General Assembly resolution 415 (V), the representative of the Secretary-General and the Executive Secretary of the Congress. In addition to Mr. Sellin, the General Rapporteur of the Congress, and Mr. Germain, the Chairman of one of the Sections, the *Ad Hoc* Advisory Committee of Experts included Mr. Israel Drapkin, S., Medical Director of the Institute of Criminology, Prison Administration, Santiago, Chile, and Mr. Ernest Lamers, who was also appointed Rapporteur on prison labour. The members of the Steering Committee of the Congress were therefore Mr. de Steiger (Switzerland), President, Mr. Sellin (United States of America), Mr. Bennett (United States of America), Mr. Pettinato (Argentina), Mr. Bocobo (Philippines), Mr. Germain (France), Mr. Ross (United Kingdom), Mr. Drapkin (Chile), Mr. Lamers (Netherlands), Mr. Lopez-Rey (United Nations) and Mr. Amor (United Nations). Mr. Berthoud, the Assistant Executive Secretary of the Congress, acted as Secretary of the Steering Committee.

VII. Organization of work

25. For the purpose of considering the items on its agenda, the Congress was divided into three Sections. The work of the Sections was allocated as follows:

Section I. Standard minimum rules for the treatment of prisoners; recruitment, training and status of prison personnel;

Section II. Open penal and correctional institutions; prison labour;

Section III. Prevention of juvenile delinquency.

26. Sections I and III each held eight meetings and Section II nine. The Congress had twelve plenary meetings. Apart from the opening meeting, six plenary meetings were devoted to a discussion of the conclusions submitted by the Sections, and five to general lectures.

27. English, French and Spanish were the working languages of the Congress and speeches made in any of the working languages were interpreted simultaneously into the two others at all meetings of the Sections and at plenary meetings. Any participant could speak in a language other than the working languages if he made provision for the interpretation of his speech into one of the working languages.

VIII. Other activities

28. During the Congress the Secretariat showed three films directly related to questions on the agenda. Several delegations also presented films of immediate interest to participants. The following films were shown:

(1) *Penitentiary* (in French). Produced by the National Film Board of Canada.

(2) *After Prison—What?* (in English). Produced by the National Film Board of Canada.

(3) *Human Salvage* (in English). Produced by the Department of Public Information, Government of India.

(4) *Children in Need* (in English). Produced by the Information Department of the Government of Ceylon.

(5) *The Quiet One* (in English). Produced by the Wyltwick School for Boys, New York.

(6) *Crossroads of Life* (in English and in French). Produced by the United Nations Department of Public Information.

(7) *Children of Darkness* (in Spanish). Produced by the United Nations Department of Public Information.

29. The Swiss Federal and Cantonal Authorities generously contributed to the success of the Congress by organizing, in consultation with the Secretariat, visits to institutions for adult and juvenile delinquents in Switzerland. These were made on Thursday, 25 August 1955 (the Witzwil, Bellechasse and Thorberg penal institutions), on Saturday afternoon, 27 August (penal institutions of the Orbe Plain), and on Saturday afternoon, 3 September 1955 (juvenile institution of Vennes-sur-Lausanne).

30. In response to a request from the Secretariat, the Prison Administrations of Belgium, France, the Netherlands and the United Kingdom also generously arranged visits to penal and juvenile institutions in their respective countries during the week after the end of the Congress. These visits enabled representatives who had come from distant countries to take part in the Congress to derive the greatest possible benefit from their journey.

31. The Secretariat also organized an international prison exhibition during the Congress, centred on the topics on its agenda. It requested the assistance of its correspondents in the field of the prevention of crime and the treatment of offenders in various countries, and nineteen countries³ and a number of non-governmental organizations and editors of specialized magazines contributed to the exhibition which occupied three rooms and several galleries in the Palais des Nations.

32. Lastly it should be mentioned that many specialized professional groups took advantage of the

³ The following countries took part in the exhibition: Argentina, Belgium, Ceylon, Denmark, Egypt, Ecuador, France, India, Israel, Italy, Japan, Luxembourg, the Netherlands, Portugal, Sweden, Switzerland, the United Kingdom, the United States of America and Venezuela.

Congress to convene their members or to establish useful contacts with persons who were also taking part in the Congress and with whom they had common professional interests. The facilities of the Secretariat were placed at their disposal.

IX. Publicity

33. Representatives of the press and radio took a keen interest in the work of the Congress. The representative of the Secretary-General held a press conference before the Congress opened and the President of the Congress also held a press conference on the completion of its work. The United Nations Information Centre at Geneva issued thirteen press releases concerning the Congress. These press releases were published by newspapers throughout the world and many leading articles were also written about the Congress.

34. The visits to various Swiss penal institutions were covered by newspapermen who also showed great interest in the prison exhibition. This exhibition was open to the public visiting the Palais des Nations and was considered a great success.

PART II. PROCEEDINGS OF THE CONGRESS

I. Opening meeting

35. The Congress was opened by Mr. Pelt, the Director of the European Office of the United Nations. After welcoming participants on behalf of the Secretary-General of the United Nations, he said that, historically, the Congress could be regarded as a continuation of the international meetings held for three quarters of a century by the International Penal and Penitentiary Commission. He emphasized the contribution which the United Nations had endeavoured to make to international co-operation in the field of the prevention of crime and the treatment of delinquents, and outlined its three main features. The first was a universal outlook on such co-operation, as a result of which the Secretariat had organized meetings dealing with the subject in various regions of the world. Second, the United Nations had made a determined effort not to regard crime from the strictly juridical point of view, but to look at it rather as a social phenomenon, in the context of related social problems. Lastly, the United Nations had expressed a desire to provide direct assistance to Governments at their request and beyond Governments to individual men and women, in solving the problems facing them in that field. Having thus described the background of the Congress, the Director of the European Office of the United Nations expressed the conviction that the Congress would be a valuable contribution to the development of a rational and humanitarian policy in regard to crime.

36. Speaking after his election,⁴ Mr. de Steiger, the President, referred to the "spirit of Geneva" thanks to which it was possible to discuss all the world's major problems in an attempt to find constructive solutions, and expressed satisfaction at the fact that experts on the prevention of crime and the treatment of offenders from all parts of the world were meeting in a joint effort to solve the problems with which they were concerned. The tragedy of the criminal and society's imperative duty to find means of ensuring his social rehabilitation placed the debates of the Congress on a high moral plane from the very outset. In conclusion he expressed the hope

⁴ See para. 20 above.

that the Congress would further develop international co-operation and promote the juridical and social progress required by the welfare and security of nations.

37. After electing its officers, the Congress heard a statement by Mr. Lopez-Rey, the representative of the Secretary-General at the Congress, who drew attention to the ways in which the meeting differed from the congresses previously organized by the International Penal and Penitentiary Commission. First, the questions under consideration were part of the extensive United Nations work programme on social questions, and while having their own objective, namely the prevention of crime and the treatment of offenders, they must be considered as an integral part of that work programme and not in isolation. Second, the Congress itself was a component part of a broader scheme of international co-operation provided for under General Assembly resolution 415 (V) and was a sequel to a number of regional meetings, the discussion and recommendations of which largely provided the basis for its work. Lastly, the recommendations of the Congress would be transmitted by the Secretary-General to the Social Commission of the Economic and Social Council, which, in the light of those recommendations and of its own work programme, would submit to the Council appropriate proposals for the purpose of giving the largest possible measure of practical effect to the decisions of the Congress.

38. The representative of the Secretary-General then briefly reviewed the task that awaited the Congress when it considered each of the items on its agenda.

39. In conclusion, the representative of the Secretary-General, speaking on behalf of the United Nations, expressed his thanks to the Swiss Government and authorities for the hospitality they had accorded the Congress and to the French and United States prison authorities for their help in printing free of charge many of the documents distributed at the Congress. The opening meeting was adjourned after Mr. Amor, the Executive Secretary, had made a number of announcements.

II. Deliberations of the Congress

A. STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

1. BACKGROUND

40. It may be of interest to outline briefly the process which led to the discussion and adoption by the Congress of Standard Minimum Rules for the Treatment of Prisoners. The process began with the Standard Minimum Rules for the Treatment of Prisoners drawn up by the International Penal and Penitentiary Commission in 1929 and revised by it in 1933. The rules were endorsed in 1934 by the Assembly of the League of Nations.

41. The first international group of experts in the field of the prevention of crime and the treatment of offenders convened by the United Nations met from 1 to 8 August 1949 and recommended that the Social Commission should undertake the revision of the Standard Rules after consultation with the Commission on Human Rights and in consultation with Governments and interested organizations.⁵

42. At the same time, the International Penal and Penitentiary Commission adopted a resolution on 6 August 1949 stating that, in view of the progress achieved during the preceding twenty years through thought and practice in the penitentiary field, it was its duty to undertake the revision of the Rules forthwith and to seek the co-operation of the United Nations to that end. The resolution further specified that the revised Rules should be submitted to the United Nations in order that consideration might be given to the steps necessary to apply them in place of the existing Rules.

43. At its fifth session in December 1949, the Social Commission approved in principle the revision of the Rules and stated that it envisaged the preparation of an appropriate international agreement on the Minimum Rules, which would have to be submitted for approval to the competent United Nations organs.⁶

44. A questionnaire prepared by the International Penal and Penitentiary Commission to serve as a basis for the revision of the Standard Rules was circulated by the Secretary-General of the United Nations to Governments and to the specialized agencies concerned in July 1950. The replies received were transmitted to the Secretary-General of the Commission.

45. A revised draft of Standard Minimum Rules for the Treatment of Prisoners was approved by the International Penal and Penitentiary Commission on 6 July 1951 at its last session. This draft was transmitted to the Secretary-General of the United Nations on 8 August 1951.

46. In accordance with the procedure decided upon, the draft of the revised Standard Minimum Rules was

submitted in October 1951 for comment to Governments, the specialized agencies concerned (ILO, WHO, UNESCO) and to various divisions of the United Nations Secretariat.⁷

47. The 1951 draft of the Standard Rules was among the subjects considered by the regional consultative groups in the field of the prevention of crime and the treatment of offenders convened in accordance with paragraph (b) of the annex to General Assembly resolution 415 (V). The regional groups convened in Europe, Latin America, the Middle East and Asia and the Far East considered the observations received and formulated such amendments to the 1951 draft as they considered appropriate.⁸

48. In accordance with the recommendation of the *Ad Hoc* Advisory Committee of Experts which met in 1953, the question of the Standard Minimum Rules for the treatment of Prisoners was included in the agenda of the Congress to enable the latter to discuss and prepare a text reflecting generally accepted thinking on the subject.

2. DOCUMENTATION

49. On the basis of the discussions in the regional groups, the Secretariat prepared a study of the rules as adopted by the groups as well as a set of draft rules to serve as a basis for the work of the Congress (A/CONF/6/C.1/L.1). The report submitted to the Congress by the Secretariat drew attention to the problem of the form to be given to the Standard Rules, a problem which had been raised by the Social Commission at its fifth session.

3. ORDER OF PROCEEDINGS

50. At its first meeting, the Steering Committee of the Congress agreed that in view of the intensive work at the regional level that had preceded the drawing up of the draft Standard Rules submitted to the Congress by the Secretariat it was unnecessary to examine the draft rule by rule. After hearing Mr. Lopez-Rey, the representative of the Secretary-General, the Steering Committee adopted a proposal by the General Rapporteur, Mr. Sellin, under which the Secretariat was requested to prepare a list of the rules in which changes of substance had been made as compared with the 1951 draft. It was then suggested to Section I that it should only examine those rules and should not discuss the rules in the case of which the regional groups had been in agreement with the 1951 text.

51. Section I agreed to this procedure and, after hearing an introductory statement by the representative

⁷ The text of the 1951 draft and the observations received are contained in document ST/SOA/SD/L.1 and Add.1 and 2.

⁸ For the reports of the regional groups see the following documents: Europe: ST/SOA/SD/GEN.1; Latin America: ST/TAA/SER.C/13; Middle East: ST/TAA/SER.C/17; Asia and Far East: ST/TAA/SER.C/22.

⁵ See E/CN.5/154, para. 29.

⁶ See E/1568, para. 43.

of the Secretary-General, devoted three meetings to discussion of those rules of the Secretariat draft which did not reflect unanimous agreement on the part of the various regional groups. It then appointed a Drafting Committee to prepare and submit to the Section an amended text of certain rules on the basis of this discussion, it being understood that the Committee would also consider any remarks and suggestions concerning any rules in the draft that might be submitted to it in writing. The Drafting Committee, which was composed of Mr. Bennett (United States of America), Chairman, Mr. Dupréel (Belgium), Rapporteur of the Section, Mr. Garcia-Basalo (Argentina) and Mr. Menon (India) proposed amendments of varying importance to some twenty of the draft Rules (Section I, Working Paper No. 1). At its fourth meeting, the Section considered these proposals and adopted them with certain amendments.

52. At its sixth plenary meeting, the Congress examined the draft Rules, with particular reference to the amendments made by Section I to the Secretariat proposals (A/CONF.6/L.4). After making certain amendments to the decisions of the Section, the Congress unanimously and without abstentions adopted the text of the Standard Minimum Rules for the Treatment of Prisoners given in annex I, section A.

4. RESOLUTION ON THE STANDARD RULES

53. After the adoption of the Standard Rules by the Congress, the General Rapporteur, Mr. Sellin, submitted a draft resolution (A/CONF.6/L.5) to the plenary Congress concerning the procedure which might be followed by the organs of the United Nations with regard to the Standard Rules. The resolution, which is reproduced in annex I, section A, was adopted by acclamation.

5. DISCUSSION OF THE PROVISIONS OF THE SECRETARIAT DRAFT

54. The discussion of the Secretariat draft in Section I and in the plenary meeting was concerned in the first place with the title of the Standard Rules and with the structure of the draft.

55. With regard to the scope of application of the Standard Rules, the Congress gave particular attention to two provisions of the draft, the provision concerning Trust and Non-Self-Governing Territories and the provision providing for the application of the Standard Rules to prisoners deprived of their freedom by virtue of "security measures".

56. The place and role of religion in the penitentiary system were the subject of lively discussion and the provisions of the Secretariat draft relating to religion, which constituted a middle course between the two opposing tendencies that became apparent, were among those that were most hotly debated.

57. A fairly large number of amendments of detail were made to the draft in order to render certain rules more flexible and facilitate their application by prison administrations.

58. A number of other amendments adopted were intended to increase the protection afforded by the Standard Minimum Rules to prisoners or to place even greater emphasis on their social rehabilitation.

59. The Congress also discussed various other questions relating *inter alia* to the position of prisoners under arrest or awaiting trial.

(a) Retention of the word "minimum" in the title of the Standard Rules

60. The question was raised in Section I whether it was desirable to maintain the title "Standard Minimum Rules for the Treatment of Prisoners" or whether the word "Minimum" should be deleted. It was suggested that in the latter case a distinction might be drawn between two kinds of rules, some of which would be binding while the remainder would merely be recommendations. This would obviate certain difficulties in the application of the Rules.

61. Section I, however, decided to retain the word "minimum" in order to stress that the provisions of the Standard Rules were not purely optional but were the essential minimum requirements on the basis of which the various countries could perfect and further improve their penitentiary administration. The question was not raised again in the plenary meetings and the original title of the draft was retained.

(b) Position of the general principles in the text

62. The Standard Minimum Rules for the Treatment of Prisoners drawn up by the International Penal and Penitentiary Commission began with a number of preliminary observations and a statement of general principles. In the Secretariat draft, however, following a suggestion made by the Middle East consultative group, the general principles, under the title of "Guiding Principles", were placed at the beginning of Section A, "Prisoners under sentence",⁹ of part II of the Standard Rules ("Rules Applicable to Special Categories").

63. Several participants expressed regret at the change. Mr. Ancel (France) pointed out in particular that the general principles laid down the foundation of "penitentiary law" and were intended as an introduction embodying the very essence of the minimum requirements of modern thinking in penitentiary matters.

64. The representative of the Secretary-General, Mr. Lopez-Rey, explained why the Secretariat had suggested the modification of the original structure. The principles in question related essentially to persons undergoing penitentiary treatment, *i.e.*, to persons placed by virtue of a sentence of a court of law under the control of the penitentiary administration for the duration of the penalty depriving them of their liberty. If the principles were stated at the beginning of the Rules, it

⁹ Purely for drafting reasons, the title « *Détenus subissant une peine* » in the French text, to which the Congress added the words « *ou mesure* », was later brought into line with the title in the English and Spanish versions (« *Détenus condamnés* »).

would be necessary to repeat them in a more or less satisfactory form at the beginning of the section dealing with prisoners under sentence.

65. In view of the fact that the Section had taken no vote on the question, the Drafting Committee felt that in its proposals to the Section it could not alter the position of the guiding principles on its own initiative, and no further reference was made to the matter in the Section or in the plenary meetings. The principles therefore appear as Rules 56 to 64 of the text adopted by the Congress.

(c) *Application of the Standard Rules to Trust and Non-Self-Governing Territories*

66. The Secretariat draft contained the following provision (Rule 3) concerning the application of the Standard Rules in Trust and Non-Self-Governing Territories :

“ In particular, difficulties may be found in the application of the Rules in systems of penal institutions of Trust and Non-Self-Governing Territories, especially where they are sparsely populated or underdeveloped. It is hoped, however, that metropolitan Governments responsible for the administration of such territories will use their best endeavours to ensure that both the principles and the practice of the Rules are followed to the maximum extent compatible with the conditions and resources of these territories ”.

67. During the first reading of the draft in Section I, several participants expressed the view that this provision should be deleted. In particular, Sir Lionel Fox (United Kingdom) emphasized the importance of the Minimum Rules in all parts of the world and pointed out that there was no reason to believe that the difficulties involved in their application would necessarily be greater in Trust and Non-Self-Governing Territories than in the Metropolitan countries. He drew the Section's attention to Rule 2 of the Secretariat draft (see paragraph 70 below) which, he felt, fully covered the problem of difficulties in the application of the Rules. It would, he considered, be sufficient to add a sentence adapted from the final sentence of draft Rule 3, as follows : “ It is hoped that Governments will use their best endeavours to ensure that the principles and practice of these Rules are followed to the maximum extent compatible with prevailing conditions and available resources ”. He also proposed the adoption of a suggestion by the Department of Trusteeship and Information from Non-Self-Governing Territories of the United Nations Secretariat, that, if Rule 3 of the draft were deleted, a general provision should be included in the Standard Rules to the effect that the Rules should be equally applicable to Metropolitan countries and Trust and Non-Self-Governing Territories.

68. Others speakers who favoured the deletion of Rule 3 pointed out that it was much stricter than Rule 2, which allowed for exceptions to the application of the Rules that were not provided for in Rule 3. Rule 3 was much more specific. The view was also expressed that it was important not to give the impression that

there was a separate set of rules applicable to Trust and Non-Self-Governing Territories.

69. The representative of the Secretary-General, Mr. Lopez-Rey, explained that the reference to Trust and Non-Self-Governing Territories and to independent countries had been made in the light of Article 73 of the United Nations Charter which explicitly enjoined the States concerned to ensure the social advancement of Trust and Non-Self-Governing Territories. Rule 3 was merely a recognition of the principle stated in Article 73 of the Charter that the interests of the inhabitants of those Territories are paramount. Its purpose was therefore different from that of Rule 2 which was concerned with a problem of a general character.

70. The Drafting Committee took into consideration the desire of several participants that any reference to a possible difference in the application of the Rules in Metropolitan countries and in Trust and Non-Self-Governing Territories should be deleted. It therefore submitted the following proposal which combined in a single provision Rule 2, the statement that the Rules were equally applicable to Metropolitan countries and to Trust and Non-Self-Governing Territories, and the suggestion which had been made concerning the final sentence of the former Rule 3 :

“ In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the Rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations. These rules shall be equally applicable to Metropolitan countries and Trust and Non-Self-Governing Territories. It is hoped that Governments will use their best endeavours to ensure that the principles and practice of these rules are followed to the maximum extent compatible with prevailing conditions and available resources.”

71. When the text was discussed in Section I, Mr. Marquet (Belgium) expressed regret at the retention of the reference to Trust and Non-Self-Governing Territories as such. The humanitarian obligations of the Metropolitan countries towards Non-Self-Governing Territories had been acknowledged long before the United Nations Charter and there was, he felt, no need to draw attention to them in the Rules. He accordingly proposed that the third sentence of the Drafting Committee's draft, concerning the equal application of the Rules, should be replaced by the following: “ These Rules shall be applicable to all countries, whether or not they have in their Territories populations which are not fully self-governing.” After a discussion in which various participants supported the proposal while others opposed it, the proposal was put to the vote and rejected. The Section also rejected a proposal to delete the third sentence of the Drafting Committee's draft entirely and approved the draft.

72. In the plenary meeting, Mr. Dupréel, the Section rapporteur, said in introducing the text approved

by the Section, that the proposed draft implied that all countries were to be placed on the same footing with regard to the implementation of the basic penitentiary principles, on the understanding that, in the case of all persons, whether belonging to a Metropolitan or any other Territory, the Rules could reasonably be applied only in the light of local physical and human conditions.

73. Mr. Ancel (France), speaking on behalf of a number of delegations, pointed out that the third sentence of the new draft Rule 2 was not clear and was somewhat inconsistent with the remainder of the Rule. The delegations in question were, however, prepared to accept the proposed text simply as an expression of the desire that the Minimum Rules should be applied as widely and fully as possible. Mr. Al-Ani (Iraq), for his part, objected to the reference to three categories of Territories: Metropolitan countries, Trust Territories, and Non-Self-Governing Territories. The Standard Rules should be concerned, not with political systems, but directly and immediately with human beings; he therefore proposed that the last two sentences of the draft should be deleted and that only Rule 2 of the Secretariat draft should be retained. His proposal was supported by several participants, while others favoured the retention of the proposed text.

74. The representative of the Secretary-General, Mr. Lopez-Rey, explained why the Secretariat had proposed Rule 3 of its draft: it was not concerned with political questions in the narrow sense of the term, but with social and cultural questions; the Minimum Rules had to take into account the special status of territories to which the Charter of the United Nations had made special reference. He continued to believe that a reference to Trust and Non-Self-Governing Territories in the Standard Rules would be in keeping with the spirit in which the United Nations envisaged the problems of those Territories.

75. The proposal to delete the last two sentences of the draft Rule approved by Section I was put to the vote and adopted by 21 votes to 12, with 3 abstentions. As a result of this vote, Rule 2 of the Secretariat draft was retained in its original form and Rule 3 of the draft was deleted entirely. The decision taken was not due to a lack of interest in the situation of the Trust and Non-Self-Governing Territories but to a desire not to establish any distinction between these Territories and the Metropolitan countries in regard to the application of the Standard Minimum Rules.

(d) *Application of the Standard Rules to prisoners sentenced to "security measures"*

76. In the Secretariat proposals Rule 5, paragraph 1, read as follows:

"Part I of the Rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to 'security measures' directed towards their re-habilitation in conformity with modern penology."

The term "security measures", followed by the explanatory phrase included in this paragraph, was considered

unsatisfactory by a number of participants. It was pointed out that some security measures to which the Standard Rules should apply were not necessarily covered by the description given in the text. It was also pointed out that some measures of re-education were not adequately covered. It was further noted that the term "security measures" might suggest administrative measures rather than measures ordered by a judge or court.

77. On the basis of this discussion, the Drafting Committee proposed an amended text which referred to "security measures ordered by the judge" and was accompanied by a footnote stating that "the term 'security measures' comprises also measures of re-education". This text was amended by the Section which decided to delete the footnote and include the reference to measures of re-education in the body of the Rule. The Section finally agreed on the following wording: "...including prisoners subject to 'security measures' or corrective measures ordered by the judge", and this text was adopted by the plenary meeting without discussion.

(e) *Religion*

78. The Secretariat proposals contained the following provision (Rule 42) with regard to religion:

"(1) If the institution contains a sufficient number of prisoners of the same religion, a regular spiritual minister shall be appointed or approved for them. When the number of prisoners justifies it, a full-time minister shall be appointed or approved.

"(2) A minister appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

"(3) Access to a minister of any religion shall not be refused to any prisoner. On the contrary, if any prisoner should object to the visit of any minister, his attitude shall be fully respected."

79. This text was criticized by two groups of participants for opposite reasons. Some speakers felt that the rule was too neutral and that it was necessary to take a more positive position in regard to religious ministrations and the role of ministers of religion. Mr. Hooykaas (Netherlands) proposed that the second sentence of paragraph 3 should be amended to read: "On the contrary, if any prisoner has serious objections to the visit of any minister, his attitude shall be respected". This would make it possible to ascertain whether the reasons given by the prisoner to justify his objection to the visit of a minister of religion were sufficient, and it would also make it easier to take into consideration a change of attitude on the part of the objecting prisoner. A proposal was also put forward that the sentence should be completely deleted. It was also suggested that a new paragraph 1 stating that the religious life of the prisoners should receive particular attention from the administration of the institution (and not only from the minister of religion) should be inserted at the beginning of Rule 42.

80. Mr. Menon (India) and Mr. Szrenic (Yugoslavia) expressed the view that the text proposed by the Secreta-

riat should be made more flexible. They pointed out that in some countries State and Church were completely separated. As religious services in such countries were held in premises strictly reserved for that purpose, it would not always be possible to apply the provisions of Rule 42, paragraph 2. They pointed out that draft Rule 7, paragraph 2, laid down the principle that it was necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belonged and suggested that if it was decided to maintain Rule 42 it should at least be specified that the Rule was optional. Mr. Bennett, the Chairman of the Section and United States representative, drew attention to the practical difficulties that might be involved in the application of the provision that "access to a minister of any religion shall not be refused to any prisoner" in establishments with a large number of prisoners belonging to widely different religions.

81. In view of this divergency of opinion, the Drafting Committee decided to propose the retention of the original text of the Secretariat draft, subject to drafting changes in paragraph 3 and with the addition of a new paragraph 4 to Rule 42 reading as follows :

"The implementation of the foregoing paragraphs is subject to the application of constitutional or other national regulations on religious matters."

82. On the Section's second reading of the draft, Mr. Clerc (Switzerland) proposed the deletion of the new paragraph proposed by the Drafting Committee, on the grounds that it would constitute a breach of freedom of religion. Mr. Menon (India) said, in defence of the proposed text, that in fact it safeguarded freedom of religion by not imposing on national administrations special conditions. The provision concerning pastoral visits was, for example, applicable only in the case of the Christian religion, such visits being unknown in other religions. It was also pointed out that the term "minister" referred to a concept peculiar to the Christian religion. The object, in adding the proposed new paragraph, was thus to safeguard full freedom of religion and to avoid the imposition of any particular custom. When put to the vote, the additional paragraph proposed by the Drafting Committee was rejected by the Section.

83. A proposal that the words "minister of religion" should be replaced throughout Rule 42 by "the representative of any religion" was rejected by the Section, which approved the original text submitted by the Secretariat.

84. The proposal last mentioned was taken up at the plenary meeting in the form of a proposal by Mr. Cass (United States of America) providing *inter alia* that the words "qualified representative of a religion" should be substituted for the term "minister of any religion" in all three paragraphs of Rule 42. Another proposal was made that the words "minister or qualified representative of religion" should be used. The first of these proposals was adopted by the plenary meeting by 29 votes to 6, with 3 abstentions; the first text, with certain drafting changes, was adopted as a whole by 27 votes to 5, with 2 abstentions (see Rule 41 of the final text).

85. Amendments relating to the role of religion in the penitentiary system were also made in the case of two other provisions of the draft submitted by the Secretariat. Rule 67, paragraph 1, dealing with the means to be used in the treatment of prisoners, stated: "To these ends, all appropriate means shall be used, including education, vocational guidance, vocational training, employment counselling, physical development and strengthening of moral character...". On the second reading of the draft in Section I, a proposal to insert the words "religious care in the countries where this is possible" after the word "including" at the beginning of the paragraph was submitted and approved.

86. A similar proposal was made during the discussion of Rule 78, concerning the education of prisoners. It was proposed to add to the first sentence of paragraph 1 of the Rule, reading "Provision shall be made for the further education of all prisoners capable of profiting thereby", the words "including religious instruction in the countries where this is possible". The amendment was adopted by the Section.

87. The texts of rules 67, paragraph 1, and 78, paragraph 1, as so amended, were adopted without discussion by the plenary meeting.

(f) *Amendments to make certain provisions of the draft more flexible*

88. Rule 10, paragraph 2, of the Secretariat draft, concerning the accommodation of prisoners, provided *inter alia* that where dormitories were used there should be "regular supervision by night, except in institutions with a system of trust". This provision was considered too rigid, and, during the first reading, Mr. Bates (United States of America) proposed that the clause should be amended to read: "regular supervision by night, in keeping with the nature of the institution". The Drafting Committee accepted the proposed amendment, and it was adopted without discussion by Section I on second reading of the draft and by the plenary meeting.

89. In the same section on accommodation, the Secretariat proposal for paragraph 2 of Rule 11 concerning health requirements was worded as follows:

"A floor space of 6 m² (65 square feet) per prisoner and cubic air content of 15 m³ (530 cubic feet) under normal conditions of ventilation must be considered as minimum requirements".

Several participants felt that this provision was too definite to be capable of universal application and that the references to specific measurements should be deleted. Others considered that it would be useful to include such specifications in the Standard Rules. The Drafting Committee having deleted Rule 11, paragraph 2, it was proposed in Section I that the exact minimum measurements should be reintroduced as recommended minimum requirements for new penitentiary buildings. The proposal, however, was not seconded and was therefore not put to the vote. There was no further discussion on the deletion of this provision from the Secretariat draft in the plenary meeting.

90. Rule 18, paragraph 3, of the Secretariat proposals, under the heading "Clothing and Bedding", read as follows:

"In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing."

It was proposed to amend the text to read: "... his own clothing or other inconspicuous clothing". The Drafting Committee accepted the proposal and it is included in the final text of the Standard Rules as adopted.

91. The Congress, however, maintained the Secretariat text concerning the circumstances in which a prisoner should be allowed to wear his own clothing or other inconspicuous clothing, despite several attempts to amend the first part of Rule 18, paragraph 3. In Section I, a proposal was made to delete the words "in exceptional circumstances" but, when put to the vote, the proposal was rejected. A second proposal was made that the text should be amended to read: "In exceptional circumstances, as whenever a prisoner...". It was mentioned in this connexion that prisoners should be allowed to wear their own clothing in certain circumstances, even if they were not to be removed outside the institution, e.g. if a prisoner was married while in prison. This proposal also was rejected by the majority of the Section. In the plenary meeting, it was proposed that the text should specify the exceptional circumstances contemplated by the provision. The proposal was, however, rejected by 20 votes to 9, with 5 abstentions.

92. Rule 21, paragraph 2, of the Secretariat draft provided:

"Every prisoner shall be able to obtain drinking water at all times".

Several participants considered that this provision was too rigid from the point of view of prison administrations and suggested that it should be amended to read "... at all proper times". The text suggested by the Drafting Committee, "Drinking water shall be available to every prisoner whenever he needs it", was adopted by the Section and by the plenary meeting.

93. With regard to the Secretariat proposal (Rule 22, paragraph 1) that prisoners should have one hour of exercise in the open air daily if the weather permitted, Mr. Menon (India) drew the Section's attention to the fact that this provision could not be applied in the case of prisoners who were weak or in ill health. The paragraph was therefore amended to read:

"Every prisoner who is not employed in out-door work shall have at least one hour of *suitable* exercise in the open air daily if the weather permits".

94. The Secretariat proposals concerning complaints by prisoners were amended in two respects by the Congress. Rule 37, paragraph 4, provided that:

"Unless it is evidently frivolous or groundless, every request or complaint shall be promptly acted upon and an early reply made to the prisoner concerned".

Following a written proposal by Sir Lionel Fox (United Kingdom) to the Drafting Committee, the text was

amended to read: "... shall be promptly dealt with and replied to without undue delay".

95. Rule 37, paragraph 1, provided:

"Every prisoner shall have the opportunity each day of making requests or complaints to the director of the institution or the officer authorized to represent him".

It was proposed in the plenary meeting that prisoners should be entitled to make complaints and requests only on week days. The proposal was adopted by 21 votes to 6, with 4 abstentions (see Rule 36, paragraph 1, of the final text).

96. Rule 58 of the Secretariat proposals, one of the general principles applicable to prisoners under sentence, provided as follows:

"1. Punishment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty.

"2. The prison régime shall in no way aggravate the suffering inherent in such a situation."

The Drafting Committee proposed that the two paragraphs should be combined, the first words of the Secretariat draft being replaced by the words "Imprisonment and other measures which result..." and the word "therefore" being introduced at the beginning of the second sentence. When this text was examined on second reading, Mr. Bates (United States of America) proposed that the second sentence should be amended to read: "Therefore, the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation." He pointed out that even in a modern penitentiary system, it was often necessary to maintain isolation, a measure which undoubtedly aggravated the suffering of the prisoner. The amendment was adopted without discussion by the Section and by the plenary meeting.

97. Another change was made in Rule 67, paragraph 3, of the Secretariat text which provided *inter alia* that "The reports and other relevant documents shall be placed in a personal file to be known as 'personality file'". Following a written proposal by Sir Lionel Fox (United Kingdom), the term "personality file" was deleted and the Drafting Committee replaced it by "individual file", in order to preserve the general minimum character of the proposed recommendations.

98. The Congress also amended some of the rules relating to prison personnel. Rule 50, paragraph 2, of the Secretariat proposals stated:

"The social workers, teachers and trade instructors shall be employed on a permanent basis."

During the first reading of the draft, several participants said that they would prefer a more flexible formula in respect of specialized personnel. They pointed out that such personnel could not always be employed on a full-time basis, particularly in relatively small institu-

tions. It was also considered that allowance should be made, for example, for the fact that outside instructors often gave night classes in penal institutions. It was also pointed out that voluntary workers are widely used in some countries to perform some of the special duties referred to in the provision in question. The Drafting Committee accordingly proposed that the provision should be amended to read: "The services of social workers, teachers and paid instructors shall, so far as possible, be secured on a permanent basis". When this text was discussed in Section I, it was proposed that the words "so far as possible" should be deleted and that the words "without thereby excluding part-time or voluntary workers" should be added at the end of the sentence. The proposal was adopted by the Section and the provision as amended was approved by the plenary meeting without discussion.

99. Rule 51, paragraph 1, of the Secretariat proposals provided that:

"The director of an institution shall be adequately qualified for his task by character, administrative ability, technical and scientific training, and experience in this field".

In the plenary meeting, it was proposed that the word "suitable" should be substituted for the words "technical and scientific" in order to avoid any unduly rigid definition of the qualifications of the directors of institutions. The proposal was adopted by 24 votes to 7, with 1 abstention (see Rule 50, paragraph 1 of the final text).

100. In the Secretariat proposals, Rule 51, paragraph 3, concerning the residence of the director of the institution, provided:

"He shall as a rule reside on the premises of the institution or, in the absence of accommodation within the institution, in its immediate vicinity".

The Drafting Committee proposed that the text should be amended to read: "He shall reside on the premises of the institution or in its immediate vicinity". This text was adopted by the Section and by the plenary meeting.

101. Two proposals to amend the provisions of the draft concerning prison work in order to give more latitude to the prison administration were rejected by the plenary meeting. The first of these proposals related to Rule 77, paragraph 1, which provided that:

"There shall be a system of adequate remuneration of the work of prisoners".

A proposal to delete the word "adequate" was opposed by several participants and finally withdrawn; it was, however, agreed to substitute the word "equitable" for the word "adequate" in the English text.

102. Sir Lionel Fox (United Kingdom) proposed the deletion of Rule 77, paragraph 3, reading as follows:

"The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release".

Sir Lionel Fox said that in his view the provision was not a minimum rule and he accordingly proposed its deletion. His proposal was supported by Mr. Hooykaas (Netherlands) who drew attention to the fact that the value of savings might be reduced by currency depreciation. The proposal to delete the paragraph was put to the vote and rejected by 32 votes to 5.

(g) *Amendments to increase the protection afforded to prisoners*

103. Several amendments were made to the draft Standard Rules for the specific purpose of improving the position of prisoners or of facilitating their social rehabilitation. Rule 24, paragraph 1, of the Secretariat proposals read as follows:

"In women's institutions there shall be special accommodation for the proper treatment of pregnant women and of those after childbirth or convalescent; but whenever practicable arrangements shall be made for children to be born in a hospital outside the institution".

Basing itself in part on a written proposal by Sir Lionel Fox (United Kingdom), the Drafting Committee amended this paragraph to read:

"In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution."

A second sentence was also added as follows: "If a child is born in prison, this fact shall not be mentioned in the birth certificate". This proposal was adopted both by Section I and by the plenary meeting.

104. Rule 27, paragraph 2, of the Secretariat proposals, concerning the functions of medical officers of institutions provided: "The director shall take into consideration the reports and advice that the medical officer submits... and, in case he concurs with the recommendations made, shall see to it that they be followed". The Drafting Committee, adopting in part a written suggestion by Sir Lionel Fox, amended the last part of this provision to read: "... and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority". This proposal was adopted by the Section and by the plenary meeting without discussion.

105. Mr. Hermon (Israel) proposed the addition of "social casework" to the methods of treatment enumerated in Rule 67, paragraph 1, of the Secretariat proposals. The proposal was adopted by the Section and by the plenary meeting (see Rule 66, paragraph 1, of the final text).

106. In the chapter on social relations and after-care, Rule 82, paragraph 1, of the Secretariat proposals provided as follows:

"Agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destinations and maintain themselves in the period immediately following their release."

Adopting in part a written proposal submitted by the Argentine and Guatemalan delegations, the Drafting Committee amended the text to read that the agencies concerned should "ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to...". When the text was considered by Section I on second reading, Mrs. de Bray (Belgium) expressed the hope that greater emphasis would be laid on the fact that it was the responsibility of the administration, rather than of the voluntary agencies, to provide released prisoners with the documents and identification papers referred to in the Drafting Committee's amendment. The Section took this view into account and amended the beginning of the paragraph to read: "Services and agencies, governmental or otherwise, which assist released prisoners...". The word "services" was added to emphasize the responsibility of the authorities in the matter of social rehabilitation and after-care. When this provision was discussed by the plenary meeting, Mr. Kunter (Turkey) proposed that the reference to "identification papers" should be deleted and reference should be made only to "appropriate documents and papers"; Mr. Kunter felt that it was impossible for the agencies in question to secure identity documents for released prisoners. Mr. Dupréel, Rapporteur, explained that it was intended that the agencies concerned should assist released prisoners to obtain the necessary papers. The agencies would in many cases be able to play a useful part in that connexion. The proposed amendment was put to the vote and rejected by 21 votes to 4, with 4 abstentions.

107. Another proposal to amend a rule to increase the protection of prisoners was not, however, adopted. Rule 25 of the Secretariat proposals provided: "The medical officer shall see and examine every prisoner as soon as possible after his admission, with a view particularly to the discovery of physical or mental illness..." During the first reading of the draft by Section I, Mr. Hermon (Israel) proposed that the provision should be amended to specify that the medical officer should examine every prisoner immediately after his admission. The Drafting Committee submitted a text to the Section which provided: "The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness...". The French version was somewhat different and used the word "*immédiatement*". Mr. Hermon, in an amendment to the English text of the Drafting Committee's proposals, again proposed that prisoners should be examined immediately after admission; he proposed that the text should be amended to read: "The medical officer shall see and examine every prisoner immediately

after his admission, and in any case before he is allowed to enter into contact with other prisoners, and thereafter as necessary...". Mr. Hermon emphasized in particular that penal administrations were responsible for ensuring that new prisoners suffering from contagious diseases did not infect the other prisoners. During the discussion, it was pointed out that some small prisons did not have a full-time medical officer and that in practice prisoners frequently arrived in batches, which made any system of quarantine before medical examination illusory. The proposal was put to the vote and rejected by the Section and the Drafting Committee's text, the English version of which was in conformity with the decision taken, was adopted. The text adopted by Section I was adopted by the plenary meeting without discussion (see Rule 24 of the final text).

108. During the discussion of Rule 21 of the Secretariat proposals, concerning food, the question was raised whether the reference to "food of nutritional value adequate for health and strength" was sufficient or whether the Rules should specify a minimum number of calories or refer to the diet usual in the region. No specific proposal was, however, made on the basis of this suggestion, which was therefore dropped.

(h) *Miscellaneous*

109. When Rule 4 of the Secretariat draft (Rule 3 of the final text) was discussed by the plenary meeting, it was proposed that the following text: "The study of behaviour likely to lead to delinquency shall be based on the observation of each individual case by qualified personnel, implying the utilization of scientific methods" should be substituted for, or added to, the existing text. The text was put to the vote, 13 votes being cast for, and 13 against, with 1 abstention. In accordance with the rules of procedure, the proposal was considered rejected.

110. The Secretariat proposals contained the following provision concerning the application of the Standard Rules to young prisoners (Rule 6):

"1. The Rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general Part I would be equally applicable in such institutions.

"2. The category of young prisoners should include at least all young persons who come within the jurisdiction of the juvenile courts. In principle young persons should not be sentenced to imprisonment. Where this is unavoidable, every precaution should be taken to separate them from other prisoners, if possible in separate institutions accommodating no more than two hundred inmates, where they should receive a treatment similar so far as is possible to that applied in training schools."

The Drafting Committee, adopting a suggestion submitted to it by Sir Lionel Fox (United Kingdom), proposed the deletion of the final sentence of paragraph 2 on the grounds that it exceeded the scope of the minimum rules for the treatment of prisoners. During the discus-

sion in Section I, Mr. Nuvolone (Italy) proposed that the second sentence of the same paragraph should also be deleted because it involved a question of penal law and not a question of penitentiary administration or legislation. Opinion in the Section on this question was divided and the proposal to delete the sentence was finally rejected by a small majority, but the words "As a rule" were substituted for the words "In principle". The plenary meeting adopted the text approved by the Section.

111. During the first reading of the draft in Section I, there was a discussion concerning Rule 88 of the Secretariat proposals, concerning persons under arrest or awaiting trial, which provided:

"Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, procure their food at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food."

Several participants considered that, since satisfactory food was guaranteed by the general provisions of the draft, it was not desirable to contemplate a special system with regard to persons under arrest or awaiting trial. It was pointed out that such a rule might lead to corruption, and result in undesirable discrimination between prisoners financially able to obtain better food and others not in a position to do so. In favour of the deletion of the Rule, it was argued that the essential consideration was that the administration should provide adequate food for all prisoners. In answer to this view, it was pointed out that prisoners awaiting trial were in a special position as they had to be presumed innocent until they were found guilty by a court and that it was therefore desirable that their living conditions should be as normal as possible notwithstanding their being under arrest. The question was not raised again during the second reading of the draft in Section I, or in the plenary meeting, and the final text of the Standard Rules reproduces the Secretariat proposal on this point, with a slight drafting change.

112. A number of amendments of a purely drafting character were made in the course of the Congress to the following provisions of the Secretariat proposals:

French and English texts: Rule 18, paragraph 2, Rule 49, Rules 68-70 (titles), and Rule 88;

French text: Rule 5, paragraph 5, and Rule 61, paragraph 2;

English text: Rule 14, Rule 46, paragraph 2, Rule 48, paragraph 3, Rule 64, paragraph 4, Rule 67, paragraph 1, and Rule 85, paragraphs 1 and 2.

113. The provisions of Rule 52, paragraph 1, and Rule 55, paragraph 3, of the Secretariat proposals, which were also included in the Secretariat's draft recommendations concerning the selection and training of personnel for penal and correctional institutions, were amended to reflect the amendments made to those recommendations when they were considered by the Congress. (See paras. 161 and 162 below.)

B. SELECTION AND TRAINING OF PERSONNEL FOR PENAL AND CORRECTIONAL INSTITUTIONS

1. BACKGROUND

114. The question of the training of staff for penal institutions was included by the Social Commission at its third session in its programme of work in the field of social defence. The subject was later widened to cover the recruitment, training and status of personnel for penal institutions, and since the fifth session of the Social Commission, has been included in the list of priority projects.

115. The question was included in the agenda of three regional consultative groups (Europe, Latin America and Asia and Far East) in the field of the prevention of crime and the treatment of offenders, which met between 1952 and 1954. The three Groups adopted recommendations on the subject. The question of staff for penal institutions was not formally included in the agenda of the Middle East group, but the group discussed the subject to some extent during its consideration of the Standard Minimum Rules for the Treatment of Prisoners. The question was submitted to the Congress, in order to provide an opportunity for general exchange of views on the findings of the regional groups with a view to the formulation of generally applicable recommendations.

2. DOCUMENTATION

116. In a report prepared for the Congress (A/CONF.6/C.1/L.2) the Secretariat made a study of the recommendations of the various regional consultative groups on the subject of the recruitment and training of prison staff, and used them as a basis for the preparation of its own draft recommendations. In addition, the Congress had before it thirty reports (A/CONF.6/C.1/L.3 to L.32) prepared at the request of the Secretariat by specialists in various parts of the world giving concrete examples of programmes for the selection and training of personnel for penal institutions in different countries.

3. ORDER OF PROCEEDINGS

117. Section I of the Congress devoted four meetings to the question of the recruitment, training and status of personnel for penal institutions. It based its work on the Secretariat's draft recommendations, and after hearing a statement from Mr. Lopez-Rey, the representative of the Secretary-General, devoted three meetings to considering the draft recommendations point by point. It then requested the Rapporteur, Mr. Erra, to present a working paper incorporating the various amendments suggested during the discussions. The Section devoted a fourth meeting to a second reading of the draft recommendations, on the basis of the document prepared by the Rapporteur (Section I: Working Paper No. 2). The Section made certain amendments to the text which had been submitted to it, and unahimously adopted a complete set of draft recommendations.

118. These draft recommendations (A/CONF. 6/L.6) were examined by the Congress at its ninth plenary meeting. After making various amendments to the draft, the Congress adopted it unanimously. The text of the recommendations appears in annex I, section B.

119. In accordance with rule 21 of the rules of procedure of the Congress, the President, Mr. Pettinato, then requested the representatives of non-governmental organizations and the individual participants to express their views, for consultative purposes, by a show of hands, on the text of the recommendations adopted. The participants in these categories were unanimously in favour of the text.

4. RESOLUTION ON THE SELECTION AND TRAINING OF PERSONNEL FOR PENAL AND CORRECTIONAL INSTITUTIONS

120. After the adoption of the recommendations by the Congress, the General Rapporteur, Mr. Sellin, proposed a draft resolution (A/CONF.6/L.7) expressing the hope that the Council would endorse the recommendations, and the wish that they might be given the widest publicity and that information on their implementation might be collected periodically. The resolution, which was adopted by acclamation, is reproduced in annex I, section B.

5. DISCUSSION OF THE SECRETARIAT DRAFT RECOMMENDATIONS

121. The discussion in the Congress covered several categories of questions. In the first place, there was a spirited discussion as to whether prison staff, in particular custodial staff, should be civil, military or semi-military in character. This debate was continued in the plenary meetings.

122. Certain amendments were made to the Secretariat's draft recommendations, with the purpose of increasing the efficiency of prison staff, stressing the social aspect of their work and providing additional guarantees of its value.

123. An almost equal number of amendments were concerned with making the text of the recommendations adopted more flexible in order to facilitate their application by national prison administrations.

124. The question of the establishment of research institutes to be attached to the regional training institutes for prison personnel was also discussed in the Section and in the plenary meeting.

125. A number of amendments on various other subjects were also made to the Secretariat draft recommendations.

(a) *Non-military organization of the staff*

126. Recommendation VII in the Secretariat draft read as follows :

"(1) Prison staff should be organized on civilian lines with a division into ranks or grades as this type of administration requires.

"(2) Supervisory staff should be organized in accordance with the disciplinary rules of the penal institution in order to maintain the necessary grade distinctions and order.

"(3) As a general rule, it is recommended that staff should be specially recruited and not seconded from the armed forces or police or other public services."

Mr. Osman (Egypt) pointed out, when this provision was discussed in Section I, that re-education called for an element of firmness and discipline not incompatible with a semi-military organization of the staff; staff organized along those lines might in some cases be extremely valuable from this point of view. It was also suggested that the first paragraph of the recommendation might be made somewhat less categorical in tone by substituting the word "*devrait*" for the "*doit*" in the French text or by amending the paragraph to read "prison staff, and in particular the executive staff, should be organized on civilian lines . . .".

127. There were, however, several participants who could not agree either to narrowing the scope of the paragraph or to a radical change in it. Mr. Bouzat (France) said that he did not think prisoners could be reformed and rehabilitated unless harshness and inflexibility were completely eliminated from treatment in penal institutions; to that end, the civilian character of the staff must be accentuated and increasing emphasis must be placed on their educational functions. Mr. Fairr (United Kingdom) thought that any amendment which would detract from the principle that prison staff should be essentially civilian in character would seriously weaken the text. A formal proposal by Mr. Osman that would have permitted the organization of prison staff on semi-military lines was rejected by a large majority of the Section.

128. A proposal to delete the opening words of paragraph (3), so that the paragraph would read: "Staff should be specially recruited and not seconded from the armed forces or police or other public services" was adopted by the Section during the first reading of the draft recommendations.

129. During the second reading, Mr. Garces Basaure (Chile) asked that the point should be reconsidered. He expressed serious misgiving concerning the text previously adopted by the Section, maintaining that members of the armed forces might prove excellent prison officers, from the point of view both of discipline and of training. Mr. Lopez-Rey, the representative of the Secretary-General, pointed out that the principle that prison staff should be organized on civilian lines had been accepted by all the regional consultative groups, although the possibility of recruiting suitable persons from the armed forces on an individual basis was naturally not ruled out. The Section decided by a large majority to retain the text which it had previously adopted.

130. At the plenary meeting, the Chilean representative again proposed the deletion of recommendation VII, paragraph 3, as it appeared in the conclusions adopted by Section I and Mr. Bocobo (Philippines) supported the proposal. They maintained that the general pro-

visions regarding the selection of personnel, taken as a whole, furnished adequate safeguards. Mr. Garces Basaure spoke highly of the armed forces, which in many countries, he thought, provided a sound training in citizenship and culture.

131. Other participants again stressed the importance they attached to a clause emphasizing the need for specially recruited prison staff, rather than personnel merely seconded from the armed forces. Mr. Lopez-Rey, the representative of the Secretary-General, again drew attention to the fact that the regional consultative groups had been unanimous on the subject of the civilian organization of prison staff. The proposal to delete paragraph 3 of recommendation VII was put to the vote and rejected by 33 votes to 7, with 2 abstentions.

(b) *Efficiency of prison staff and the social nature of their functions*

132. The first paragraph of recommendation I of the Secretariat draft headed "Prison service in the nature of a social service" read:

"Attention is drawn to the change in the nature of prison staffs which results from the development in the conception of their duty from that of guards to that of members of an important social service demanding ability and good team work on the part of every member."

While recognizing that there were other recommendations stressing the need for the training of personnel, Mr. Lejins (United States of America) proposed that training should be mentioned in the statement of the fundamental principle set forth in the paragraph, which, he suggested, should be amended to read:

"... an important social service demanding ability, appropriate training, and good team work on the part of every member".

Mr. El Attar (Egypt) suggested, instead of "appropriate training", "specific qualifications" or "specific knowledge". Several participants doubted whether the amendment was necessary. They pointed out that the question of the training of prison staff was covered in detail in section (D) of the draft recommendations and that the question of qualifications was dealt with in the provisions relating to recruitment. Despite these arguments, the participants mentioned felt that the question of training was important enough to call for an express reference in the introductory paragraph of the recommendations. After rejecting the proposal to insert the words "specific qualifications", the Section decided by a small majority to insert the term "appropriate training". The paragraph as amended was adopted without discussion in the plenary meeting.

133. In the section of the Secretariat draft dealing with the status of staff and conditions of service, recommendation VI, paragraph 2, read as follows:

"Salaries and other employment benefits should be so calculated as to ensure an adequate standard of living for members of the staff and to compensate them for the exacting service which a modern penal system requires."

This provision was the subject of lively discussion in the Section. Mr. Tetens (Denmark) and Mr. Fairn (United Kingdom) pointed out that in describing the conditions of service of prison staff in general it was essential to bring out the fact that in accordance with modern conceptions, the duties of the staff were a social service in the broadest sense of the term. They drew the Section's attention to the fact that the European regional consultative group had adopted a more explicit provision on the subject, which had been taken up by the Asia and Far East group. Mr. Lopez-Rey, the representative of the Secretary-General, pointed out, however, that the text adopted by the two consultative groups referred only to custodial staff, while the provision in question was concerned with prison staff in general. In many countries, for instance, the medical officers of penal institutions were very inadequately paid. Other speakers observed that conditions varied widely from country to country, and suggested that the provision should contain merely a general statement concerning the salaries of personnel. Those in favour of a more explicit text, however, adhered to their position, and Mr. Tetens expressly stated that he hoped to take with him from the Congress specific recommendations that would enable him to propose to the authorities in his own country that the custodial staff should be better paid. Mr. Fairn (United Kingdom) formally proposed that paragraph 2 of the Secretariat draft should be replaced by the provision adopted by the European group, so that recommendation VI, paragraph 2 would read:

"Salaries and other employment benefits should not be arbitrarily tied to those of other public servants but should be related to the work to be performed in a modern prison system which is complex and arduous and is in the nature of an important social service".

The proposal was put to the vote and adopted by the Section by a small majority. It was adopted by the plenary meeting without discussion.

134. Paragraph 2 of draft recommendation IX, concerning the competent authority and general administrative methods for the recruitment of staff, read:

"Where other State bodies, such as a civil service commission, are responsible for recruitment, the prison administration should have a say in the selection of candidates."

During the discussion in the Section, Mr. Fairn (United Kingdom), while making no formal proposal on the subject, suggested that the prison administration could not be content with merely "a say in the selection of candidates", but should have the right to refuse to accept persons not in possession of the qualifications required for the post for which they had been recruited. In reply to this suggestion, it was pointed out that the administrative structure of some States was such as to make it impossible for the prison administration to have the last word in regard to the selection of candidates and that the formula proposed by the Secretariat was designed to take that situation into account. The text proposed by the Secretariat was finally adopted by Section I, without amendment at either the first or second reading.

135. When the draft recommendations were examined by the plenary meeting, Mr. Cornil (Belgium) supported by Sir Lionel Fox (United Kingdom), suggested that the last part of recommendation IX, paragraph 2, should be amended to read:

“...the prison administration should not be required to accept a candidate whom they do not regard as suitable.”

Several participants objected to this proposal, on the grounds that the provisions of the draft recommendations on recruitment must not undermine the organization and structure of the civil service. Others expressed approval of the amendment. When it was put to the vote, the proposed amendment was adopted by 23 votes to 9, with one abstention.

136. Recommendation XI, paragraph 3 of the Secretariat draft referring to the recruitment of custodial staff, read as follows:

“It is also recommended that candidates who have been admitted should serve a probationary period to allow the competent authorities to form an opinion of their personality, character and ability”.

In order to give greater effect to the principle stated in the paragraph, the Section decided to delete the words “It is also recommended that...”. The paragraph as amended was adopted by the plenary meeting without discussion.

137. The first recommendation on the training of personnel in the Secretariat draft, i.e., recommendation XVI referring to training prior to final appointment, stated:

“Before entering on duty, staff should be given a course of training in their general and specific duties and be required to pass theoretical and practical examinations.”

During the first reading of the draft, Mr. Cannat (France) expressed the view that the text did not place sufficient emphasis on the essential social function of prison staffs. He accordingly proposed the addition of another paragraph along the following lines: “Staff should in particular acquire an understanding of their function that will facilitate the social application of penalties.” Several participants expressed doubts as to the desirability of such an amendment. They pointed out that other recommendations required candidates to have certain special qualities and the social understanding necessary for the performance of their duties. They felt that it would be unreasonable to require more in the early stages of training in which the important factor was personal contact between the recruits and the staff responsible for their training. The proposed amendment was not seconded and accordingly was not put to the vote. The Section approved the text proposed by the Secretariat.

138. In the plenary meeting, Mr. Cornil (Belgium), however, proposed another amendment to replace the words “training in their general and specific duties”, by the words “training in their general duties, with a

view particularly to social problems, and in their specific duties...”. The proposal was adopted by 25 votes to 3, with 2 abstentions.

139. During the first reading of the draft recommendations in the Section, Mr. Bennett (United States of America) proposed the addition to recommendation XXII, concerning in-service training, of the following paragraph referring to the payment of salary during training: “Whenever any type of special training is required it should be at the expense of the State and those undergoing training should receive the pay and allowances of their grade. Supplementary training to fit the officer for promotion may be at the expense of the officer and in his own time.” The proposal was adopted by the Section and by the plenary meeting.

140. Recommendation XXIII of the Secretariat draft, “Discussion groups, visits to institutions, seminars for senior personnel”, read as follows:

“For senior staff, group discussions are recommended on matters of practical interest rather than on academic subjects, combined with visits to different types of institutions, including those outside the penal system.”

When this provision was discussed by the Section, Mr. Cannat (France) proposed two amendments, both concerned with international co-operation in the training of prison staff. His first suggestion was that a second sentence should be added to the paragraph, reading as follows:

“It would be desirable to invite specialists from other countries to participate in such meetings.”

He also proposed the addition of a second paragraph reading:

“It is also recommended that exchanges be organized between the various countries in order to allow senior personnel to obtain practical experience in institutions of other countries.”

The two amendments were unanimously adopted by the Section. They did not give rise to any discussion in the plenary meeting.

(c) *Amendments to make certain recommendations more flexible*

141. While the amendments discussed above were designed to increase the efficiency of prison staff and to emphasize their social function, some amendments were introduced with a view to rendering the proposed recommendations more flexible.

142. Thus, recommendation V, paragraph 1 of the Secretariat draft, referring to full-time employment, read:

“In principle, prison staff should devote their entire time to their duties and therefore be appointed on a full-time basis.”

When this provision was examined by the Section, it was pointed out that the proposed text was at the same

time too vague and unduly rigid. On the one hand, the words "in principle" substantially detracted from the general effectiveness of the rule. On the other, the rule did not distinguish between the various categories of prison staff, although some categories of specialists and experts might well be employed on a part-time basis by the prison administration. Mr. Erra, the Rapporteur, who was requested to produce a text reflecting the views expressed in the course of the discussion, proposed the following text to the Section:

"Prison staff, with the exception of certain professional and technical grades, should devote their entire time to their duties and therefore be appointed on a full-time basis."

The proposal was accepted by the Section at the second reading of the draft recommendations and was later adopted without discussion by the plenary meeting.

143. Paragraph 3 of recommendation V read:

"The social workers, teachers and trade instructors should be employed on a permanent basis."

Mr. Lejins (United States) drew attention to the Section's decision regarding rule 50, paragraph 2 of the draft Standard Minimum Rules for the Treatment of Prisoners, which was similar in content, and suggested that the paragraph under discussion might be amended along the same lines. This proposal was accepted, and the paragraph was amended to read:

"The services of social workers, teachers and trade instructors should be secured on a permanent basis, without thereby excluding part-time workers." (See paragraph 98 above.)

144. The text of the Secretariat draft referring to posts in the higher administration (recommendation XII) stated:

"Special care should be taken in the appointment of persons who are to fill posts in the higher administration of the prison services; only persons who are suitably trained and have sufficient technical knowledge and experience should be considered."

In the Section, Mr. Fairn (United Kingdom) proposed that the last part of the provision should be deleted to permit the appointment of persons with no previous experience of administering penal institutions who might prove to be very well fitted to fill posts in the higher administration of the prison services. It was pointed out, however, that, while the suggestion was not without merit, it was very important to prevent the appointment of persons with no experience and to eliminate political influence in appointments. Several suggestions were made in an attempt to find a compromise formula that would satisfy both points of view. The Section finally decided to make the Secretariat text more flexible by deleting the word "technical".

145. In the same section relating to the recruitment of staff, recommendation XIII, paragraph 2 of the Secretariat text, referring to directors or executive staff, read as follows:

"They should have a good educational standard and a vocation for the work. The administration should endeavour to attract persons with specialized training particularly in criminology and sociology, or law, higher teaching, social work or other subjects which offer adequate training for prison service."

Several participants expressed the view that the list of subjects which might be considered as providing specialized training for directors or assistant directors of institutions should be expanded. Others felt that some of the subjects, for example law, should be deleted, while some were in favour of the deletion of the whole list. Others considered that the Secretariat text should be retained, as it reflected the views expressed in the various regional groups. By a small majority, the Section adopted the proposal by Mr. Dadfar (Iran) to delete the entire list. The Section also decided that the word "standard" in the English text should be replaced by the word "background".

146. At the second reading of the draft recommendations, there was a debate on the word "vocation" in the English text. Several substitutes for the word were suggested, and the difference between professional ability and vocation were emphasized. The word "vocation" was, however, retained in both the English and French texts, of recommendation XIII, paragraph 2, as amended at the first reading, and the text was adopted unanimously by both the Section and the plenary meeting.

147. The final provision of that part of the Secretariat draft dealing with the recruitment of staff, i.e., recommendation XV, on the staff of women's institutions, read as follows:

"The staff of women's institutions should consist of women and, whether lay or religious, should as far as possible possess the same qualifications as those required for appointment to institutions for men."

When the provision was discussed, Mr. Fairn (United Kingdom) said that there was a discrepancy between the proposed text and rule 54, paragraph 3 of the draft Standard Minimum Rules for the Treatment of Prisoners, which provided:

"Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women."

Mr. Menon (India) pointed out that the Secretariat draft was concerned primarily with staff employed inside institutions for women, but Mr. Fairn made a formal proposal that the text should be clarified by incorporating the second sentence of rule 54, paragraph 3 of the draft Standard Minimum Rules. Mr. Erra, the Rapporteur, accordingly proposed the following text: "Except for certain functions which may be carried out by male members of the staff, the staff of women's institutions should consist of women; this staff, whether lay or religious . . .". At the second reading, it was explained,

in answer to a question by Mr. Bates (United States of America) that the provision covered all female staff, not the custodial staff only, and the text was unanimously adopted. In the plenary meeting, however, a new amendment was proposed by Sir Lionel Fox (United Kingdom) consisting of the deletion of the first phrase: "Except for certain functions which may be carried out by male members of the staff", and the addition, after the first sentence, of the second sentence of rule 54, paragraph 3, of the draft Standard Minimum Rules. The proposal was adopted by 31 votes to none, with 4 abstentions.

148. Paragraph 2 of recommendation XVIII of the Secretariat draft dealing with the training of directors or executive staff read as follows:

"Where in exceptional cases persons from the outside with no previous experience of the work but with proved experience in similar fields are recruited as directors or assistant directors, they should, before taking up their duties, receive theoretical training and gain practical experience of prison work for a reasonable period, it being understood that a diploma granted by a specialized vocational school or a university degree in a relevant subject may be considered as sufficient theoretical training."

Mr. Fairn (United Kingdom) suggested that the paragraph was superfluous in view of recommendation XIII, paragraph 2, as amended (see para. 145 above). Other participants pointed out that the paragraph dealt with special cases, which should be taken into consideration, and laid down a principle of sound administration. The proposal to delete the paragraph was withdrawn, but Mr. Fairn formally proposed the deletion of the words "in exceptional cases". The proposal was rejected by the Section, but was presented again in the plenary meeting by the Belgian delegation, supported by the United Kingdom delegation. Mr. Cornil stressed the point that each administration should be left free to decide whether the recruitment of executive personnel from outside the prison administration should be a usual or exceptional practice. The proposed amendment was adopted by 19 votes to 5, with 5 abstentions.

149. Recommendation XXII, paragraph 3 of the Secretariat draft, referring to in-service training, advocated a system of staff rotation, for the purpose of securing better training for the staff and familiarizing them with the organization and the operation of each type of institution. The paragraph also suggested that if advanced training courses were given in one institution only, all members of the staff should be offered the opportunity in turn to complete their training. Several participants opposed the adoption of a recommendation on these lines, on the grounds that it reflected certain local conditions and was out of place in general recommendations, and that staff rotation was difficult to arrange, either as between institutions or as between posts in the same institution. The Section agreed with this view, and decided to delete the provision from the draft recommendations.

150. It was particularly in respect of the professional training of custodial staff, however, that the Congress

wished to increase the flexibility of the recommendations. Recommendation XVII of the Secretariat draft provided for a system of professional training in three stages, as follows:

"(1) It is recommended that the professional training of supervisory staff should be carried out progressively in three stages;

"(2) The first stage should take place in a penal institution, its aim being to familiarize the candidate with the special problems of the profession and at the same time to ascertain whether he possesses the necessary qualities. During this initial phase, the candidate should not be given any responsibility, and his work should be constantly supervised by a member of the regular staff. The director should arrange an elementary course in educational and practical subjects for the candidates.

"(3) During the second stage, the candidate should attend a school or course organized by the superior or central prison administration, which should be responsible for the theoretical and practical training of officers in professional subjects. Special attention should be paid to the technique of relations with the prisoners, based on the elementary principles of psychology and criminology. The training courses should moreover comprise lessons on the elements of penology, prison administration, penal law and related matters.

"(4) It is desirable that during the first two stages candidates should be admitted and trained in groups, so as to obviate the possibility of their being prematurely employed in the service and to facilitate the organization of courses of training.

"(5) The third stage, intended for candidates who have satisfactorily completed the first two and shown the greatest interest and a vocation for the service, should consist of actual service, during which they will be expected to show that they possess all the requisite qualifications. They should also be offered an opportunity to attend more advanced training courses in psychology, criminology, penal law, penology and related subjects.

"(6) It is recommended that supervisory staff whose work involves direct contact with the prisoners should take over their duties gradually so that their self-confidence grows as their training proceeds."

151. This provision was the subject of lively discussion. Mr. Lejins (United States of America) described the training system in his country. The first stage was general education, which had no specifically vocational content, followed by special training, in-service training and practical training. The system was, he pointed out, very different from that outlined in the Secretariat draft recommendations. He felt that the latter were unnecessarily detailed and that the order of the various stages of training was too rigidly specified, as it could not be followed even in countries where training systems were highly developed, but based on a different approach. Some delegates, however, emphasized the advantages of a system of training in three stages on the lines proposed

in the draft. After a discussion between those in favour of a more flexible text and those who wished to retain the proposed system which had, as was pointed out, been accepted by the regional groups, it was proposed that the text should be made more flexible by amending the introductory sentence to paragraph 1. The Rapporteur, Mr. Erra, who was requested to work out an appropriate formula, suggested that the paragraph should be amended to read as follows:

"A programme of intensive professional training for custodial staff is recommended. The following might serve as a guiding system for the organization of such training in three stages."

When this draft was examined by the Section during the second reading, it was proposed that the words "might serve as a guiding system" should be replaced by the words "might serve as an example", and the proposal was adopted. The text approved by the Section was adopted by the plenary meeting without discussion.

152. The plenary meeting also adopted without discussion the other paragraphs of recommendation XVII, concerning which several other proposals had been made in the Section. It had decided to delete the words "educational and" at the end of paragraph 2. Mr. Fairn (United Kingdom) had also suggested the deletion of the whole last sentence of paragraph 5, providing that custodial staff should also be offered an opportunity to attend more advanced training courses in psychology, criminology, penal law, penology and related subjects. Mr. Tetens (Denmark) pointed out that staff could attend such courses at any stage in their career, and need not do so immediately prior to their final appointment. Other participants thought it most desirable to maintain this provision in the text of the recommendations. The proposal to delete the sentence was rejected by a large majority. Mr. Fairn (United Kingdom), supported by Mr. Bouzat (France) finally suggested that the whole of paragraph 6 of the text proposed by the Secretariat, referring to the gradual taking over of duties by custodial staff, should be deleted. It was pointed out that the paragraph was too specific to be included in a general recommendation, and with regard to the substance it was suggested that the proposed system was impractical as it was not possible to provide alternative staff for each post. The proposal to delete paragraph 6 was put to the vote and approved by the Section.

153. Another proposal, intended to introduce greater flexibility into the recommendations relating to prison staff, was rejected by the Congress. Recommendation IV, referring to status of staff and conditions of service, provided:

"Full-time prison staff should have the status of civil servants, that is they should:

"...

"(c) have security of tenure subject only to good conduct, efficiency and physical fitness;

"...".

In the Section Mr. Menon (India) proposed the addition of the words "or any other rules of the civil service of

the State" at the end of paragraph (c). Against this proposal it was argued that the addition was unnecessary because it was understood that the civil service regulations applied to prison staff. Those in favour of the amendment urged that the phrase should be added because, they argued, there might be other reasons, in the administration of the State, for the dismissal of staff. When put to the vote, the proposed amendment was rejected by the Section by a large majority.

(d) *Training institutes for prison personnel and research institutes*

154. Recommendation XX of the Secretariat draft dealing with regional training institutes for prison personnel provided:

"The establishment of regional institutes for the training of the staff of penal and correctional institutions should be encouraged; such institutes should also undertake scientific and practical research on the prevention of crime and the treatment of offenders."

155. This provision was the subject of lengthy discussion in the Congress. Mr. Osman (Egypt) pointed out in Section I that it was helpful if countries wishing to set up institutes for training prison personnel could profit by the experience gained in other countries, and suggested that the United Nations should be requested to encourage this tendency. Mr. Lopez-Rey, the representative of the Secretary-General, said that the question of the role of the United Nations in this matter was not related to the subject under discussion, and might be dealt with in a separate resolution upon which the Congress might vote.

156. Several participants expressed serious doubts as to the desirability of combining the training of prison personnel with scientific and practical research. They thought that vocational training schools would have little time to spare for research. Others felt that there was some merit in the proposed provision. Mr. Bouzat (France) said that it might be advisable to allow for the possibility of research, by stating that the regional training institutes "might also, where appropriate, undertake scientific and practical research". Although the Section began by deciding to delete the reference to scientific research by cutting out the words beginning "such institutes should also undertake..."; it later decided to reconsider its decision and finally accepted a proposal that the provision should consist of two sentences, the first concluding with the words "... should be encouraged." and the second beginning "It is also recommended that institutes be created to undertake scientific and practical research...".

157. At the second reading in the Section, it was suggested that the text should be clarified by the addition of a clause to the effect that research institutes might in particular be established in the universities. Mr. Bouzat, who made the suggestion, recognized that research was not necessarily the exclusive province of the universities, but it was, he said, generally agreed that universities did not pay sufficient attention to criminological problems, and an opportunity was now provided

to recommend that they should take an interest in this field. He also drew attention, in the course of the discussion, to the need to provide absolute safeguards for the scientific independence of such research institutes, while Mr. Garces Basaure (Chile) recommended a system whereby they would come directly under the penal administration. Other speakers said that they would hesitate to specify which body should be responsible for establishing research institutes, every country being free to organize such institutes as it saw fit. The Section finally adopted the text proposed by the Rapporteur, without making any decision on the methods of organizing research institutes.

158. The debate was, however, resumed in the plenary meeting. When the recommendation came up for discussion again, Mr. Lejins (United States of America) supported by the United Kingdom delegation, formally proposed the deletion of the second sentence adopted by Section I, because it referred to a matter beyond the scope of the question of staff training. Mr. Lejins said that he recognized the importance of research institutes, and suggested that the Congress might adopt a separate resolution on the subject. When several speakers had spoken in favour of the proposed amendment, it was put to the vote and adopted by 17 votes to 13 with 5 abstentions. The recommendation as amended was then unanimously adopted by the plenary meeting.

(e) *Miscellaneous*

159. In the first part of the Secretariat draft recommendations dealing with the modern conception of prison service, recommendation II, paragraph 1, referring to specialization of functions, stated:

“This new conception is reflected in the tendency to add to the staff an increasing number of specialists, such as doctors, psychiatrists, psychologists, social workers, teachers, technical instructors.”

In the course of the discussion in the Section Mr. Hooykaas (Netherlands) drew attention to the important role which could be played by ministers of religion as members of prison staffs and proposed the addition, at the end of the provision, of a paragraph reading as follows: “In many countries where the situation as regards religion permits, work of importance is assigned to ministers of religion.” There was some support for the proposal, but several participants disagreed with it. It was pointed out that in many countries the presence of ministers of religion on prison staffs was a long-established institution, while the recommendation under discussion was specifically concerned with new categories of staff, created in response to modern trends in this field. It was also pointed out that ministers of religion had a clearly defined function, and were not called upon to deal with all the questions with which the specialized personnel listed in the text were concerned. Finally, it was noted that the functions of ministers of religion had been carefully defined in the Standard Minimum Rules for the Treatment of Prisoners, already approved by the Section, and that it did not seem appropriate to include a reference to them in the provision under discussion.

Following this discussion, the proposed amendment was withdrawn.

160. Another amendment to the same provision was submitted to the Section immediately afterwards. Mr. Lejins, referring to the qualifications required for certain posts in the United States civil service, suggested the inclusion of “sociologists” in the list at the end of the text. During the discussion on this point, Mr. Dadfar (Iran) in particular suggested the insertion of a general formula referring to “other specialists where necessary”. Mr. Erra, the Rapporteur, wondered whether it would not be better to refer to “criminologists” rather than “sociologists”. Several participants pointed out that there was no need to mention all the categories which might be required, as the list was not exhaustive. The formal proposal to add the word “sociologists” was put to the vote and rejected by the Section.

161. Paragraph 2 of recommendation VIII of the Secretariat draft, referring to the carrying of arms by the prison staff, read: “It is also recommended that staff should in no circumstances be provided with arms unless they have been trained in their use”. Following a proposal submitted in the Section, the text was amended to read: “Staff should in no circumstances be provided with arms unless they have been trained in their use”. When the text approved in the Section was discussed in the plenary meeting, Mr. Bocobo (Philippines) suggested the addition of the phrase “and have shown sufficient judgement to be entrusted with their use”. This proposal was rejected by 20 votes to 5, with 7 abstentions.

162. Paragraph 2 of recommendation X, referring to general conditions of recruitment, read:

“Members of the staff should be able to speak the language of the majority of the prisoners, or a language understood by the majority of them.”

The text was approved by the Section without change. However, in the plenary meeting, Mr. Bocobo (Philippines) suggested that the words “the majority” should be replaced by “the greatest number”, to cover situations where more than two languages were spoken in the same country. This proposal was adopted by 11 votes to 10, with 14 abstentions. Another amendment was proposed to the provision in the plenary meeting, to the effect that an adequate number of the staff should speak the language of a recognized minority, even if they did not know that of the majority. This proposal, however, was rejected by 15 votes to 11, with 7 abstentions.

163. Recommendation XIV of the Secretariat draft referred to the recruitment of specialized and administrative staff. Paragraph 1 provided that the staff performing specialized functions, including administrative functions, should possess the professional or technical qualifications required for each of the various functions in question. At the first reading of the draft, Mr. Borghese (Italy) said that the text was redundant and suggested that at least the reference to administrative staff and administrative functions should be deleted. However, several participants opposed the amendment, stressing

the importance of those functions and the need to refer to them expressly in the text of the recommendations. The proposed amendment was rejected by the Section by a large majority. After a discussion on the importance of the preliminary professional training of specialized staff, Mr. Fairn (United Kingdom) also proposed the deletion of paragraphs 2 and 3 of recommendation XIV of the Secretariat draft, covering the requirements concerning degrees and qualifications for the recruitment of specialized staff. This proposal was also rejected by the Section by a large majority.

164. A drafting amendment was also made to recommendation XI, paragraph 1, during the Congress.

C. OPEN PENAL AND CORRECTIONAL INSTITUTIONS

1. BACKGROUND

165. At its third session, in 1948, the Social Commission placed the question of open penal and correctional institutions on its programme of work relating to social defence. During its fifth session, in 1949, it decided that this should be one of the topics to receive priority.

166. The question of open institutions had already appeared on the agenda of the Twelfth International Penal and Penitentiary Congress, which unanimously adopted an important resolution on the subject.

167. The Hague resolution, as well as the special documents prepared in each case and reflecting the regional view, served as the basis for the study of the question of open institutions by the four United Nations Regional Consultative Groups.

168. The question of open penal and correctional institutions was included in the agenda of the Congress so that the trends revealed in the various regions could be compared on a world-wide scale, and general principles could be laid down for promoting the best possible use of this form of deprivation of liberty.

2. DOCUMENTATION

169. The Secretariat prepared a report (A/CONF.6/C.2/L.1) containing a summary of the discussions and conclusions of the regional meetings and a set of draft recommendations for the attention of the Congress. In addition the Secretariat enlisted the help of two consultants for the preparation of two special reports dealing with particular aspects of the problem. The report by Sir Lionel Fox, Chairman of the Prison Commission for England and Wales, dealt with "The place of the open institution in the penal system and in the community" (A/CONF.6/C.2/L.2), and the one by Mr. José Agustín Méndez, Director of the Institute for the Training of Prison Personnel at the Venezuelan Ministry of Justice, with the "Selection of offenders suitable for treatment in open institutions" (A/CONF.6/C.2/L.3). The documentation for the Congress also

included twenty-four reports (A/CONF.6/C.2/L.4 to L.27), prepared by a number of experts from selected countries in different parts of the world, describing actual examples of open institutions in operation at the present time.

3. ORDER OF PROCEEDINGS

170. Section II took as the basis for its work the draft recommendations put forward by the Secretariat. It devoted four meetings to a point by point examination of the draft after hearing introductory statements by the two consultants and by Mr. Galway, Secretary of the Section acting as the Secretary-General's representative, followed by a brief general discussion. The Section made a number of amendments to the Secretariat's draft.

171. The text of the draft recommendations as adopted by the Section (A/CONF.6/L.2), was submitted to the fourth plenary meeting, which adopted eight of the nine draft recommendations without change and made two amendments to the ninth. It then unanimously adopted the draft as a whole. The text of the recommendations adopted appears in annex I, section C.

4. RESOLUTION ON OPEN PENAL AND CORRECTIONAL INSTITUTIONS

172. After adopting recommendations on the subject of open institutions, the Congress considered a draft resolution (A/CONF.6/L.3) by the General Rapporteur, Mr. Sellin, dealing with the action to be taken on those recommendations by the competent organs of the United Nations. The resolution was unanimously adopted, and appears in annex I, section C.

5. DISCUSSION OF THE SECRETARIAT DRAFT RECOMMENDATIONS

173. There was some discussion, both in Section II and in the plenary meeting, on the individual provisions of the Secretariat's draft recommendations, with the exception of those dealing with the establishment of open institutions in countries which have none as yet (recommendation VII of the draft). The work of the Congress bore mainly on the following questions: definition of the open institution, the criterion for the selection of offenders to be sent to such institutions, the conditions for their efficient operation, and the advantages of the open institution system. The Congress made only a small number of amendments to the proposals drawn up by the Secretariat, though the proposals gave rise to lively discussion.

(a) *Definition of the open institution*

174. The first recommendation in the Secretariat's draft defined an open institution as follows:

"An open institution is characterized by the absence of material or physical precautions against escape (such as walls, locks, bars, armed guards), and by a system based on self-discipline and the inmate's

sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from other types of institutions, some of which are run on the same principles, without, however, realizing them to the full."

175. During the discussion of this provision in Section II, Mr. Younes (Egypt) proposed that the last part of the proposed definition should be deleted and only the first words kept, namely: "An open institution is characterized by the absence of material or physical precautions against escape." He was of course not opposed in principle to the subjective considerations described in the part of the definition he wished to see deleted, but he felt that they inevitably followed from the absence of material or physical precautions against escape. Hence the rest of the definition was unnecessary, and needlessly complicated a definition which was clear and flexible and perfectly adequate. However, several speakers intimated that they could not agree with this proposal. The additional explanations given in the rest of the definition seemed to them very useful, and worth retaining in the final text of the recommendations. The proposed deletion did not gain support and was therefore not put to the vote.

176. Another part of the definition on which the attention of Section II was focused was the expression "armed guards" appearing in brackets as one of the examples of material or physical precautions against escape which should not exist in an open institution. Mr. Germain (France) pointed out that the mention in the definition of carrying arms, although its intention was praiseworthy, might lead to unfortunate consequences. The inference drawn might be that an open institution could have a practically unlimited number of guards provided they were not armed. Yet surely if an institution without walls or locks or bars had, for example, almost as many guards as prisoners, it could hardly be described as an open institution, even if the guards did not carry arms. He therefore proposed that the words "armed guards" be deleted.

177. Mr. Fairn (United Kingdom), while agreeing that the text should be changed, felt that the purpose would be more satisfactorily served by expanding the sentence to read "armed or other special security guards" etc., instead of simply deleting the first two words. This new version, which the author of the original proposal considered acceptable, gave rise to a discussion during which the point was made that the enumeration appearing in the definition was not exhaustive. The proposed amendment was adopted by a large majority. The Section then adopted the text of the recommendation as a whole.

(b) *Administrative organization of the open institution*

178. On the subject of the administrative organization of the open institution, the Secretariat's draft provided that:

"The open institution ought, in principle, to be an independent establishment; it may, however, where

necessary, form a separate annex to an institution of another type."

Mr. Doleisch (Austria) stressed the danger of allowing the open institution to form an annex to an institution of another type, especially if the director of the latter was the person who decided which offenders should be sent to the open institution. He might be tempted to assign offenders to the open institution on the basis not so much of the personality and needs of the prisoner as of his own administrative problems.

179. All the participants who spoke on this subject were agreed that the decision as to which offenders should be sent to open institution should be based solely on the benefit a prisoner was likely to derive from the system, and not the administrative needs of any institution. However, although some participants shared the misgivings as to the dangers of an administrative union between an open institution and one of another kind, others disagreed and were definitely in favour of retaining the proposed text. It was also argued that in a modern prison system, completely independent establishments and open institutions attached to establishments of another type both had their place; and the wish was expressed that the recommendations of the Congress should reflect this principle. The only formal proposal on the subject called for the complete deletion of recommendation II of the Secretariat's draft. However this proposal was not supported, and no vote was taken on it.

(c) *Timing of admission to open institutions*

180. Recommendation III of the Secretariat's draft read as follows:

"In accordance with each country's prison system, prisoners may be sent to such an institution either at the beginning of their sentence or after they have served part of it in an institution of a different type."

181. During the discussion of this text Mr. Verma (India) proposed the deletion of the introductory words: "In accordance with each country's prison system", on the grounds that the Congress was attempting to formulate universally applicable recommendations, and that consequently such limitation was undesirable. The proposal was put to the vote and rejected by a small majority.

182. Mr. El Attar (Egypt) then proposed that the text be amended, the words "not more than half of their sentence, as a trial period" to be added in brackets following the words "or after they have served part of it". The whole value of the open system might be jeopardized if the text adopted sanctioned the practice whereby a penal administration might send prisoners to such institutions for a mere few months at the end of a long sentence. His amendment was intended to ensure that open institutions would be used as they should be. There was, however, strong opposition to this proposal, especially from Mr. Bunye (Philippines) who maintained that it was an inflexible system which completely undermined the principle of individual selection of prisoners to be sent to open institutions. Since no other delegate supported the proposal, it was not put to the vote.

(d) *The criterion governing the selection of offenders*

183. The problem of the selection of offenders for treatment under the open system had already been discussed by Section II during the general debate, when several speakers, among them Mr. Verma (India) and Mr. Kellerhals (Switzerland), argued that although such a selection was obviously necessary, it was nevertheless possible to assign to open institutions even apparently hardened offenders or individuals who had committed quite serious offences.

184. On the subject of the criterion for the selection of offenders, the Secretariat's draft proposed the following text (Recommendation IV):

"The criterion governing the selection of prisoners for admission to an open institution should be, not the particular penal or correctional category to which the offender belongs, nor the length of his sentence, but his suitability for admission to an open institution and the fact that his social readjustment is more likely to be achieved by such a system than by treatment under other forms of detention. The selection should, as far as possible, be made on the basis of a medico-psychological examination and a social investigation."

185. The discussion of this point centred first on the nature of the offence and length of the sentence and their effect on the selection of offenders. Mr. Röling (Netherlands) objected to the suggestion he felt to be implied in the text proposed by the Secretariat that neither the nature of the offence nor the length of the sentence should be taken into account, the decision being based solely on a medico-psychological examination and a social investigation; and he suggested that the reference to these two factors be eliminated from the text.

186. Going even further, Mr. Malli (Pakistan) suggested that both the nature of the offence and the length of the sentence should be specifically mentioned among the factors to be taken into account in the selection of prisoners to serve their sentences in open institutions. For example, prisoners given short-term sentences could hardly benefit by the open system, so that it would be advisable to specify that only prisoners who had been sentenced to terms of a certain length could be sent to open institutions. Moreover, the very nature of their offence sufficiently proved that certain offenders could derive no benefit from the open system, and it should therefore be stipulated that prisoners found guilty of certain well-defined offences would not be eligible. However, no formal amendment embodying these suggestions was proposed.

187. On the other hand, it was formally proposed that part of the text be deleted. Mr. Röling (Netherlands) proposed the deletion of the words "not the particular penal or correctional category to which the offender belongs nor the length of his sentence but..." The sentence would thus simply read: "The criterion governing the selection of prisoners for admission to an open institution should be the offender's suitability for admission to an open institution..." Several participants favoured this proposal, if only because it would make the text simpler and clearer. But Mr. Galway, re-

presenting the Secretary-General, explained that the reference to the offender's penal or correctional category and length of sentence was due only to a desire to make it clear that those factors should not in themselves be considered as sufficient reason to disqualify a prisoner for the open system. The two factors represented limitations which were of general application and constituted a serious obstacle to individual treatment in the selection of offenders. Obviously the individual examination of any given case would call for consideration of the nature of the offence and the length of the sentence; nevertheless, such factors should be weighed not in themselves but in conjunction with the examination of the prisoners's personality. The proposal to delete the words in question was put to a vote and rejected by a large majority.

188. Another proposal dealing with recommendation IV was made by Mr. Halvorsen (Norway), who suggested that the end of the first sentence of the text should be changed to read: "and the fact that his social readjustment is likely to be achieved by such a system". He explained that the idea was to enlarge the field of application of the open system by advocating its use whenever it seemed possible to do so rather than simply weighing the relative chances of social readjustment by treatment in an open institution and by other forms of deprivation of liberty. Mr. Galway, representing the Secretary-General, pointed out, however, that although the intention behind the proposal was to extend the use of the open institution system its adoption might very well lead in practice to the opposite result, since the text might suggest that there must be positive indications that a prisoner's social readjustment was possible before he was actually sent to an open institution. The proposed amendment was put to a vote and rejected by a large majority.

189. In the same draft recommendation IV, Mr. Fairn (United Kingdom) proposed that the words "as far as possible" in the last sentence should be replaced by the words "where appropriate", the point being that in his view a medico-psychological examination and a social investigation were often unnecessary, especially in the case of prisoners serving short sentences. The examination and investigation should therefore be undertaken only where they appeared really necessary. However, this proposal was not adopted by the Section.

190. Mr. Bennett (United States of America) reminded the Section that public opinion was often extremely critical towards open institutions and the public was by no means in favour of their widespread use. It was a factor worth taking into consideration, and he therefore proposed that the following words should be added to the last sentence of recommendation IV: "and the attitude of the public as well as the views of the courts both as to the offence and the offender". However, this proposal received no support, and was not put to the vote.

(e) *Transfer of prisoners unable to adapt themselves to the open system*

191. Recommendation V of the Secretariat's draft, which dealt with this question, was worded as follows:

"Any inmate found incapable of adapting himself to treatment in an open institution or whose conduct is seriously detrimental to the proper control of the institution or has an unfortunate effect on the behaviour of other inmates should be transferred to an institution of a different type."

Mr. Verma (India) expressed the opinion that open institutions should be prepared to face a certain amount of difficulty and that it would be a mistake to arrange for the automatic removal of every difficult case to a closed institution. He therefore suggested that the rule should at least be made optional, by the substitution of the word "may" for "should" in the last part of the sentence. The proposal was not supported, and was not put to the vote.

192. The question was also raised: who was to decide that the prisoner was unable to adapt himself to the open system, since the responsibility for such a decision was very heavy. It was felt that in general it was the duly constituted authority responsible for dealing with disciplinary questions in the institution which should decide, since in practice, the type of authority varied considerably from one penal administration to another. Before the debate on the question closed, Mr. Méndez, the consultant who had prepared the report on the selection of offenders suitable for treatment in open institutions, stressed the importance of removing from such institutions individuals likely to have a harmful or demoralizing influence on the institution's programme generally.

(f) *Conditions for the successful operation of open institutions*

193. The Secretariat's draft recommendation VI was worded as follows:

"The success of an open institution depends on the fulfilment of the following conditions in particular:

"(a) If the institution is situated in the country, it should not be so isolated as to obstruct the purpose of the institution or to cause excessive inconvenience to the staff;

"(b) With a view to their social rehabilitation, prisoners should be employed in work which will prepare them for useful and remunerative employment after release. The work should be organized in a rational manner, in keeping with local and regional economic conditions. The prisoners should receive remuneration and, so far as possible, should be entitled to the benefit of the rights and prerogatives to which persons employed in freedom in similar employment are entitled outside the institution;

"(c) While the provision of agricultural work is an advantage, it is desirable also to provide workshops in which the prisoners can receive vocational and industrial training;

"(d) If the process of social readjustment is to take place in an atmosphere of trust, it is essential that the members of the staff should be acquainted with and understand the character and special needs of each prisoner and that they should be capable of exerting

a wholesome moral influence. The recruitment of the staff should be governed by these considerations;

"(e) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to become thoroughly acquainted with each prisoner;

"(f) For the purpose of enlisting the effective co-operation of the public in general and of the surrounding community in particular, it is important to inform them of the aims and methods of each open institution, and also of the fact that the system applied in it requires a considerable moral effort on the part of the prisoner. In this connexion, local and national media of information may play a valuable part."

194. Section II devoted an entire meeting to the examination of this recommendation. It gave its attention first to paragraph (b), concerning the organization of work in open institutions. Sir Lionel Fox (United Kingdom) proposed that the entire paragraph should be deleted, arguing that the first sentence did not concern open institutions only, that the second was too general and had no precise meaning, and that the third laid down a principle which had not been examined at the regional meetings and was highly questionable. Several speakers favoured his proposal, while others felt that the original text should be kept, as having a certain usefulness.

195. Mr. Galway, representing the Secretary-General, said that the provision in question was new and had been incorporated into the draft in order to stress the importance of proper organization of penal labour in open institutions. The Secretariat was of course aware that most of the points in the paragraph were of a general nature and applied also to other forms of deprivation of liberty; it had however considered that they should be mentioned expressly at that point because of their vital importance for the efficient operation of open institutions and because the recommendations of the Congress would certainly serve as a guide to many Governments in developing their prison policies.

196. In the light of these explanations, Sir Lionel Fox (United Kingdom) said he was ready to amend his proposal so as to retain the first sentence of the text. However, he still felt that the second and third sentences should be deleted, and he presented a formal proposal to that effect, at the same time proposing that the first sentence of paragraph (b) should be combined with paragraph (c) of the Secretariat's draft. The Section agreed to this, and the amendment was adopted.

197. Next, Mr. Ericsson (Sweden) proposed the deletion of the first part of paragraph (c), i.e., the words "while the provision of agricultural work is an advantage... also." He did not think it desirable to place too much stress on the agricultural character of the institutions, and the words in question did so. However, the proposal was not supported.

198. Another proposal, by Mr. Bississo (Syria), was that in order to indicate clearly that an atmosphere of trust should prevail in open institutions, the introductory part of recommendation VI, paragraph (d), should be changed to read: "The process of social readjustment should take place in an atmosphere of trust. It is

therefore essential that the members of the staff . . .". It was pointed out, however, that the principle of trust as one of the fundamentals of the open institution was already laid down in recommendation I, which defined such institutions, and furthermore that paragraph (d) was concerned only with the qualities required of the staff if they were to accomplish their work successfully. The proposed amendment was rejected by a large majority.

199. The word "selection" was substituted for the word "recruitment" in the English text of paragraph (d) in order to render more accurately the idea expressed in the French by the word "choisi". It was pointed out that the English version of the Secretariat's text implied the existence of staff specially recruited for service in open institutions, whereas experience showed that staff previously employed in closed institutions might do excellent work in an open institution.

200. One further proposal concerning paragraph (d) was made by Mr. El Aougi (Lebanon), who was anxious that the paragraph should include a statement of the principle of special training for the staffs of open institutions. He therefore proposed an amendment stating that "Staff members should be specially trained for their work to enable them to become acquainted with and understand the character and special needs of each prisoner". However, the proposal was rejected by the Section.

201. Mr. Verma (India) felt that paragraph (e) dealing with the optimum size of open institutions was too restrictive—an opinion he had already expressed during the general discussion. He did not think that the director and senior officers of an institution need necessarily be personally acquainted with each of the prisoners. The most beneficial influence in an institution was often that exercised by the lower grades rather than the senior officers. However, the proposed change in paragraph (e) was not supported, and no vote was taken on it.

202. The paragraph in the Secretariat's draft dealing with the co-operation of the public was the subject of three amendment proposals. First of all Mr. Cornil (Belgium) pointed out that the Secretariat's text did not perhaps express with sufficient clarity the necessity and importance of the public's co-operation for the successful operation of open institutions. He therefore suggested changing the beginning of paragraph (f) to read as follows:

"It is necessary to obtain the effective co-operation of the public in general and of the surrounding community in particular for the operation of open institutions. For this purpose it is therefore, among other things, necessary to inform the public of the aims and methods of each open institution . . ."

Several participants expressed complete agreement with this proposal, which was unanimously adopted by the Section.

203. Mr. Aulie (Norway) proposed that the following new sentence be added to paragraph (f): "On the other hand, public communications should avoid characteristics

with regard to inmates of any particular penal institution." He emphasized the unfortunate effect on the prisoner's social readjustment which might result from the diffusion of information likely to stigmatize him. However the proposed amendment received no support, and was not put to a vote.

204. A discussion arose on the subject of a proposal by Mr. Bennett (United States of America) for the addition of the following sentence to recommendation VI (f):

"It should be remembered also that the effective co-operation of the public cannot be obtained if prisoners selected for these special open institutions have grossly and seriously affronted the sensibilities of the public, or would make more difficult the administration of justice."

The author of the proposal recalled that during an earlier meeting he had proposed a similar amendment to recommendation IV of the Secretariat's draft, but it had not been considered by the Section (see para. 190 above). But he still felt that it was important to take account of the public's reaction to certain offences and certain offenders if the whole operation of the open institutions was not to be endangered.

205. Several speakers opposed this amendment. It was agreed that the selection of offenders to be treated in open institutions should be made with the utmost care, and that unfortunate incidents might completely wreck the prospects of the system. However, it was pointed out that this was only one aspect of the principle set forth in recommendation IV, namely that the selection should be made only on the basis of the likelihood of the offenders being able to fit in with the open system. It was very important to keep that principle intact and not to open the door to the practice of taking the public's prejudices into consideration. It was also pointed out that the proposed amendment really dealt with an aspect of the selection of offenders, and that although the idea contained in it might legitimately have been the subject of a proposal during the examination of recommendation IV, its connexion with recommendation VI (f) now under discussion seemed slighter. A vote was taken on the proposed amendment, which was rejected by a very large majority.

(g) *Advantages of the open system*

206. Recommendation VIII of the Secretariat's draft, dealing with the advantages of the open system, was worded as follows:

"While in the open institution the risk of escape and the danger that the inmate may make improper use of his contacts with the outside world are admittedly greater than in other types of penal institutions, these disadvantages are amply outweighed by the following advantages, which make the open institutions superior to the other types of institution:

"(a) The open institution is more favourable to the social readjustment of the prisoners and at the same time more conducive to their physical and mental health;

"(b) The flexibility inherent in the open system is expressed in a liberalization of the regulations; the tensions of prison life are relieved and discipline consequently improves. Moreover, the absence of material and physical constraint and the relations of greater confidence between prisoners and staff tend to create in the prisoners a genuine desire for social readjustment;

"(c) The conditions of life in open institutions resemble more closely those of normal life. Consequently, desirable contacts can more easily be arranged with the outside world and the inmate can thus be brought to realize that he has not severed all links with society; in this connexion it might perhaps be possible to arrange, for instance, group walks, sporting competition with outside teams, and even individual leave of absence, particularly for the purpose of preserving family ties;

"(d) The same measure is less costly if applied in an open institution than in an institution of another type, in particular because of lower building costs and, in the case of an agricultural institution, the higher income obtained from cultivation, if cultivation is organized in a rational manner."

207. During the examination of the above recommendation by Section II, Mr. Aude-Hansen (Denmark) pointed out that the introductory paragraph seemed to place too much stress on the risk of escape and the danger of the inmate making improper use of his contacts with the outside world. He considered that the experience of many directors of prison administrations had now sufficiently demonstrated that those dangers were by no means as serious as they were supposed to be, and he suggested, without making a formal proposal to that effect, that the reference should be deleted.

208. However, he drew the Section's attention to what he considered a much greater disadvantage of the open system as it was generally organized, and one which might have a serious effect on the institution's whole programme of social readjustment: the almost complete lack of any private life for the inmates because of the dormitory system which was the general rule in those institutions. The question was particularly important because of the marked difference between normal society and the society formed by a group of convicted offenders; and expressed the hope that the recommendations to be adopted would include a provision to the effect that it was desirable for each inmate to have a room. Later in the discussion, he returned to this idea, and proposed that the following text should be inserted after the first sentence of recommendation VIII, paragraph (c):

"In this respect, the Congress is nevertheless aware of the differences between the normal community life of law-abiding citizens and the special composition of asocial elements in a prison population. Therefore, it is recommended that opportunities for prisoners to be alone in individual rooms be made available."

209. This proposal was supported by several participants, who pointed out that although at the beginning

of modern penal history solitary confinement had been considered as a more stringent form of deprivation of liberty, there had been a return, after a phase during which the accent was placed on communal life, to the principle of the separation of prisoners in individual rooms, not as a punishment any more, but rather as a privilege by which they were able to enjoy a more personal life than they could normally lead in an institution.

210. Other participants opposed the draft amendment presented by the Danish representative. Mr. Verma (India) objected to the distinction made between normal community life and the life of the prison community, arguing that one of the most important questions was the detection of anti-social behaviour. It was also pointed out that the shadow of solitary confinement still loomed too large to make it a straightforward matter to adopt a recommendation that prisoners should be placed in individual rooms. It was also felt that the proposal was unnecessarily specific, rather in the nature of a local administrative regulation, and out of place in an international declaration of principles. It was also pointed out that there was nothing in the text proposed by the Secretariat to prevent a prison administration from carrying out the idea which the draft amendment intended to express. Mr. Galway, representing the Secretary-General, drew the attention of the Section to the Secretariat's draft recommendation VII, previously adopted without discussion, which explicitly urged that countries which were experimenting with the open system for the first time should refrain from laying down rigid and detailed regulations in advance for the operation of open institutions. It was a fact that in certain countries, particularly in the tropics, small individual rooms were considered undesirable in all penitentiary institutions. The proposed amendment to resolution VIII (e) was put to the vote and rejected by the Section.

211. Mr. Aude-Hansen (Denmark) also proposed that resolution VIII (d) dealing with the relatively low cost of the open system should be entirely deleted. In the first place, it was not necessarily true that an open institution could be built and administered at less cost than a closed institution; in any case that was no real basis on which to attempt to gain support for the open system.

Mr. Doleisch (Austria) also pointed out that it was not always true that an agricultural institution was more profitable than other types of institutions.

212. Several participants spoke in favour of deleting the paragraph; others wished to retain it. Sir Lionel Fox, who had prepared the report on the place of the open institution in the penal system and in the community stated that on the basis of the study he had made, and of his long professional experience, he knew of no country in which it would not cost less to establish and maintain an open institution than a closed prison. Mr. Verma (India) disagreed with part of the argument put forward by the sponsor of the proposed amendment. He felt that the economic factor might be of great importance and had proved so, for instance, in the development of open institutions in his country. The proposal to delete recommendation VIII (d) was put to a vote and rejected by a majority of the Section.

(h) *Conclusions*

213. The last of the Secretariat's draft recommendations (recommendation IX) read as follows:

"In conclusion, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders

"(a) Considers that the open institution marks an important step in the development of modern prison systems and represents one of the most successful applications of the principle of the individualization of penalties with a view to social readjustment.

"(b) Believes that the system of open institutions may help to solve the problem of the serving of short-term sentences of imprisonment;

"(c) Consequently recommends the extension of the open system to the largest possible number of prisoners, subject to the fulfilment of the conditions set forth in rules IV and VI, paragraph (d) above;

"(d) Recommends the compilation of statistics which will make it possible to assess from the point of view of recidivism and social rehabilitation the results of treatment in open institutions."

214. During the Section's examination of this recommendation, Mr. Verma (India) said that paragraph (b) seemed to him unfortunate, as it might be used to justify the continued use of short-term sentences, which should rather be considered as an essentially undesirable system, to be replaced by that of probation. He therefore proposed that the paragraph should simply be deleted.

215. Mr. Galway, representing the Secretary-General, explained that the proposal dealt solely with the "serving" of short-term sentences, and that that word had been introduced into the text precisely in order to indicate clearly that no expression of support for the principle of short-term sentences was intended. In fact, that problem had been placed on the work programme of the United Nations. Other speakers expressed agreement with the views set forth by the Secretary-General's representative. Mr. Cornil (Belgium) nevertheless proposed an amendment which would eliminate any ambiguity in the paragraph under consideration by saying that the Congress believed "that the system of open institutions could contribute to decreasing the disadvantages of short-term sentences of imprisonment". The proposals were put to the vote, the first, advocating the complete deletion of paragraph (b) being rejected by a large majority, and the second, amending the paragraph as already described, being adopted, also by a large majority.

216. When recommendation IX, as adopted by the Section, came up for discussion in the plenary meeting, Mr. Pinatel (France) proposed that the first part of paragraph (d) should be changed, the words "recommends the compilation of statistics which will make it possible to assess..." being replaced by "recommends the compilation of follow-up studies and statistics, collected in collaboration with independent scientific authorities, which will make it possible to assess..." He pointed out that the mere compilation of statistics

would not be enough to furnish the scientifically satisfactory data. They might admittedly indicate the degree of success of the treatment, but this would have little value, since obviously open institutions received those inmates whose successful readjustment to social life was most likely. Hence a deeper study of the personality of such offenders was called for, in order to determine what influence the open system had had on them. Several participants, among them Sir Lionel Fox, expressed agreement with this proposal, emphasizing the importance of making a comprehensive scientific study of the effectiveness of open institutions and the part which outside experts might play.

217. Other participants, however, including Mr. Bocobo (Philippines) who had been Chairman of the Section, expressed serious doubts as to the advisability of the proposed amendment. It was pointed out that the procedure contemplated might give rise to administrative problems, and that many countries lacked such "independent scientific authorities". Mr. Garces Basaure, for example, cited the example of Chile, one country at least which possessed within its penal administration an organ which was obviously highly qualified to undertake such studies, although the proposed amendment would prevent it from doing so. Finally, a compromise was proposed by which the words "supplemented by follow-up studies conducted, in so far as possible, with the help of independent scientific authorities" would be inserted into the original text after the word "statistics". The sponsor of the original draft agreed to this wording, and the amendment was adopted by 31 votes to 7.

218. A proposal was also made in the plenary meeting to amend the end of recommendation IX (c) to make it refer to all the preceding recommendations, and not merely recommendations IV and VI (d) as in the Secretariat's draft. The amendment was adopted unanimously.

D. PRISON LABOUR

1. BACKGROUND

219. The first international Group of Experts in the field of the prevention of crime and the treatment of offenders, convened by the United Nations in 1949, recommended that the question of prison labour should be included in the programme of work of the Social Commission of the Economic and Social Council. The question had for many years been studied at the international level and had been included in the agenda of the Twelfth International Penal and Penitentiary Congress.

220. At its fifth session in December 1949, the Social Commission endorsed the recommendation of the international Group of Experts and included the question of prison labour in its programme of work, placing it in the deferred category of studies to be taken up upon the completion of certain other studies. As part of a concerted programme of practical action in the social field of the United Nations and the specialized agencies,

a proposal was made by the Secretary-General in 1953, asking the Social Commission to include the question of prison labour among its priority projects. The Social Commission adopted this proposal at its ninth session in May 1953.

222. The *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met during the same year, discussed the manner in which the question of prison labour might be studied. It recommended that the Secretariat should conduct an inquiry and suggested the general lines it should follow. The Committee also recommended that the question of prison labour should be included in the agenda of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders¹⁰ and that the Congress should be informed of the results of the inquiry to be undertaken in the meantime by the Secretariat.

223. The question of prison labour was also discussed by the European Consultative Group during its second session in 1954.

2. DOCUMENTATION

224. As a preliminary to the study recommended by the Advisory Committee of Experts, the Secretariat undertook an extensive inquiry into prison labour with the help of its correspondents in the field of the prevention of crime and the treatment of offenders and with the collaboration of the International Labour Office. The documents thus assembled, together with others from different sources, served as a basis for a general study of prison labour which was entrusted to a consultant, Mr. Ralph England, at the time a member of the Department of Sociology at the University of Pennsylvania. This study (ST/SOA/SD/5) constituted the basic preparatory document for the work of the Congress and was distributed to all participants. The Congress also had before it a "Note on various aspects of prison labour" (A/CONF.6/C.2/L.28) prepared by the Secretariat, and the report on prison labour prepared by the United Nations European Regional Consultative Group in 1954 (A/CONF.6/C.2/L.29).

3. ORDER OF PROCEEDINGS

225. Section II devoted five meetings to the question of prison labour. It first listened to introductory remarks on the subject by the Chairman, Mr. Germain, and statements by the consultant, Mr. England, and by the Secretary of the Section, Mr. Galway, representing the Secretary-General. In addition, before the debate began, the Section heard a statement by Mr. Mowat, representative of the International Labour Organisation, who stressed the ILO's interest in the problem of prison labour.

226. The Section then held a general discussion of prison labour which took up the latter part of the first meeting and the earlier part of the second meeting. Mr. Germain, Chairman of the Section, pointed out

¹⁰ E/CN.5/298, para. 22.

that the Congress was in an unusual position, as the question of prison labour had been examined only by a single Regional Group, and he suggested that after the general discussion the Section should for the remainder of its schedule adopt the procedure of first examining various questions likely to lead to generally acceptable conclusions and trying to agree on a series of principles to be recommended for adoption by the Congress; and then examining certain problems which appeared to require further study before recommendations on them could be made.

227. The Section adopted this procedure and devoted the second part of its second meeting, and its third and fourth meetings, to various specific questions on the basis of suggestions made by the Officers of the Section or by participants. A drafting committee consisting of Mr. Germain (France), Chairman of the Section, Mr. Lamers (Netherlands), Rapporteur of the Section, Mr. Bates (United States of America), Mr. Cornil (Belgium), Mr. Garcés Basaure (Chile), Mr. Hermon (Israel), Mr. Ugra (India), Mr. Galway, representing the Secretary-General, and Mr. England, consultant, was instructed to prepare, on the basis of the exchange of views and the preliminary decisions taken by the Section, a text setting forth general principles which seemed to require acceptance and a list of proposals for further study. The Section devoted its fifth meeting to an examination of these recommendations (Section II: "Working Paper No. 1") and adopted them unanimously, with certain amendments.

228. After a number of purely drafting changes had been made, mainly to the French text, the recommendations on prison labour adopted by Section II (A/CONF.6/L.8) were considered by the Congress at its tenth plenary meeting, and unanimously adopted, after several amendments had been made to the conclusions reached by the Section. The text is included in annex I, section D.

4. RESOLUTION ON PRISON LABOUR

229. The plenary meeting next took up a draft resolution (A/CONF.6/L.9) submitted by Mr. Sellin, General Rapporteur, concerning the attitude which the Congress hoped the Economic and Social Council would adopt towards the general principles and expressing the hope that the topics for further study would be included in the work programme of the United Nations Regional Consultative Groups. This resolution was adopted by acclamation, and is included in annex I, section D.

5. DISCUSSION OF THE QUESTION OF PRISON LABOUR

(a) *The debate*

230. During the general discussion most speakers referred to the importance of the problem of prison labour, and the exchange of views brought out certain points upon which the Section was to concentrate later. It was recognized that, although the subject had been studied at length in the past, the actual position in most countries was nonetheless most unsatisfactory. In many prisons prisoners were kept completely idle; in others,

they were only partially employed; in many cases the work was artificially created, far too many prisoners being employed, for example, on maintenance work. It was pointed out that even in prisons where the prisoners had an opportunity to work, labour methods and techniques were often inferior. The problem of remuneration had not been satisfactorily solved. Prisoners did not benefit as they should from the system of social security applicable to other workers, and vocational training was often inadequate or was given haphazard, insufficient attention being paid to the prisoner's capacities and his prospects of employment upon release.

231. In view of this, many participants urged the importance of full employment for prisoners as a problem which would have to be solved before there could be any improvement in the general situation. Some participants made a special point of the prisoner's right to suitable work and the State's duty to provide it; but they were warned against entering upon an abstract discussion of the prisoner's right to work, which might be better approached from the angle of full employment.

232. As a direct pendant to this problem, and for the very reason that the chief obstacles to full employment arise from the need to avoid any competition with private industry, several speakers also mentioned the importance of using prison labour for public works. It was pointed out that the State-use system provided a means of securing both full employment and adequate remuneration for the prisoner.

233. Several participants considered that it was important to inculcate good working habits in the prisoner and to adopt appropriate methods of achieving this, a special point being made of the value of vocational training in prisons. There again a note of caution was sounded by some participants, who felt that technical training should be merely one aspect of the general aim, namely, the social rehabilitation of the prisoner.

234. It was also suggested that prisoners should enjoy labour conditions as similar as possible to those of free workers in regard to working hours, techniques, remuneration and social security. It was recognized that such an idea could not be put into practice at once, but it was felt that the aim should be in that direction.

235. A number of participants expressed their concern about competition between prison labour and free labour and the opposition frequently shown by the latter. It was felt to be important for the improvement of prison labour conditions to enlist the co-operation of trade unions, employers' organizations and the general public.

(b) *General principles*

(i) *Compulsory and non-punitive nature of prison labour*

236. Mr. Lamers, Rapporteur, opened the discussion on the various specific points which might be embodied in principles likely to command general acceptance, and suggested that the Section should consider the following text:

"Prison labour is not an additional punishment; it should be considered as a means of avoiding idleness

and keeping order, and above all as an essential factor in the training of offenders."

This provision, setting forth the principle that prison labour should be non-punitive, gave rise to a lively discussion during which several texts were proposed in turn with the aim of expressing this principle in a satisfactory form.

237. Mr. Kunter (Turkey) preferred the text adopted by the International Penal and Penitentiary Congress of The Hague in 1950, which stated merely that "prison labour should be considered not as an additional punishment but as a method of treatment of offenders". All the other ideas in the text suggested by the Rapporteur were in fact only particular aspects of good prison treatment; and the terse, precise wording adopted by the Congress of The Hague should be maintained.

238. Mr. Cornil (Belgium) pointed out that, while The Hague text was right in stressing the question of treatment and had the merit of simplicity, he was bound to admit, taking a realistic view, that in certain cases, especially where short terms of imprisonment were involved, the question was not so much that of giving treatment in the strict sense as simply of keeping the prisoner occupied and maintaining order in the establishment. He therefore proposed the following text as combining the various points at issue:

"Prison labour is not an additional punishment; it should be considered as an essential factor in the training of offenders. In certain cases where prison training proper is not feasible, labour should be considered at least as a means of preventing idleness and of keeping order."

239. As the discussion proceeded, the opinion was expressed that it would be useful to include in a single provision the two principles—that prison labour should be compulsory and that it should be non-punitive. In that connexion some participants raised the problem of prisoners who refused to submit to the obligation to work; they would be compelled to do so and obviously in such circumstances they would regard labour as punitive. Against this it was argued that refusal to work was a breach of prison discipline; as such it was punishable but that did not make the labour itself punitive. The Section then considered the following text submitted by Sir Lionel Fox (United Kingdom):

"All prisoners under sentence should be required to work subject to their physical fitness as determined medically, not as an addition to their punishment but because, at the least, idleness and disorder must be avoided, and, further, the rehabilitation of prisoners requires that work should be an essential part of their training."

240. Representatives who had previously submitted other suggestions accepted this text, which was the only one to be considered further by the Section. Mr. Hermon (Israel) stressed the importance for social life of acquiring good habits of work and proposed the addition of the following words to the above proposal: "... and character-training to encourage them to live hard-working

lives". Sir Lionel Fox, however, could not accept that amendment, arguing that it referred to one particular aim of prison labour to the exclusion of many others, whereas his text was concerned only with the nature of such labour. No one supported the amendment and the Section unanimously supported in principle the text as it stood.

241. The Drafting Committee endorsed the essential features of this provision and proposed the following text to the Section with the suggestion that it should be placed first in the set of general principles to be recommended for adoption:

"All prisoners under sentence should be required to work subject to their physical fitness as determined medically. Work is not to be conceived as additional punishment but as a means of furthering the rehabilitation of the prisoner, his training for work, the forming of better work habits, and of preventing idleness and disorder."

242. Following proposals by Mr. Nuvolone (Italy) and Sir Lionel Fox (United Kingdom), the Section made two amendments to the text proposed by the Drafting Committee. It decided first to add the words "and mental" to the first sentence so as to read: "All prisoners under sentence should be required to work subject to their physical and mental fitness as determined medically". It also decided to add to the proposed text a third sentence reading: "Those who cannot legally be compelled to work should nevertheless be allowed and encouraged to do so."

243. When the Section's recommendations were examined by the plenary meeting, it was proposed by Mr. Bocobo (Philippines), supported by the delegation of the Federal Republic of Germany, that this last addition be amended and the words "and encouraged" deleted. Mr. Bocobo pointed out that in many prison systems encouragement amounted in practice to ordering; and the inclusion of such a provision might make it possible for prison administrations to require prisoners to work. In many countries, including his own, work by untried prisoners was prohibited by law.¹¹ The Section's recommendation might therefore be contrary to the national legislation in certain States. Against this proposal it was argued that it was very important to get rid of idleness in places of detention and that the provision in question should be considered as a progressive measure for the benefit of prisoners. The proposed amendment was rejected by 24 votes to 2, with 4 abstentions. The plenary meeting adopted the original text of the first recommendation as submitted by the Section.

(ii) *Full employment and the role of the State*

244. The Officers of the Section suggested that it should take up the question of full employment in prisons and the State's responsibility in the matter in conjunction with the question of State-use of products of prison labour. Opening the discussion, Mr. Eriksson (Sweden)

¹¹ On the subject of labour of untried prisoners, see paras. 295 to 297.

pressed for a firm and clear-cut attitude towards full employment. It was the State's duty to ensure full employment by providing the prison administration with sufficient work. He submitted the following text for consideration by the Section:

"It is the duty of the State to ensure full employment for prisoners. The prison administration should have constitutional priority rights to work undertaken for the State."

245. Many representatives expressed misgivings concerning the text suggested and opposed its inclusion among the recommendations to be formulated by the Section. It was felt that to recommend giving a constitutional character to any provision adopted was going too far. It was also pointed out that it would hardly be feasible to recommend the adoption of measures guaranteeing permanent full employment to prisoners in the case of countries where the population in general did not in fact enjoy the same guarantee, and that it would be a pity to adopt a recommendation having no practical value for a number of countries.

246. In spite of such reservations, most speakers favoured a provision which would indicate clearly the State's responsibility for the employment of prisoners. Sir Lionel Fox (United Kingdom) suggested that such a provision should contain a reference to the system of State-use of the products of prison labour and to the safeguards necessary to ensure that any offers of employment from free industry did not involve the exploitation of prison labour. With regard to these two aspects of the problem, the Section, in its initial approach to the question, discussed briefly a system of direct contracts between prison administrations and private undertakings for the production of certain articles. The utilization of prison labour by private undertakings in certain special conditions, e.g., for harvesting in time of war, was also mentioned. Actually, the role of the State in prison labour turned out to be one of the questions most vigorously debated during the Congress.

247. At the fifth meeting the following proposal on full employment and the role of the State was submitted to the Section by the Drafting Committee:

"The interests of the prisoners and of their industrial training must not be subordinated to the purpose of making a financial profit from an industry in the institution. It is the duty of the State to ensure that adequate and suitable employment is provided for prisoners. In countries where it is necessary to avoid undue competition with private industries, the State-use system with compulsory government markets may offer a satisfactory compromise. When advantage is taken of employment offered by free industry, such employment should be subject to adequate safeguards to ensure that there is no exploitation of prison labour in the interest of private industry."

248. The third sentence of this provision gave rise to a lively debate. Some representatives stated that in their view the State-use system should be considered as the solution most to be recommended, whereas the Drafting Committee treated it only as a compromise.

Hence Sir Lionel Fox (United Kingdom) proposed that the second and third sentences should be combined as follows: "It is the duty of the State to ensure that adequate and suitable employment is provided for prisoners, and for this purpose the State-use system with compulsory government markets may offer the best solution."

249. Other participants opposed this on the grounds that while the State-use system was one possible solution, it was by no means necessarily the best. It should not be recommended, for example, where the free market was prepared to acquire the products of prison labour. It was pointed out that there was no need to recommend the system in countries which were not faced with the problem of competition between prison labour and the free economy. Mr. Cornil (Belgium) pointed out, however, that the Drafting Committee's text could be improved upon and made more acceptable to the advocates of the State-use system; and he suggested the following wording: "When the work cannot be organized by private industries or by other means, the State-use system with compulsory government markets may offer a satisfactory solution." This proposal would do away with the idea of undue competition and compromise.

250. The two amendments were voted upon in the order in which they had been submitted. The Section rejected by a small majority Sir Lionel Fox's amendment referring to the State-use system as the "best solution". It adopted Mr. Cornil's proposal which described this system as a "satisfactory solution" where work could not be organized by private industries or by other means.

251. A proposal made during the discussion to delete from the Drafting Committee's text the word "undue" qualifying competition with private industries was not voted upon, as the phrase to which the amendment applied had been eliminated following the decision by the Section to amend the third sentence of the proposed text.

252. The second recommendation adopted by the Section was discussed at length in the plenary meeting. As in the Section, the discussion centred on the third sentence which, in the opinion of several speakers, confused two distinct questions—the organization of prison labour and the disposal of products of prison labour. Two proposals were made to clarify the text from that point of view. The first, submitted by Mr. Kunter (Turkey) sought to replace the word "organized" by the word "offered" in the first part of the sentence, so that the text would refer only to the disposal of products and omit the question of the organization of prison labour. The amendment was put to the vote and adopted by 17 votes to 5, with 4 abstentions.

253. On the other hand, a second amendment submitted by Mr. Mendez (Venezuela) and supported by the Yugoslav delegation, sought to express an opinion both on the organization of prison labour and on the disposal of the products of prison labour. The third sentence of the text would be replaced by the following: "When prison labour cannot be organized by private industry or by other means, its organization will be left

in the hands of the State. In this case, in order not to compete with private production, a solution may be found in the compulsory placing of the products of prison labour exclusively in the official market for State use and the use of State departments." It was objected that this text depicted the organization of labour by the State as a makeshift in case of the failure of private industry to organize it. That was not at all the view of most members of the Section. The proposal was rejected by 24 votes to 7, with 6 abstentions.

254. At the request of Mr. Cass (United States of America), consideration of the Section's second recommendation was suspended by the plenary meeting until it had concluded its examination of the other draft recommendations. The United States delegation then submitted a new proposal to substitute the following text for the last two sentences of the Section's recommendation: "It is preferable that this be done under the State-use system with compulsory government markets. Recourse may be had to private industry when sound reasons exist, provided adequate safeguards are established to ensure that there is no exploitation of prison labour and that the interests of private industry and free labour are protected". Mr. Cass argued that the organization of prison labour was essentially the State's responsibility and said he would have to oppose any recommendation giving preference to free industry.

255. Several participants, including Mr. Verma (India), Mr. Bocobo (Philippines) and Sir Lionel Fox (United Kingdom) favoured this amendment while others preferred the Section's text, including Mr. Cornil (Belgium), who thought it inadvisable to recommend the State-use system wholesale in all circumstances, if only because the question had not yet been studied from all angles. Mr. Lopez-Rey, the representative of the Secretary-General, pointed out that the integration of prison labour in the national economy was a question which the Congress was proposing to study further; hence it was too early to take a definite stand in regard to the State-use system. As only one United Nations Regional Consultative Group had so far examined the question of prison labour, the Congress might do better to keep to recommendations which were not too rigid. The first part of the amendment might therefore be reworded as follows: "This can be done under the State-use system with compulsory government markets..."

256. After a further exchange of views, Mr. Ericsson (Sweden), supported by the Belgian delegation, submitted a formal amendment to the Section's original text, embodying the suggestion made by the representative of the Secretary-General but this was not acceptable to Mr. Cass, the author of the first amendment expressing a preference for the State-use system. The United States amendment was put to the vote and adopted by 15 votes to 14, with 1 abstention. Other delegations abstained from voting.

(iii) Vocational training

257. Introducing the question of vocational training for prisoners, Mr. Lamers, Rapporteur, drew attention

to the following recommendation, adopted in 1954 by the European Consultative Group:

"Prison labour should aim primarily to teach a trade to prisoners able to profit thereby and especially to young prisoners. The trades should be sufficiently varied to enable them to be adapted to the educational standards, aptitudes and inclinations of the prisoners.

"Outside working hours, the prisoner should be given the opportunity either to learn a trade not practised in prison, or to improve his skill in the work he is doing already, for example by attending theoretical or practical classes."

258. It was generally felt that the recommendations of the Congress should mention the need to inculcate good habits of work where necessary. Several speakers stressed this point, which had already been brought up during the general discussion, and expressed the view that vocational training proper could only be a second stage. The primary task was to help those who had lost the feeling for work to regain it. It was also pointed out that any programme of vocational training within the prison system could not hope to be successful without the co-operation of the trade unions. It was useless to develop an elaborate system of vocational training if its recipients could not find employment on release.

259. Several participants advocated an addition to the draft suggested, stating that the vocational training given in prisons should conform to the same standards and lead to the same diplomas as in the outside world. The Section examined in turn several texts on the subject, amending them with a view to pressing home the idea of the similarity between vocational training in prison and outside. The first suggestion was that professional training should be given "according to methods and aims as generally recognized in the country". The Drafting Committee took over this suggestion in part and enlarged upon it, stating that professional training should be given to prisoners "according to methods and standards as generally recognized in the country so as to enable them to acquire a diploma of similar value as the normal one". Even this text did not seem satisfactory to the Section and a discussion on it ensued. The question was raised whether it was enough to use the word "diploma" alone. It was also pointed out that diplomas should be identical, and not merely of the same value but different. The following text was finally decided upon:

"...according to methods and standards as generally recognized in the country, so as to enable them to qualify on equal terms with persons outside the institution and to acquire, if appropriate, the same diploma or certificate as under normal circumstances."

260. During the Section's general discussion of vocational training Mr. Kellerhals (Switzerland) also queried the European Group's recommendation that prisoners should be given the opportunity to learn a trade not practised in prison. He wondered how such a provision was applicable in practice and suggested that the Drafting Committee should alter the wording to read:

"Outside his working hours a prisoner should be given the opportunity to improve his skill in the work he is doing already, for example, by attending theoretical or practical classes."

This suggestion, however, met with opposition. Other participants pointed out that frequently it was impossible for prisoners to carry on their normal occupations in prison because of the restricted choice offered by prison labour. Accordingly, they felt it not only proper but desirable that such prisoners should have the opportunity outside working hours to improve their skill in the work they intended to take up on release. Neither the Drafting Committee, nor, later, the Section, supported this narrowing of the field, and the final text merely stated that the prisoner should be given the opportunity to improve his skill "in the work he is doing already or any kind of suitable work he may be interested in."

261. The same provision gave rise to another suggestion during the general discussion. Mr. Aude-Hansen (Denmark) proposed that the words "Outside his working hours" at the beginning of the paragraph should be deleted, on the grounds that it was the duty of the prison administration to provide vocational training, even on a reduced scale, whenever it was possible. Intensive courses could often teach a prisoner the rudiments of a trade in a relatively short period, say a few weeks, and could be given to prisoners serving short sentences. But that would mean concentrated and intensive training so that courses given only outside working hours would be inadequate. However, it was pointed out that industrial concerns did not normally allow workers to take time off from their ordinary work to improve their professional skills. It would therefore seem out of place to retain such a provision in regard to prison labour. It was also felt that, taken as a whole, the recommendation concerning vocational training was sufficiently flexible to cover every contingency. The text finally adopted endorsed the European Group's recommendation on this point and maintained the phrase "Outside his working hours."

262. The second sentence of the European Group's text was also included in the Section's recommendation on vocational training, with the addition of "the requirements of the labour market" as one of the factors to be taken into consideration in deciding which trades should be taught in prison.

263. The Section's recommendation on vocational training was approved without discussion in the plenary meeting, and appears as No. IV among the general principles on prison labour adopted by the Congress.

(iv) *Type of work*

264. The Section based its discussion of this question on the following recommendation adopted by the European Consultative Group:

"It is desirable to give suitable categories of prisoners vocational examination and to take the results into account when they are assigned to a certain type of work in the institution.

"Within the limits compatible with proper vocational selection and with the requirements of prison adminis-

tration and discipline, the prisoners should be able to choose the type of work they wish to perform.

“So far as possible, the work provided shall be such as will maintain or increase the prisoners’ ability to earn an honest living after liberation.

“It is desirable to ascertain what types of work are most suitable for prisons, with a view to the prisoners’ rehabilitation.”

265. Several comments were made on this text during the initial discussion. Mr. Kellerhals (Switzerland) sought an assurance that the “requirements of prison administration” referred to in the second paragraph covered what he called the administration’s “possibilities”. Referring to the same paragraph, Mr. Bennett (United States of America) warned the Section of the possible danger of over-emphasizing the prisoner’s choice in the matter of work. It was important that a person undergoing a sentence of deprivation of liberty should learn to toe the line; and the acceptance of a set task had a definite value in relation to social rehabilitation. The point could be met by adding at the end of the second paragraph the following sentence: “The need for the prisoner to learn how to work and to obtain habits of industry are of the utmost importance in determining the extent to which he may choose his work.” Mr. Hermon (Israel) felt that the third paragraph should deal not only with work but also with vocational training methods. The opinion was also expressed that programmes of prison labour should be reviewed constantly to meet the requirements of a changing population and varying economic conditions. It was consequently suggested that at the end of the fourth paragraph a sentence should be added stating that the information thus obtained should be used to keep track of the type of work best suited to prisoners.

266. These suggestions, however, were not taken up by the Drafting Committee, which submitted to the Section a text couched in substantially the same terms as that adopted by the European Consultative Group. Nor were they taken up when the Section examined the Drafting Committee’s text. The only amendment was that submitted by the Italian delegation, namely a proposal to add to the sentence stating that prison labour should be as far as possible “such as will maintain or increase the prisoner’s ability to earn an honest living after liberation” the words “and to avoid any likelihood of a relapse into crime.” The author of the amendment, Mr. Nuvolone, explained that it was prompted by an obvious need for a special type of safeguard. In detailing a prisoner for a particular job, the factors in his professional training and activities which actually helped to make him commit the offence for which he had been sent to prison could not be overlooked. This proposal gave rise to a short but lively discussion. It was criticized by several participants on the grounds that a prisoner was a person who had failed as a man and not simply in regard to his work. It also seemed a very risky procedure from the point of view of social rehabilitation to deprive a prisoner of the possibility of carrying on an occupation he liked and to compel him to engage in another against his will. The supporters of the amend-

ment argued that the type of occupation pursued could notoriously have an influence on certain forms of criminality, and that this had to be taken into account in any rational criminal policy. On being put to the vote, the proposed amendment was rejected by a large majority, and the Section adopted the following text concerning the type of work for prisoners:

“It is desirable to give suitable categories of prisoners vocational examination and to take the results into account when they are assigned to a certain type of work in the institution.

“Within the limits compatible with proper vocational selection and with the requirements of prison administration and discipline, the wishes of the prisoner should be taken into account in assigning the work most suitable for him. It should be such as will maintain or increase the prisoner’s ability to earn an honest living after release.

“It is desirable to ascertain what types of work are most suitable for prisons, with a view to the prisoners’ rehabilitation.”

267. When this provision was examined in the plenary meeting, a single amendment was submitted—Mr. Cornil (Belgium) suggested replacing the word “wishes” in the first sentence of the second paragraph by “preferences”. It was felt that the text adopted by the Section gave the prisoner more latitude than was either desirable or feasible. The amendment was adopted without discussion.

(v) *Remuneration*

268. Opening the discussion on the remuneration of prisoners, Mr. Lamers, Rapporteur, said that the task of the Congress was to adopt a number of general principles and to recommend that further study should be given to certain particular aspects of the question of prison labour. He drew the Section’s attention to a principle mentioned repeatedly during the general debate, namely that the remuneration paid to prisoners should approximate as nearly as possible to that paid to free workers for similar work. Several speakers, including Sir Lionel Fox (United Kingdom) and Mr. Ugra (India), stated that any proposal to apply the principle of equal pay for equal work to free labour and prison labour was artificial, unrealistic and unworkable. The situation of the two groups of workers was entirely different. A prisoner did not work in virtue of a contractual obligation; he was not free to choose what work he would do, to discuss working conditions or go on strike. Hence, the very principle of equality between the outside world and prison labour was open to debate for want of any similar features providing a valid economic basis for comparison. It was also pointed out that the difference in wages on the free labour market according to the type of work done could not have its counterpart in prison labour without giving rise to great dissatisfaction and constant complaints from the less well-placed prisoners. As the greater part of the wages thus paid to a prisoner would have to be used to defray the costs which in that case would be charged to him, the system would involve an extremely complicated accounting operation of no great

practical value. It was felt that a better system would be for prisoners to be paid a small wage without any reference to the rates paid outside, though as regards technical equipment and the organization of the work, every possible effort would be made to achieve as high a standard in penal institutions as in free industry.

269. Those participants who favoured the principle of equal pay for equal work, whether done by prisoners or by workers outside, stated that they were not unaware of the considerable difficulties to be overcome before the principle could be applied. Mr. Cornil (Belgium) emphasized that it was a development which must necessarily come about slowly. But he did not agree that the system would merely amount to a complicated and valueless accounting operation. Even if a prisoner had most of his earnings taken away and allocated for various purposes, he would nonetheless have the feeling of earning his living, and he would know exactly what had become of his wages. That would have an important psychological significance and would be far more than a mere gesture. He also criticized the argument that difficulties would be created if the scale of remuneration in prisons reflected the variations in wage rates in different occupations. Those favouring this system thought it possible to establish groups of similar occupations for which normal rates would be paid as for occupations of the same kind outside. At all events, both the advocates and opponents of the principle of equal pay for equal work as applied to prison labour agreed that the question was one to which the United Nations Regional Consultative Groups might very appropriately give further study.

270. Mr. Galway, representing the Secretary-General, said that the Secretariat, in making its survey of prison labour, had found that countries differed greatly in their attitude towards the problem of remuneration and the opportunities for better remuneration. In some countries, the maintenance of the prisoner's family was entirely the responsibility of the State. In others, the family was dependent almost entirely on the share it received of the prisoner's earnings. Moreover, prisoners' maintenance costs varied considerably from country to country. Maintenance was sometimes so expensive that if a prisoner were expected to pay the cost out of his normal wages he would be unable to do so and would even become a debtor of the State.

271. The Drafting Committee proposed that the Section should include in the general principles the following text on the remuneration of prisoners:

"Prisoners should receive an equitable remuneration for their work. This remuneration should be at least such as to stimulate keenness and interest in the work.

"It is desirable that it should be sufficient to enable prisoners to help their families, to further their own interests within the prescribed limits or to set aside a part as savings to be returned to them on discharge, where desirable through an official or agency."

It also recommended that the method of remuneration should be included among the questions to be given further study (see para. 291 below).

272. When the Drafting Committee's text came up for consideration by the Section, Mr. Kellerhals (Switzerland) proposed that the list of uses to which prisoners' remuneration might be allocated should be rounded off by the addition of the words "to make good the damage done to their victims". Mr. Beleza dos Santos (Portugal) endorsed the proposal, while several other speakers opposed it. It was pointed out that the scale of remuneration was as a rule quite low, and hence the uses to which it was put should be limited, with the main emphasis on the items most closely linked to the prisoner's social rehabilitation. It was also pointed out that the payment of indemnities to the victim might entail an idea of retribution which should be eliminated from any system designed primarily to achieve the prisoner's rehabilitation. But Mr. Junod (Union of South Africa) stressed the great moral regenerative effect on the offender of compensating his victim and thus helping to redress the wrong he had committed. The Section voted on the amendment, which was rejected by a small majority.

273. The Section next adopted an amendment to the same paragraph, substituting the word "and" for "or" between the words "to further their own interests within the prescribed limits" and "to set aside a part as savings..." in order to show that the various purposes for which the prisoner's wages were to be allocated were not necessarily mutually exclusive, and might in fact be combined.

274. The question of compensation for the victim was taken up again in the plenary meeting during the consideration of the text submitted by the Section. It was felt that it would be useful to include a reservation concerning the practical results likely to be achieved by allocating the prisoner's pay for specific purposes. Mr. Cornil (Belgium) proposed that the first part of the second paragraph of the recommendation should be amended to read: "It is desirable that it should be sufficient to enable prisoners *at least in part*, to help their families, *to indemnify their victims*, to further their own interests..." The proposal, which was also sponsored by the delegations of Italy, Portugal, Switzerland and Turkey, was defended by the members of those delegations and by the French delegate, while other speakers firmly opposed it. Mr. Verma (India) said that the amendment injected into the conclusions of the Congress an outmoded concept of retribution which had been completely discarded, or ought to be. Mr. Lopez-Rey, the representative of the Secretary-General, also pointed out that it might be useful to consider the question in detail in the United Nations Regional Consultative Groups before taking a decision. The proposed amendment was, however, adopted by 20 votes to 15, with 1 abstention.

(vi) *Prison labour and open institutions*

275. The Drafting Committee proposed that the Section should include the following provision in the statement of general principles submitted to the Congress for approval:

"In planning prison labour programmes, greatest possible reliance should be placed on the use of open

institutions, in order not only to provide the variety of occupational opportunities afforded by open institutions but also to enable prison labour to be carried out under conditions approximating those of free labour."

276. Several participants, including Sir Lionel Fox (United Kingdom) and Mr. Hermon (Israel) said they were not in favour of including a recommendation of this type in the general principles. They felt that it was out of place in a text dealing specifically with the problem of prison labour. Moreover, they had misgivings as to the substance of the proposal, pointing out that closed institutions provided no less a variety of occupational opportunities than open institutions and that workshops with working conditions approximating those of free labour could also be organized in closed prisons. Again, the text could be interpreted as meaning that it was much more difficult to organize prison labour in a closed prison than in an open institution, and those responsible for prison labour in closed institutions might use that as an excuse for not going forward in a constant effort to improve conditions there.

277. Other speakers, including Mr. Bouzat (France), Mr. Verma (India) and Mr. Galway, representing the Secretary-General, pointed out that the usefulness of the open institution system was becoming more and more widely recognized and that a mention would therefore seem to be in order in connexion with the consideration of prison labour. The location of the open institution often depended on the occupational opportunities that the neighbourhood could offer, e.g. the construction of roads and dikes, and employment in agriculture or forestry. In many countries, agriculture constituted the prison administration's principal labour market and open institutions were particularly well suited to that type of work. With regard to the problem of providing working conditions approximating to those of free labour, it was pointed out that the proposed text was concerned with the freedom granted to the worker and the development of his sense of responsibility, both of which were characteristic of open institutions but not of closed prisons. The text proposed by the Drafting Committee was put to the vote and adopted by the Section. It was approved without debate by the plenary meeting.

(vii) *Work outside the institution prior to release*

278. Mr. Hancock (United Kingdom) drew the Section's attention to the potential importance of schemes under which prisoners were allowed to work outside the institution for some time prior to their release. He referred to successful experiments that had been carried out in this field and reviewed the advantages of such a system in preparing the transition from life in prison to life outside; and he suggested that the Section should include the following among the principles to be recommended for approval:

"Consideration should be given to the arrangement or extension of schemes under which a selected long-term prisoner may qualify during the last few months prior to release to go out daily to work for a private

employer, preferably in the trade in which he qualified prior to, or has been trained during, his sentence."

The proposed text went on to suggest that the working conditions of prisoners under this system should be similar in all respects to those of free workers, including wages based on a scale approved by the trade union organizations, provided that part of the prisoner's wages would be set aside for his maintenance, the rest being paid into an account and handed over to him upon his release.

279. The Drafting Committee accepted the first part of the suggestion as quoted above and incorporated it in its proposals. The text was very favourably received by the Section, but two observations were made. In the first place, it was suggested that the proposed system should not necessarily be confined to prisoners serving long sentences. Secondly, it was felt that consideration should not be confined to the case of prisoners going out to work for a private employer, and the suggestion was made that the text should be supplemented by a reference to employment by public undertakings. The two proposals were accepted by the Section. The plenary meeting made a mere drafting change to the text as amended and it appears under heading IX of the general principles adopted by the Congress.

(viii) *Working conditions and social security*

280. The Drafting Committee proposed the following text for inclusion among the general principles:

"Prison labour should be performed under conditions and in an environment which will stimulate industrious habits and interest in work. The management and organization of prison labour, whether industrial or agricultural, should be as much as possible like that of free labour, so as to enable prisoners to adapt themselves to the conditions of normal economic life."

281. The Drafting Committee also included in its proposals the following text, the principle of which had previously been approved by the Section at the suggestion of the Rapporteur:

"The precautions laid down to protect the safety and health of free workmen should likewise be observed in institutions. Provision should be made to compensate prisoners for industrial accidents and diseases on terms not less favourable than those granted by law to free workmen. In addition, prisoners should participate to the greatest practicable extent in the social insurance schemes in force in their countries."

282. Subject to two drafting amendments affecting both the French and the English texts of the second of the proposals, the two provisions were adopted by both the Section and the plenary meeting without debate. The proposals appear under headings III and VI respectively of the final text of the general principles.

(ix) *Remission of sentence for satisfactory work*

283. During the debate on other aspects of the question of prison labour, the United States delegation

had more than once referred to the system of remitting a part of the sentence in the case of prisoners whose work was particularly satisfactory ("industrial good-time"). During the debate on remuneration, for example, Mr. Bennett had said that the system had distinct merits and was actually more important to the prisoner than any question of remuneration for his work. Mr. Bates had also referred to the subject during the debate on full employment in prisons. The participants had expressed interest in the system, and at the request of Mr. Garcés Basaure (Chile), even though some doubt had been expressed as to whether the question really came under the heading of prison labour, the Section exchanged views on the question after completing the consideration of specific points for inclusion in its recommendations.

284. Several speakers thought that the way in which a prisoner performed his work was an important factor in considering his case with a view to conditional release. They felt, however, that any system by which a portion of the penalty would automatically be remitted in recognition of the prisoner's special industriousness had serious disadvantages and should be excluded. Mr. Overstreet (United States of America) explained that the practice of remitting a portion of a sentence because of the prisoner's industriousness was not automatic. The behaviour and the general attitude of the prisoner, as well as his progress towards social readjustment, were also taken into consideration. It was a discretionary matter to be decided in the light of the circumstances of the individual case. The practice was not designed to replace the system of remuneration for prisoners, but it did provide a considerable stimulus to work.

285. In the course of the discussion, several participants argued that even as an optional arrangement, the system presented certain risks; they thought it better that industriousness should be considered as one of the series of factors to be taken into account in evaluating a prisoner's behaviour. The alternative approach placed undue emphasis on the productive aspect of prison labour, whereas it was the social aspect that should always be in the forefront. The most important factor was not the prisoner's capacity for work but the effort he put forth and the likelihood of his social rehabilitation. The example was mentioned of a recidivist prisoner who might be capable of an exceptionally high output precisely because he had already been in prison. Should he be released earlier than the other prisoners on that account?

286. However, no specific proposal on the system of remission of sentence for satisfactory work was put forward during the debates in the Congress.

(c) *Convention concerning Forced or Compulsory Labour*

287. During his statement to the Section at the opening of the discussion on prison labour, Mr. Mowat, the representative of the International Labour Organisation, referred to the problem created by the definition of prison labour contained in the 1930 Convention concerning Forced or Compulsory Labour. He pointed out that in two of the documents submitted to the

Congress¹² the hope was expressed that, in the event of the Convention being revised, the definition in article 2 (c) of the Convention¹³ would be amended to take account of modern concepts of prison labour. He said in that connexion that, in accordance with article 31 of the Convention, the Governing Body of the International Labour Organisation reviewed at regular intervals the working of the Convention and particularly the question of the desirability of its revision. The Governing Body was now making such a review and had sent a questionnaire to Governments requesting their views. When the Governing Body resumed its consideration of the matter, any opinion expressed by the United Nations Congress on the Prevention of Crime and the Treatment of Offenders would of course be drawn to the Governing Body's attention.

288. In submitting its proposals to the Section, the Drafting Committee included a recommendation relating to the Convention concerning Forced or Compulsory Labour. Mr. Lamers, the Rapporteur, pointed out that the question had already been considered by the European Regional Consultative Group and that in view of the ILO representative's statement, it would seem appropriate for the Congress to define its position in the matter. The text proposed by the Drafting Committee read as follows:

"The Congress has noted with satisfaction that the International Labour Organisation has taken preliminary steps towards a review of the Convention concerning Forced or Compulsory Labour.

"The Congress wishes to point out that in any revision of this Convention, and particularly with respect to Article 2, paragraph 2, it would be desirable to exclude from the definition of Forced Labour the employment of selected prisoners under private auspices outside prison under ordinary conditions of free labour, inasmuch as this is a vital element of progressive penal policy."

289. The Section agreed without debate to include this text among its conclusions. In the plenary meeting, however, Sir Lionel Fox (United Kingdom) expressed the view that the category which it was proposed to exclude from the Convention was too narrow and he introduced an amendment proposing that the words "under private auspices outside prison under ordinary conditions of

¹² Documents ST/SOA/SD/5, paras. 95-102 and A/CONF.6/C.2/L.28, para. 36.

¹³ Article 2 of the Convention reads as follows:

"1. For the purposes of this Convention the term 'forced or compulsory labour' shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

"2. Nevertheless, for the purposes of this Convention, the term 'forced or compulsory labour' shall not include

"(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;...".

free labour, inasmuch as this is a vital element of progressive penal policy" in the text adopted by the Section should be replaced by the following: "by private employers or public enterprises outside the prison in such ways as are likely to assist their rehabilitation, subject always to such safeguards in respect of wages and conditions of work as are necessary to prevent exploitation, inasmuch as this is a vital element of progressive penal policy." There were no objections to this proposal and it was adopted by the meeting.

(d) *Proposals for further study*

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

290. The Chairman, Mr. Germain, opening the discussion of proposals for further study, suggested that the Section should first give its views on the advisability of including among them the question of the integration of prison labour with the national economy. Mr. Galway, representing the Secretary-General, said that the question was of great interest in more than one respect. First of all it embraced the problem of co-ordinating prison labour with the economic development of a country. It also involved the contribution that prison labour itself can make to the development of the national economy. No objection was made to the idea that the problem should be given further study, and the Drafting Committee suggested that the proposals for further study, particularly by the United Nations Regional Consultative Groups, should include:

"The integration of prison labour with the national economy. In this connexion it would be advisable to have the collaboration of persons outside the prison administration and in particular of economists and representatives of workers' and employers' organizations."

The text was adopted without discussion both in the Section and in the plenary meeting.

(ii) *Methods of remuneration*

291. After an exchange of views in the Section on the question of prisoners' remuneration, the Drafting Committee proposed that the subject should be recommended for further study in the following form:

"Methods of remuneration with particular reference to the principle of normal wages paid to prisoners for their work. Both advantages and disadvantages of that method should be carefully studied."

292. In the Section Sir Lionel Fox (United Kingdom) proposed that the text should be made more explicit by the substitution of the words "that prisoners should be paid for their work on the basis of normal wages paid in the free labour market" for "of normal wages paid to prisoners for their work". The amendment was approved unanimously by the Section. When the text, as amended, was discussed in the plenary meeting, the Indian delegation further proposed, no doubt as a result of the lively debate to which the problem had given rise, that the words describing the study on methods of remuneration should be supplemented by the addition in

the second sentence, following the words "should be carefully studied" of the words "and whether a portion of the remuneration should go to indemnify the victim". The proposal gave rise to no objection and was adopted by the plenary meeting.

(iii) *Labour programmes for special categories of offenders*

293. After the Section had agreed in principle that the question of the employment of special categories of offenders should be included among the proposals for further study, the Drafting Committee put forward the following text:

"Appropriate prison labour programmes for special categories of offenders such as professional classes, mentally abnormal persons and 'work-shy' individuals."

294. When the text was discussed in the Section, Mr. Kunter (Turkey) suggested that "political offenders" should be added to the list of special categories included in the proposal, as constituting a group of prisoners with special needs, to which a separate study should be devoted. It was pointed out, however, that the question of political offenders was outside the terms of reference of the Congress and could not properly be mentioned in its recommendations. The proposal was not supported and was not put to the vote. It was put forward again during the consideration of the Section's conclusions in the plenary meeting. There again, however, it received no support.

(iv) *Labour of untried prisoners*

295. The question of the labour of untried prisoners gave rise to lively debate in the Section. Those who were in favour of making such labour compulsory argued that inasmuch as it was normal to have to work in ordinary life, the rule should also obtain in prison. The idea that prisoners should not be compelled to work had been justified in an era when prison labour was considered as a punishment or a means of exploitation. But in view of the modern concept that work was a positive factor in social rehabilitation, that objection no longer held good and it would seem reasonable to require untried prisoners to work. It was also pointed out that with the practice found in many countries of deducting the period of detention pending trial from the full term of the sentence, the question of any option in regard to prison labour meant inequality in the execution of sentences. Mr. Kellerhals (Switzerland) described the system in force in one of the Swiss cantons, where a person in custody pending trial could, if he made a confession, ask to be transferred to a penal institution even before judgement was rendered and begin to serve his sentence and qualify for work status.

296. On the other hand, those who were opposed to compelling untried prisoners to work argued first that it was desirable to give them the opportunity to work if they wished, and even to encourage them to do so. But they maintained that the idea of compulsory labour threw a different light on the problem. The restriction on the freedom of movement of untried

prisoners was solely in the interests of the administration of justice. Nevertheless, they should be presumed innocent until a judicial body had found them guilty. As a corollary of the presumption of innocence, their way of living should be as nearly as possible the same as if they were free and they should be subject only to such restrictions as were required for the purposes of the investigation. The performance of work was not an essential element in the proper administration of justice, and hence a person who had not yet been found guilty by a court should not be compelled to work. It was also pointed out that in view of the limited number of occupations that could be pursued in an institution, the introduction of compulsory labour for untried prisoners would often result in their having to perform work unfamiliar to them.

297. At the end of the discussion, the Section unanimously agreed that the labour of untried prisoners was one of the questions that should be given further study. The Drafting Committee therefore suggested that the following provision should be included in the list:

“The special problems encountered with respect to labour programmes for untried prisoners.”

The proposal was adopted without discussion both in the Section and in the plenary meeting.

(v) *Employment of prisoners after release*

298. When the plenary meeting discussed the Section's conclusions, the Iranian delegation proposed that the following item should be added to the list of proposals for further study:

“... Measures which should be taken in order that the sentence of a prisoner should not be an insurmountable obstacle to his finding work after release.”

No objections were raised to the proposal, which was approved by the plenary meeting.

E. PREVENTION OF JUVENILE DELINQUENCY

1. BACKGROUND

299. In the field of social defence, juvenile delinquency has from the outset been the chief concern of the Social Commission of the Economic and Social Council. As long ago as 1949, the Secretariat embarked on a series of comparative surveys on juvenile delinquency in various parts of the world.¹⁴

300. The question of juvenile delinquency has also been included in the agenda of the United Nations Regional Consultative Groups on the Prevention of Crime and the Treatment of Offenders, all of which, with the exception of the European Regional Group, have adopted recommendations on the subject.

301. To round off the United Nations inquiry on juvenile delinquency, a study on the prevention of juvenile delinquency was included in the work programme

adopted by the Social Commission at its ninth session in May 1953, and the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in June 1953, recommended that in connexion with the study the Secretariat should examine the various programmes of action with regard to the prevention of juvenile delinquency.

302. The *Ad Hoc* Advisory Committee of Experts, part of whose task was to advise the Secretary-General on the organization of the Congress, stated that it fully shared the Social Commission's views as to the importance of the question of juvenile delinquency, and therefore considered that it should be included in the agenda of the Congress.¹⁵ At the same time, in view of the importance of the new study which the Social Commission had included in its work programme, the Committee felt that special attention should be paid by the Congress to problems connected with prevention on which an exchange of views and information at the international level would be especially useful. The Secretariat complied with the recommendation by placing the question of prevention of juvenile delinquency on the agenda of the Congress.

2. DOCUMENTATION

303. The Secretariat prepared for the Congress a general report on “The prevention of juvenile delinquency”, which was subsequently published in the *International Review of Criminal Policy*, No. 7-8 (ST/SOA/Ser.M/7-8). The participants also received the text of a survey of various programmes of action on the subject entitled: “The prevention of juvenile delinquency in selected European countries” (ST/SOA/SD/6), prepared at the request of the Secretariat by the Institute for the Study and Treatment of Delinquency, London, in a consultative capacity (see paragraph 301 above).

304. Apart from this, the Secretariat submitted a number of guiding principles to serve as a basis of discussion on the question of prevention of juvenile delinquency to the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met in August 1955 and was asked to give its opinion on various questions connected with the organization of the Congress. The Committee approved these principles and recommended that the Congress adopt them as part of the basis of its work; and the Secretariat brought them to the notice of the participants at the Congress in the form of a note (A/CONF.6/C.3/L.3).

305. Three specialized agencies prepared reports on the prevention of juvenile delinquency for the Congress. The ILO submitted a report on “Juvenile delinquency viewed as a labour problem” (ILO D.10.E.55); WHO prepared a document entitled “The detection of the pre-delinquent juvenile: Comments on the methodology of research” (WHO/MH/D/11.55); while UNESCO submitted two reports, one on “The educational aspects of juvenile delinquency” (A/CONF.6/C.3/L.1) and the other entitled “Problèmes de désorganisation sociale

¹⁴ ST/SOA/SD/1 and addenda 1 to 4.

¹⁵ E/CN.5/298, para. 21.

liés à l'industrialisation et à l'urbanisation dans les pays en cours de développement économique rapide" (A/CONF.6/C.3/L.2).

306. It should be pointed out, moreover, that almost all the communications submitted to the Congress by non-governmental organizations in consultative status with the Economic and Social Council dealt with the prevention of juvenile delinquency. A list of these communications will be found in annex III, part 5.

3. ORDER OF PROCEEDINGS

307. Section III of the Congress, which was devoted entirely to the question of prevention of juvenile delinquency, held eight meetings. After an introductory statement by Mr. Amor, Executive Secretary of the Congress, acting as representative of the Secretary-General, Section III decided first of all to adopt the declaration of general principles with regard to the prevention of juvenile delinquency submitted by the Secretariat to the *Ad Hoc* Advisory Committee of Experts and approved by the latter.

308. The section devoted three meetings to the study of this declaration, concentrating mainly on the question of a definition of juvenile delinquency which could be applied universally with a view to an international survey on the subject. A summary of the relevant work done by Section III will be found in the first part of the report on the prevention of juvenile delinquency approved by the Congress (see annex I, section E).

309. The Chairman, Mr. Ross, announced at the beginning of the Section's fourth meeting, that the Congress Steering Committee had gone into the question of the progress of Section III's work and, in accordance with the Steering Committee's view, he suggested that Section III should modify its procedure. It could do its most useful work by first holding a general exchange of views on the question of pre-delinquency, i.e. the prevention of juvenile delinquency where no prior law violation had occurred. He therefore proposed that participants should consider the problem of preventive measures in certain sectors, with due regard to what was being done in their own countries in each. He suggested that four sectors should be selected—the community; the family and school; social services; and other agencies, one meeting of the Section being devoted to each sector.

310. In accordance with the procedure recommended by the Steering Committee, the Chairman further suggested that a Drafting Committee be set up to draft conclusions on the subject of prevention of juvenile delinquency for submission to the Section at its eighth meeting the conclusions to be based both on the documents submitted to the Congress and on the discussion by the Section. With the agreement of the Steering Committee, the Chairman proposed that the Drafting Committee should be made up as follows: Mr. J. V. Barry (Australia), Dr. D. Buckle (World Health Organization), Mr. I. Drapkin (Chile), Miss S. Huynen (Belgium), Mr. D. V. Kulkarni (India), Mr. J. Ross (United Kingdom), Chairman of the Section, and Mr. P. Tappan (United States of America), Rapporteur of the Section.

311. A number of participants supported the proposed procedure. Others expressed misgivings and one suggested that the list of items to be discussed should be amended, the number being increased to five, with a separate Drafting Committee for each item. This proposal for amending the procedure suggested by the Steering Committee was, however, rejected by a large majority, and the Section adopted its Chairman's proposal.

312. At a later meeting of the Section, the Chairman, Mr. Ross, invited all participants who wished to submit any important statements to the Drafting Committee to send them to the Secretariat in writing. He explained that the Drafting Committee would consider not only oral statements made during the Section's discussions, but also written statements submitted by participants who for lack of time could not be called upon to speak during the debate.

313. In accordance with the procedure adopted, the Section devoted four meetings to a general discussion of the role of the community, the family and school, social services, and other agencies, in the prevention of juvenile delinquency. It subsequently devoted its eighth meeting to the consideration of the draft report prepared by the Drafting Committee (Section III: Working Paper No. 2), which it approved after making a certain number of amendments.

314. The Section's report (A/CONF.6/L.11) was submitted to the eleventh plenary meeting of the Congress. Immediately after the Section's Rapporteur, Mr. Tappan, had introduced the report, Mr. Ancel (France), speaking on behalf of the delegations of Belgium, Denmark, the Netherlands, the Holy See and Switzerland as well as his own, introduced a draft resolution on the United Nations work programme in connexion with juvenile delinquency (A/CONF.6/L.14, see para. 320 below), and suggested that the plenary meeting should give priority consideration to this before beginning the examination of the Section's report. The supporters of this proposal felt that the Section was confronted with an issue of vast scope, and while they paid a tribute to the way in which it had performed a formidable task, they nevertheless felt that the recommendations adopted might give rise to a certain amount of discussion owing to the very importance of the subject-matter covered, and that a number of categorical statements contained therein were a matter for serious misgivings. They felt that these recommendations could not be considered as final; and several participants intimated that they would be unable to support the recommendations if the effect of their approval was to give them a final character. On the other hand, the purpose of the draft resolution was to indicate clearly that the study of the various aspects of juvenile delinquency should be continued, and if the Congress agreed on that point at the outset, agreement on the Section's report as a whole and on the details of certain conclusions it contained would be greatly facilitated. These conclusions would no longer be, or at any rate appear to be, the formal dogmatic and scientific opinions which the wording used tended to make them, but would simply reflect the sense of the Congress, pending further research if the need for it became apparent.

315. A number of representatives was strongly opposed to the procedure suggested, pointing out that in the case of the other four items on its agenda, the Congress had first examined the conclusions reached by the Section and then studied the formal resolutions on the question. They saw no valid reason why this procedure should be abandoned when the prevention of juvenile delinquency was discussed, and they pointed out that it was an odd procedure to discuss a formal resolution relating to a report before the report itself had been considered. Some speakers, while holding this opinion, did not challenge the right of the sponsors of the draft resolution to introduce it, provided they did so at the proper time. Some stated that to a certain extent they shared the misgivings concerning the Section's report but they felt that these should be considered after the report had been discussed and not before, and that a situation had not arisen which warranted changing the procedure followed so far.

316. Mr. Veillard (Switzerland) proposed, as a compromise between the two schools of thought, that consideration of the draft resolution should be postponed until after the Section's report had been examined, but that the Congress should decide forthwith merely to take note of the report, without adopting it. This proposal also met with strong opposition on the part of many of the representatives. Mr. de Steiger, the President, said that the procedure was anomalous and Mr. Lopez-Rey, the representative of the Secretary-General, pointed out that a decision taking note of a report necessarily presupposed that the report had been examined, and that such a decision could not therefore be taken until the Section's report had been discussed, in accordance with the rules of procedure of the Congress.

317. After a lengthy exchange of views, the sponsors of the draft resolution accepted the suggestion made in the course of the debate that they should reintroduce the draft after the plenary meeting had considered the Section's report.

318. The greater part of the eleventh and the beginning of the twelfth plenary meetings were taken up with the consideration of the report. Many amendments were made, and the report as a whole was duly adopted in plenary by 37 votes to none, with 5 abstentions. Subsequently, on acquaintance with the text of the resolutions on the prevention of juvenile delinquency adopted by the Congress (see paras. 323 and 325 below), the delegations which had abstained stated that they wished to change their attitude and vote in favour of the report, which was then unanimously adopted by the Congress. The text of the report appears in annex I, section E, with a few other slight drafting amendments, and all the recommendations numbered consecutively.

4. RESOLUTION ON THE PREVENTION OF JUVENILE DELINQUENCY

319. Before the opening of the plenary debate on the prevention of juvenile delinquency, the General Rapporteur, Mr. Sellin, had the following draft resolution circulated (A/CONF.6/L.12) though he did not introduce it formally:

"The first United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

"Having adopted conclusions and recommendations, annexed to the present resolution, on the question of the Prevention of Juvenile Delinquency;

"1. Requests the Secretary-General, in accordance with paragraph (d) of the annex to resolutions 416 (V) of the General Assembly of the United Nations, to submit these conclusions and recommendations to the Social Commission of the Economic and Social Council,

"2. Expresses the hope that the Economic and Social Council will give consideration to the general principles contained in these conclusions and recommend to Governments that they be taken as fully as possible into account in their practice and when considering legislative and administrative reforms,

"3. Calls 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 of the Economic and Social Council, and to the need for including important aspects of this subject in the future work programme of the Regional Consultative Groups organized in accordance with the above-mentioned resolution."

320. The joint draft resolution (A/CONF.6/L.14) submitted by the delegations of Belgium, Denmark, France, the Holy See, the Netherlands and Switzerland, and introduced by the French representative at the beginning of the eleventh plenary meeting (see para. 314 above), was worded as follows:

"The first United Nations Congress on the Prevention of Crime and the Treatment of Offenders

"Having discussed the problem of the prevention of juvenile delinquency,

"1. Thanks the Economic and Social Council for placing the fight against juvenile delinquency on its programme, thus bringing its authority and documentary resources to bear on this important contemporary problem;

"2. Expresses the hope that the United Nations will continue its efforts in this field;

"3. Recommends that, in accordance with the provisions of General Assembly resolution 415 (V), the Secretary-General of the United Nations should inform the Social Commission of the Economic and Social Council of the following suggestions with a view to their being included in the social defence work programme:

"(a) That a study be made of the factors which give rise to juvenile delinquency and of the methods used to prevent it, for the purpose of determining the practical value of these methods, both direct and indirect;

"(b) That the help of the non-governmental organizations with special knowledge in this field, and if necessary of an ad hoc committee of experts, be sought in this connexion;

"(c) That the Regional Consultative Groups and the seminars continue to devote attention to the various aspects of juvenile delinquency; and

"(d) That, when organizing the next congresses, conferences or seminars, the United Nations should select clearly defined topics where a thorough study can be made and the experience acquired in the various countries usefully compared."

321. This draft resolution was, however, withdrawn by its sponsors when the Section's report was discussed by the plenary meeting, and was replaced at the twelfth plenary meeting by a proposal (A/CONF.6/L.12/Add.1) to amend the General Rapporteur's resolution by the addition of the following paragraph:

"4. *Recommends* that, in accordance with the provisions of General Assembly resolution 415 (V), the Secretary-General of the United Nations should inform the Social Commission of the Economic and Social Council of the following suggestions with a view to their being included in the social defence work programme:

"(a) That a study be made of the methods used for the prevention of juvenile delinquency for the purpose of assessing the practical results of these methods, both direct and indirect;

"(b) That the help of the non-governmental organizations with special knowledge in this field be sought in this connexion in accordance with resolution 155 C (VII) of the Economic and Social Council;

"(c) That the United Nations Regional Consultative Groups and seminars continue to devote attention to the various aspects of juvenile delinquency; and

"(d) That, when organizing forthcoming congresses, conferences or seminars, the organizations concerned should select clearly defined topics allowing for a thorough study and a useful comparison of the experience acquired in the various countries."

322. Mr. Sellin, the General Rapporteur, agreed to this amendment to his resolution, but suggested that the words "Taking into account the problems facing different regions of the world" should be inserted after the words "the organizations concerned", so as to meet the objection raised during the debate to the idea of "clearly defined topics" as it appeared in the original draft resolution (A/CONF.6/L.14). It was pointed out that the problem of juvenile delinquency was world-wide and differed greatly according to the region; hence it should be studied in a very comprehensive way and from all its various angles if anything really useful was to be achieved.

323. Introducing his draft resolution, the General Rapporteur also put forward a certain number of amendments to it, the most important being the deletion of paragraph 2 and the amalgamation of paragraphs 1 and 3; and he proposed that the Congress take a decision on the following draft resolution:

"*The first United Nations Congress on the Prevention of Crime and the Treatment of Offenders,*

"*Having adopted* the report annexed to the present resolution of its Section on Juvenile Delinquency,

"1. *Requests* the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415 (V) of the General Assembly of the United Nations, to transmit this report to the Social Commission of 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;

"2. *Recommends* that, in accordance with the provisions of the annex mentioned in paragraph 1 above, the Secretary-General of the United Nations inform the Social Commission of the Economic and Social Council of the following suggestions with a view to their being included in the social defence programme:

"(a) That a study be made of the methods used for the prevention of juvenile delinquency for the purpose of assessing the practical results of these methods, both direct and indirect;

"(b) That the help of the non-governmental organizations with special knowledge in this field be sought in this connexion in accordance with resolution 155 C (VII) of the Economic and Social Council;

"(c) That the United Nations Regional Consultative Groups and seminars continue to devote attention to the various aspects of juvenile delinquency;

"(d) That, when organizing forthcoming congresses, conferences or seminars, the organizations concerned, taking into account the problems facing different regions of the world, should select clearly defined topics allowing for a thorough study and a useful comparison of the experience acquired in the various countries."

This draft resolution was unanimously adopted by the Congress in plenary.

324. The plenary meeting also had before it a joint draft resolution (A/CONF.6/L.15) on the programme of studies in the field of juvenile delinquency, submitted by the delegations of Argentina, Australia, Chile, Ecuador, India, Israel, Pakistan, the Philippines, the United States of America and Venezuela. It read as follows:

"*The first United Nations Congress on the Prevention of Crime and the Treatment of Offenders,*

"*Having discussed* the problem of the prevention of juvenile delinquency,

"*Recommends*, in accordance with the provisions of resolution 415 (V) of the General Assembly, that the Secretary-General of the United Nations communicate to the Social Commission the following programme for inclusion in the Social Commission's programme of work in the field of Social Defence:

"(a) A study of the methods used for the prevention of juvenile delinquency. In this study, particular attention should be paid to

"(i) The possibility of organizing a social and health care or guidance system co-operating closely with the diagnostic services and

"(ii) Assistance to parents, particularly in the task of guidance;

"(b) As a second stage of the above-mentioned study, an assessment should be made of the practical value of certain direct and indirect measures for the prevention of juvenile delinquency. This task might be undertaken by means of a small number of projects carried out in various regions, both developed and under-developed, with the assistance of governments and organizations which are prepared to collaborate; and

"(c) An evaluative study on the methods and techniques used by special police services dealing with juveniles. Certain countries have already introduced such services, but the results deserve careful study before positive conclusions can be drawn from them.

"Expresses the hope that the United Nations Regional Consultative Groups and Seminars on the Prevention of Crime and the Treatment of Offenders will continue to study juvenile delinquency."

325. Several speakers supported the draft as being concise and clearly-defined, and likely to lead to important and useful surveys. It was felt that the text conveniently rounded off the other draft resolutions on the prevention of juvenile delinquency submitted to the Congress and that it would be possible in due course to combine the various texts in one resolution. The joint draft was put to the vote and adopted by 41 votes to none, with 1 abstention.

326. Following the adoption of the two resolutions on the prevention of juvenile delinquency, Mr. Sellin, General Rapporteur, pointed out that while the resolutions complemented each other they contained a number of repetitions; and he asked the plenary meeting to authorize him to combine the two texts into one so that the decisions of the Congress on the prevention of juvenile delinquency would be embodied in one single resolution. Authorization was given by acclamation. The text of the single resolution, as redrafted by the General Rapporteur, appears in annex I, section E.

5. DISCUSSION OF THE QUESTION OF PREVENTION OF JUVENILE DELINQUENCY

327. The main emphasis of the discussions of the Congress on the question of prevention of juvenile delinquency was on the problem of how preventive action could be promoted in the four sectors chosen—the community; the family and school; social services; and other agencies. It was found, however, that this classification caused overlapping, and that it was not always possible to deal with one particular sector without referring to the others. The questions of labour in relation to the prevention of juvenile delinquency, and of research in that field, were also raised in the course of the debates.

(a) *The community*

(i) *General discussion*

328. In the course of the Section's general debate on the role of the community in the prevention of juvenile delinquency, several speakers expressed the view

that this was a vital aspect of the problem. Mr. Mayo (United States of America), opening the debate, remarked on the variable nature of the concept of community, and pointed out that communities might vary greatly in size and structure. The central, overriding notion was, in his opinion, that of environment or surroundings, which was of the utmost importance in the growth and development of the child. The fundamental problem was how to regulate the community's moral and spiritual climate so as to create the atmosphere most favourable to the harmonious development of the child. He considered that surveys should be increased and more research done to achieve a better understanding of the community's role *vis-à-vis* the minor. On the practical side, the possibility should be considered of establishing in each community a programme comprising all agencies likely to prove useful—churches, recreational bodies, agencies working for the strengthening of family life, etc. Such programmes should be aimed at the adoption of the measures best calculated to give the child an environment allowing him to develop satisfactorily. He also pointed out the necessity for bringing influence to bear on parents and drawing their attention to the part they should play in connexion with the relations between their children and the community.

329. Other participants also emphasized two fundamental aspects of the problem, first of all the importance of studying the environment, i.e., the community's attitude and atmosphere, in order to discover what ideas and standards the community instils in children growing up in it, and secondly, the necessity for setting up and organizing prevention programmes using all available community resources. It was pointed out in that connexion that such work should include the detection of minors whose behaviour gave rise to problems, so that they could be given effective treatment before they became delinquents.

330. Several speakers described measures taken in their countries to use the community's resources to the best advantage for the prevention of juvenile delinquency. Mr. Hill (United Kingdom), for example, pointed out that as a sequel to a preparatory conference held in London, a programme of local action had been begun in 1949. Conferences had been held at the local level bringing together all the local public bodies concerned: the police, the probation, public education and social welfare services, religious institutions and voluntary societies. The purpose of the conferences had been to draw the public's attention to the importance of the problem of children who were in danger of becoming delinquents. Local committees had been set up to look into the situation in each community and seek ways of remedying it. A measure of success had been achieved. Inquiries had been carried out concerning the causes of delinquency, and in many instances plans of action had been laid down for combating influences regarded as pernicious. But difficulties had also been encountered in certain cases. It had been found that what might be called the community spirit, i.e., the community's responsibility for establishing standards of behaviour, frequently did not exist. Such was the case, for example, in certain new housing units, because the tenants varied widely

in background and were a very heterogeneous group. In such cases the community spirit developed very slowly, especially as child education was notoriously a matter on which ideas varied considerably from one family to another. Thus in such communities common standards of behaviour were almost totally lacking, and the question of how a real community spirit should be developed in such circumstances was extremely difficult.

331. Mr. Cotxet de Andreis (France) said that the importance of the community, or environment, had by no means been overlooked by the French authorities, and was the subject of much research. Nor had practical action been neglected, and there were numerous programmes aimed at educating the community. For instance, the many holiday camps, to which poor city children were sent to get a taste of a sort of life very different from the life they normally led, were having a great influence, not only on the children, but through them on their parents, as a result of the children's life and experience in the camps. Weekly outings, social groups and youth clubs served a similar purpose. The Chief of the Paris Police had set up a private organization known as "l'Association pour la protection de la jeunesse de la banlieue parisienne", consisting of individual members of the administration, social welfare workers, sociologists and other persons interested in solving the problem of young people in danger of becoming delinquents. It was a remarkable example of co-operation between the police and private individuals to that end. He also mentioned the so-called friendship teams which organized games in the streets or in the fields, as the case might be, and attracted many children; and also the schools for parents, where lectures were given to help to train parents for their responsibilities, and where they could also seek advice and counsel when they so desired.

332. Many participants pointed out that the type of community characteristic of their national culture traditionally offered safeguards against juvenile delinquency. Mr. Al-Ani (Iraq), for example, mentioned that this was true of the traditional communities in his country. In local life the community was responsible both morally and financially for any misbehaviour and any delinquency on the part of minors, and exercised a very effective control over them. The Koran too declared that those who were unable to distinguish between good and evil were not responsible for their actions, but were the responsibility of the community—a very valuable principle for society. Mr. Guirguis (Egypt) also said that in the East the structure of the traditional type of community tended to prevent juvenile delinquency.

333. Both these speakers pointed out, however, that the rapid industrialization which had taken place in their countries had created new problems for certain population groups, and that in a changing society measures were called for to check the growing tendency towards juvenile delinquency. They described some of the social services set up for the purpose, in connexion with children's courts and otherwise.

334. Some participants mentioned other factors which in their countries gave very special emphasis to the problem of the community's function in connexion with juvenile delinquency, and described the steps taken

to cope with the problem. Mr. Reifen (Israel) pointed out that the problem of preventing juvenile delinquency had become very acute in his country on account of the considerable amount of immigration of persons from nations with very difficult cultural traditions. The immigrants had become adjusted to new living conditions, and the Government had to seek a means of integrating them into the local society. An effort had therefore been made to arouse public interest in the problem, and a solution had been sought at three different levels. First, the Government had taken a hand and had established a series of programmes. The local authorities had also taken action, e.g. pioneer work had been done by the municipality of Haifa in establishing clubs, playgrounds and other facilities for minors. Lastly private organizations had also offered help in solving the problem. Recently, the Government had attempted to co-ordinate these various activities in order to obtain more systematic results and to prevent overlapping. He also mentioned the child health centres set up in Israel, where parents were taught how to care for their children. That was a very important development, since part of the immigrant population came from regions where customs in that respect left much to be desired. Another interesting idea was a youth movement in which secondary school pupils were encouraged to look after less privileged children and assist them in adapting themselves to school life. In this way many young people belonging to the more prosperous classes came into contact with the poor, thus learning something about life and gaining an understanding of the problems of other young folk among whom they had to live.

335. Mrs. Minwalla (Pakistan) pointed out that being a very new country, Pakistan had not yet been able to do much towards preventing juvenile delinquency. The paramount problem confronting the nation was the integration of between eight and nine million refugees who had come to Pakistan as a result of partition. The influx of population had created great problems in the towns. The population of Karachi, for example, had increased five-fold in the space of seven or eight years. Thousands of children had completely lost contact with their environment and had no protection of any kind. From the point of view of the community, the situation created enormous difficulties but steps were now being taken to deal with it. The Government had first had to make begging illegal as it frequently involved the exploitation of children by adults. While the authorities responsible for the application of the law had found it an uphill task, the fact remained that the measure had awakened the social sense and the interest of the community, and several organizations, such as the *All-Pakistan Women's Association*, were now actively concerned with the question. The need had also been recognized for the training of social welfare workers to cope with the immense task, and the Government, with the assistance of the United Nations, had organized a number of special training courses. Social workers trained in these courses were at present in charge of two community development projects one in an old slum district of the capital, the other in a rural area.

336. At the end of the discussion, Mr. Lopez-Rey, the

representative of the Secretary-General, recalled the two basic aspects of the question of the community in relation to the prevention of juvenile delinquency: first the minor's environment, and second, the services which can be organized to assist him. He made a special point of the relationship which should exist between the way of life in the community and its activities. The community might be very active, but it was questionable how success could really be achieved unless the way of life of the community reflected the same ideals. It was conceivable that while the services for minors might function very efficiently, the community's general behaviour might be so unsatisfactory that what was gained in the one direction was lost in the other. The two aspects—the minor's environment and the services set up to help him—should therefore be considered as inter-dependent. It was important to ensure the co-ordination of the two, and not to overlook the former.

(ii) *Conclusions and recommendations*

337. On the basis of the discussion and the other sources at its disposal, the Drafting Committee presented the following conclusions and recommendations concerning the community to the Section at its eighth meeting:

"The Congress recognizes that the community, considered in its local, regional and national aspects, provides the environment in which social institutions mould the child's behaviour patterns and personality. The neighbourhood in which young people live and form their most important associations is perhaps the most decisive phase of community influence, though it reflects too the broader influences of the society and culture. The factors which shape character derive very largely from these community influences as they operate through the family, the school, the church and other social institutions. Community action to prevent juvenile delinquency is to a great extent a matter of organizing the variety of community resources so as to provide, on the one hand, an environment in which children may develop without abnormalities of character and in which, on the other, those who are in danger of becoming delinquent may be discovered and guided toward conformity to normal standards. Toward these ends, the following conclusions and recommendations are submitted:

"1. Services both official and unofficial, for young people in the community should be organized and drawn together as closely as possible so as to provide them with a healthy environment for growth and to take appropriate measures of guidance and control when they are in difficulty. These should include constructive activities in the family, school and other social institutions to meet the fundamental needs of youth and, so far as possible, varied agency resources, such as child guidance clinics, educational centres and counselling facilities for parents, leisure time resources, family substitutes, special schools or classes and others. Consideration should be given to the possible establishment of community committees, co-ordinating councils, or some other sort of specialized

agency to plan, organize and develop community resources to aid children with problems and their families.

"2. Within the social framework of the country involved, appropriate machinery, whether official or unofficial, should be established to advise in the formulation of policies and to supervise their application for the prevention of delinquency.

"3. In developing programmes and policies, due attention should be given to the developments in other countries, with a view to the possible selective adaptation of those features that may be used effectively. In this regard it is desirable especially that the more positive elements of the programmes of other societies be selected and that a country should avoid the adoption of measures that are inappropriate either intrinsically or because of cultural differences.

"4. In the effort to prevent delinquency, special attention should be focused upon those delinquency areas where there is a large component of anti-social attitudes and behavior. Where such delinquent sub-cultures exist it is desirable, so far as possible, both to reorganize these indigenous patterns and to provide especially intensive measures of identification, diagnosis and treatment.

"5. Policies and programmes of general social welfare are not enough, by themselves alone, to dispense with the need for more specific policies that focus attention on juvenile delinquency and its prevention."

338. Three amendments were submitted to this text in the Section. It was proposed that the words "the church" at the end of the third sentence in the introductory paragraph should be replaced by the word "religious"; that the words "and organizations designed to encourage the mutual aid of youth" should be inserted before the words "and others" at the end of the second sentence in paragraph 1; and lastly, that the second sentence in paragraph 4 should be deleted and replaced by the following text: "Where such 'delinquency areas' exist, it is desirable to strengthen the work of prevention as well as treatment". There was no discussion of these amendments which were adopted unanimously by the Section. The conclusions and recommendations concerning the community adopted by the Section were approved by the plenary meeting without discussion.

(b) *The family and the school*

(aa) *The family*

(i) *General discussion*

339. During the discussion on this subject in the Section many speakers emphasized the importance of family life and its role in the prevention of juvenile delinquency. They stressed the need for maintaining and strengthening family ties and for re-establishing them where they were in jeopardy.

340. The development in the child of a sense of belonging in the family was mentioned as one of the important

factors in developing a healthy family life. Mr. Green (United States of America) stressed this point at the beginning of the discussion and cited several specific examples to show how the rapid cultural changes that had occurred in the United States and the resulting lack of a sense of belonging had led to an increase in delinquent behaviour among young people. The attentive and loving care which parents could give their children in the early years of their life was of the utmost importance. Such care satisfied the child's emotional needs and generally enabled him to face life's difficulties later on without lapsing into delinquency. A child whose contact with life in his early years had been negative was often unable later on to resist the harmful influences to which he might be exposed in the community in which he was growing up. Other participants also emphasized that a child's loving acceptance by his family was an essential factor in the harmonious development of his personality.

341. With regard to the general problems of childhood and adolescence, most speakers stressed the vital importance of family ties in ensuring the child's satisfactory physical, mental and emotional development. In their opinion, a great responsibility lay with the family for it had to give the child the basic elements which would allow him to grow up as a responsible, law-abiding member of the community. The family should, therefore, help to give the child what one speaker referred to as his "social education". Reference was made in this connexion to the importance of adults setting children a good example. Children were receptive to everything that went on around them and they could easily assimilate adult prejudices and laxity of conduct, if that was the example given them. Parents who set their children a bad example or who had family difficulties thereby ceased to be an educational force and could no longer exercise a good influence on their children. The experience of children's court judges was quoted to emphasize the frequency of cases in which juvenile delinquency was associated with broken homes.

342. While the importance of this problem was generally recognized in the Section, several speakers pointed out that, owing to cultural differences, it might be much more acute in some countries than in others. In the East—and Egypt, India and Syria were mentioned as examples—in traditional, essentially rural societies the family was much more cohesive than in other countries. As a result, the problem of juvenile delinquency was much less acute in those areas. It was also noted that delinquency was not necessarily linked to the community's material level of living.

343. The speakers who described the conditions obtaining in these countries pointed out, however, that serious problems were arising in the urban societies which were growing up as a result of industrialization and the resulting migration to the towns. It was extremely difficult in those circumstances to maintain the traditional family structure and this fact, combined with other factors associated with industrialization, aggravated the problem of juvenile delinquency. It was noted that on the whole, however, the problem was less acute in the under-developed countries than in countries which had attained a high degree of development and industrializa-

tion. It was stressed that every effort should be made during the industrialization of the less-developed countries to preserve as far as possible traditional cultural elements which might help to prevent juvenile delinquency.

344. The cultural differences to which reference has already been made were also mentioned during the discussion on one particular aspect of the problem of the family, namely the role of the mother in the home. Several speakers emphasized the need for the mother to remain at home, contending that for the child she represented the essential element in family life. Women should be able to have a career if they so desired, but if the mother had to leave the home and go out to work for economic reasons, the necessary steps must be taken to ensure that the child did not suffer. Both Mr. Verma (India) and Mr. Homad (Syria) remarked that in the East the mother represented an essential component of the home, which she did not leave, and that a woman's social position was directly related to her ability to discharge her responsibilities as a mother. They emphasized that, in that respect, the East might be able to make a contribution to the restoration of family life in other regions.

345. On more general issues, several speakers stressed the need for taking all possible steps to strengthen the family so that it could provide the child with a healthy environment and thus fulfil its role in preventing juvenile delinquency. Mr. Green (United States of America), observed, in this connexion, that it was not enough merely to blame or punish the parents for their children's acts; it was equally useless to think that delinquency could be eliminated by organizing activities. The real problem was one of character training and adult influences were far more important than any activity alone. Further more, few organized activities held any attraction for children with a tendency to delinquency. In the speaker's opinion there should be a co-ordinated plan for the prevention of juvenile delinquency, which would include advice to parents on how to bring their children up, assistance to counter the family's economic and social difficulties, development of the community's resources to meet the legitimate needs of young people and the provision of individual aid to children with behavioural difficulties and who required special care to ensure that they did not lapse into delinquency. In conclusion he emphasized that the international climate influenced young people throughout the world. In his opinion it was necessary to develop a world climate favourable to the development of conditions conducive to a considerable decline in juvenile delinquency.

346. Mr. Cotxet de Andreis (France) described some of the steps taken in France to strengthen the family both spiritually and materially. Family associations had been set up, in which parents systematically studied every aspect of their duties towards their children. The associations, which were grouped together in a National Union of Family Associations, also gave individual guidance to families. Domestic relations counsellors, for instance, were attached to the centres operated by the Associations and were available to parents who wished to consult them.

347. On the material side, the speaker mentioned the system of birth and family allowances provided for by law. The use to which family allowances were put was obviously open to abuse. In order to prevent that and to ensure that the allowances were used for the child's welfare a special system had been set up known as the guardianship of family allowances. When it was learned that a family was not using the financial assistance granted by the State in the child's interest, juvenile court judges opened an inquiry and, if necessary, appointed a guardian, generally a member of a family association. The guardian's task was to help the family to manage its budget properly so that the child for whom the State assistance was intended benefited to the full. This was a delicate task, as the guardian had to inquire into various material aspects of the family's life. Nevertheless the system was an effective way of preventing juvenile delinquency in the broadest sense of the term. The social security services also placed experts at the disposal of the juvenile courts, who could, where necessary, give the families guidance on their material problems.

348. The speaker emphasized that all these measures were directed at avoiding, as far as possible, the need to remove a child from his family. Such a step, like deprivation of paternal authority, should be envisaged only in the last resort. Where it was absolutely necessary to remove the child from his home use should be made as far as possible of foster homes, because the child should develop in a family atmosphere. Children ought not to be placed in institutions unless all other efforts had failed.

349. Other participants also stressed the importance of family guidance services and mentioned the need for setting up marriage and family aid services and appropriate machinery for dealing with cases of marital difficulties and broken homes. Mr. Eddy (United Kingdom) said in this connexion that the Magistrates' Courts in the United Kingdom had been most effective in promoting domestic conciliation.

350. Several examples of activities intended to provide a substitute for family life where the family was defective were described during the debate. Reference was made to the Big Brother and Big Sister movements in the United States of America which sought to provide a mentor for children who needed assistance and advice which their families could not provide. Mr. Radaelli (Italy) also mentioned the achievements of an institution for children in his country. Only when treatment at home or in semi-freedom were not possible, should recourse be had to institutional treatment. Attempts had, however, been made to provide a family atmosphere in the institution by dividing it into sections each having its own competent staff. This represented an attempt to transpose family education into institutional terms and it had been undertaken because of the family's recognized importance in educating the child to take his place in the community.

351. Mr. Veillard (Switzerland) stressed the importance of housing as a factor in the development of a happy family life. Juvenile delinquents often lived in neighbourhoods where housing was bad. In such circumstances the child was more often than not left to roam

the streets and his delinquency could thus be attributed to the absence of a home providing a minimum of material comfort. The question of housing must therefore be taken into account in any consideration of the problem of preventing juvenile delinquency.

352. Several speakers also referred during the general discussion to the material and moral status of illegitimate children. Mr. Drapkin (Chile) remarked that the prejudices surrounding illegitimacy often inflicted as much hardship on the child as on his parents. Such suffering was unjustified and illegitimate children, like other children, should enjoy all the care that could be given them.

(ii) *Conclusions and recommendations*

353. The Drafting Committee submitted the following conclusions to the Section on the role of the family in the prevention of juvenile delinquency:

"It is axiomatic that ordinarily the family provides the most important phase of the child's environment from his earliest years and that it plays a fundamental role in the development of personality, attitudes and behaviour. It is recognized, furthermore, that industrialization and the growth of cities have been accompanied by an increasing measure of social, family and personal disorganization. Delinquency appears to be intimately connected with the social and cultural changes that have operated through the family. It is vital therefore that preventive efforts be designed to produce closer family ties, thus achieving greater affection, emotional security and control through the family. The child needs a sense of belonging. The following conclusions and recommendations are submitted.

"1. So far as possible, assistance should be provided to families where necessary in order that their basic material needs may be met. In particular it is desirable that some form of family allowances be given where necessary to keep the family intact, to avoid the necessity for mothers to work outside the home and to protect children where the family is broken or where the mother must work.

"2. Information, guidance, and counselling services should be provided for parents and for their children in order that they may not encounter difficulties through lack of knowledge. Adult and family-life education are desirable for this purpose.

"3. Counselling in domestic relations and psychological assistance of other sorts for parents should be made available, so far as possible, so that individuals with family difficulties may be helped to solve their problems.

"4. Emphasis should be placed upon fulfilling children's emotional and social needs and remedying their difficulties in so far as it is feasible through the family rather than through the direct intervention of other agencies or removal from home. Unless the parents are unfit, they should retain custody and control of their children, but they may require help in the care or guidance of those children who manifest serious difficulties.

" 5. Use should be made of foster homes or boarding homes or adoption whenever appropriate, where efforts with the child and/or his parents have failed so seriously that placement is necessary in the interest of his care and protection.

" 6. Children ought not be placed in institutions designed specifically for delinquent children unless they have violated the law and cannot safely be supervised in their own homes. Placement in institutions for neglected or dependent children should be resorted to only when they cannot be cared for in their own homes and when other types of home placement are impossible. Other types of specialized treatment facilities may be employed in appropriate cases, however, to provide particular forms of therapy that cannot be applied effectively in the community. In such cases the rights and interests of both the child and his parents should be given careful consideration.

" 7. In those societies that are recently becoming industrialized and where the family is still a well-integrated and effective unit of control, serious effort should be directed to maintaining its cohesiveness in order to mitigate so far as possible the disorganizing consequences of industrialization.

" 8. Housing programmes should be developed to provide better living conditions. Urban housing projects should be so organized as to provide for full community living in the area of residence. Where there is a heterogeneous mixture of people living together, agency facilities should be provided to facilitate the interrelationships of those whose cultures are different."

A number of amendments were submitted to this text both in the Section, at its eighth meeting, and in the plenary meeting.

354. The Section adopted the introductory paragraph without discussion. In the plenary meeting, Mr. Cornil (Belgium) deprecated the over-categorical wording of the third sentence in the paragraph, which read as follows: "Delinquency appears to be intimately connected with the social and cultural changes that have operated through the family". While the statement might well be true, it was premature to say so positively. The plenary meeting therefore decided to make the sentence in question less emphatic by inserting the words: "According to current opinion..." at the beginning of it.

355. In introducing the Drafting Committee's conclusions in the Section, the Rapporteur, Mr. Tappan, said that the Drafting Committee wished to amend the last part of paragraph 1 of the recommendations by adding the words "for economic reasons alone" after the words "to avoid the necessity for mothers to work outside the home". It was important to allow for the case of mothers who were interested in a career and decided of their own free will to work outside the home. The Section itself introduced two amendments into the proposed text of paragraph 1. It replaced the word "families" by the word "parents" in the first sentence and expanded the beginning of the second sentence by inserting the words "or children's" between the word "family" and the word "allowances".

356. When this paragraph was discussed by the plenary meeting it was pointed out that in some countries the basic material needs of the population as a whole were not met. Hence, any recommendation that parents should be given assistance to meet their basic material needs would remain a dead letter. The objective stated in the paragraphs was manifestly desirable, but the practical value of the recommendation was open to serious doubt. Nevertheless, no formal amendment was submitted to the paragraph and the text was approved in the form in which it had been adopted by the Section.

357. The Section decided to insert the words "conciliation machinery for estranged parents" at the beginning of paragraph 3 after the words "counselling in domestic relations".

358. At the outset of the Section's discussion the Drafting Committee submitted an amendment to the last sentence of paragraph 4 proposing that the original text should be replaced by the following sentence: "Parents may require help in the care or guidance of those children who manifest serious difficulties, but children should not be compulsorily removed from the care of their parents except by order of a court or board containing a judicial element, after hearing and determining the case according to law and in the interests of the welfare of the child". The paragraph as amended, was adopted by the Section and by the Plenary Meeting.

359. The Drafting Committee also proposed the deletion of the reference in paragraph 5 to adoption as one of the measures which might be taken where efforts to care for the child in his home had failed. The Chairman of the Section, Mr. Ross, said that after mature consideration the Committee felt that adoption was too important and that its social consequences were too far-reaching for it to be recommended in such general terms. There was no further comment on the amended text in the Section or in the plenary meeting.

360. At the end of the first sentence in paragraph 6, the Section decided to replace the words "and cannot safely be supervised in their own homes" by the words "and all efforts at supervision in their own homes fail". A further proposal to replace the word "specifically" in the same sentence by the word "exclusively" was rejected by the majority of the Section.

361. When paragraph 8 of the Drafting Committee's conclusions, which was adopted as it stood by the Section, was discussed in the plenary meeting it was suggested that it should be transferred to the section of the report dealing with the community on the grounds that the section under discussion related to the family considered as a group of people living together, whereas housing was a more general problem affecting the community as a whole. The proposal was unanimously adopted by the plenary meeting.

(bb) The school

(i) General discussion

362. During the meeting of the Section devoted to the role of the family and the school in the prevention of juvenile delinquency several speakers stressed the

important part played by the school. It was pointed out that the function of the school was similar to that of the family in that the school should seek to educate the child in the broadest sense of the word and not merely to give him scholastic instruction. The school had a considerable influence on the development of children and adolescents and while its aim was not to prevent juvenile delinquency it could nevertheless do much in that direction. Reference was also made to the need for giving teachers appropriate training to enable them to play a constructive role in moulding the child's behaviour and detecting any symptoms of behavioural difficulty.

363. Mr. Millo (Israel) mentioned a number of questions which he considered important in the prevention of juvenile delinquency; they included compulsory school attendance, curricula and teaching methods, the teacher's attitude to the pupils both as individuals or as a class or group, special measures for children needing them, auxiliary services and home/school relations.

364. During the discussion, Mr. McPherson (United Kingdom) briefly discussed the school psychological service in Scotland. In Scotland considerable importance was attached to teaching and education as a means of preventing juvenile delinquency. The local authorities had set up school psychological centres at the county and town level staffed by qualified teachers with diplomas in psychology. The centres dealt with the problems of the school-age child. Their work was psychological rather than psychiatric.

365. Several participants referred to the particular problem of the relationship between the school and the family and stressed the importance of close co-operation between the two institutions. Mr. Reifen (Israel), among others, stressed the responsibility resting on each of them. He pointed out that parents often sought to send their children to school as soon as possible because they expected the teacher to take over the full responsibility for their education. That attitude was wrong, primarily because the pre-school period was in any case one of the most important phases in the development of the human being. Later a vicious circle developed, the parents and the teacher each blaming the other for the failures and defects which appeared in the child's education. The complementary functions of the family and the school did not end with adolescence and they were particularly important in connexion with school absenteeism which was not unrelated to delinquency. Children from certain homes often received no encouragement in their school work from their parents. Such indifference on the part of the parents was frequently accentuated in the case of children between ten and fifteen years of age. In such circumstances, the child had increased difficulty in keeping up with his classmates and profiting from the teaching he received. As a result, the child took less and less interest in his schoolwork, an attitude which could lead to delinquent behaviour. In conclusion, he reported that a school preventive service had been established in Israel about fifteen years previously. The service employed qualified staff including social workers and psychologists and sought to establish a link between the family, the teacher and the child. Seminars had

also been organized to give the teachers training which would better equip them for their task.

(ii) *Conclusions and recommendations*

366. The Drafting Committee's conclusions on the school were as follows:

" Besides the family, the school is the social institution in closest and most frequent contact with the child from his early years to adolescence. It broadens his associations beyond the family and enables him to begin to take part in the life of the community. It plays an important role not only in his intellectual development, but in his emotional and social growth as well. Very commonly children's behavioural difficulties are associated with poor adjustments in school. Educational institutions are very important, therefore, both in their possible contribution to the healthy social development of children and in the opportunity they provide for teachers to identify in a preliminary way those who appear to display serious adjustment problems that require further investigation. It is not believed, however, that the school should attempt to assume functions which properly belong to the family, the church or the court.

" 1. The school should take into account as fully as possible the differences in aptitude and in personality generally among children so as to fit the educational programme to their different requirements. Flexible curricula are also needed for this purpose.

" 2. Within the limitations of its ability to do so, the school should endeavour to play a constructive role in the development of character and attitudes among children, with the object of counteracting unhealthy influences in the community.

" 3. The training of teachers should include sound preparation for understanding children and for identifying those with emotional or behavioural difficulties. Teachers should be of a type with which children can properly identify themselves in the development of their character and goals of living.

" 4. The educational programme should emphasize the contact between and the co-operation of school and family so that children's difficulties of adjustment may be avoided or alleviated. Parent/teacher and home/school or other similar associations are desirable for this purpose.

" 5. Auxiliary psychological and social services attached to the school should be developed as far as possible to help children and to aid and advise parents and teachers. Guidance clinics and psychological testing and treatment facilities are desirable for these purposes.

" 6. Greater emphasis should be laid on educational measures, including educational guidance, designed better to meet the emotional and social difficulties of adolescents who are completing school and to facilitate their entry into working life.

" 7. It is important in the interests of preventing delinquency that the community should prevent the

exploitation of children for economic reasons at the sacrifice of their education”.

367. The Section decided to amend the last sentence of the introductory paragraph to read: “It is not believed, however, that the school should attempt to assume functions which properly belong to the family, religious institutions, the court, or specialized social agencies”. The following words were added to the last sentence of paragraph 6: “and on measures intended to improve the condition of children and youth who are already at work”. Lastly, the Section decided to add the words “their healthy development and their future” at the end of paragraph 7.

368. When the Section’s conclusions were considered in the plenary meeting, Mr. Millo (Israel) said that he considered that the paragraph was obscure; it was presumably intended to refer to the principle of school attendance, but the text should be much more explicit. He therefore proposed the addition of the following sentence: “Measures should be taken to ensure the school attendance of certain age groups in a regular and systematic way”. He stressed that his amendment was drafted in flexible terms as it was impossible to set an age limit for compulsory school attendance. It was intended, however, to emphasize that every effort must be made to ensure regular school attendance. The amendment was unanimously adopted by the plenary meeting.

(c) *Social services including health services*

(i) *General discussion*

369. At the beginning of the Section’s general discussion on social services several speakers stressed the very wide scope of the subject and said that they thought it would be best to concentrate on describing the existing services in the various countries. Most of the general discussion was devoted to such a description.

370. Mr. Morris (Australia) drew the Section’s attention to the work of the Child Welfare Department in New South Wales which was mainly responsible for the prevention of juvenile delinquency in that State. The State was divided into ninety-eight districts, one or more specialized officials being assigned to each district. The Department attached great importance to the training of its workers. It tried to recruit suitably trained staff and gave them fairly advanced in-service training. The work done was to some extent what might be expected: the officials dealt with probation, cases of school absenteeism and so on. The new element in the system lay in the fact that they were instructed to devote half their time to preventive action which they themselves worked out in each district in the light of what they felt to be that district’s particular needs. Theoretically speaking the system might appear rather unsatisfactory and it might seem preferable for the central authority to prepare a plan which the district officials would put into effect. The opposite procedure had nevertheless been adopted in New South Wales: since the officials had been carefully selected and had received thorough training it was left to them to take what preventive measures they

saw fit at the local level. Generally speaking, they assisted families in difficulty, as far as possible counselling those who needed guidance and trying to keep in touch with all the social services in the district so as to ensure complete geographical integration of their activities. Some of the officials were apparently very effective, but he could not say whether the system as a whole had worked well. There was no shortage of good intentions in such matters nor could there be any doubt about the humanitarian motives of the social workers but it was impossible to say with certainty that the system had been successful, because no scientific evaluation had been made of the results achieved. Because of the good intentions underlying such services, a cursory evaluation of the results achieved was often considered adequate. He concluded by stressing the need for serious study of the practical value of the services concerned.

371. Mr. Kulkarni (India) mentioned the difficulties that had been encountered in India in the years immediately following the declaration of independence. Large-scale population movements in particular had disorganized the social structure and made the establishment of new social services imperative. Considerable progress had been made in that respect and the new five-year plan that was being prepared for the whole country would give due emphasis to social assistance and social services. Approximately forty million rupees had been set aside for the organization of such services at the national level. A Central Social Welfare Board had been set up to examine problems throughout the country and juvenile delinquency had been given very high priority. The Central Board worked in co-operation with similar boards in the various States. The latter had embarked on various plans to develop social services, particularly in rural areas. In India delinquency was often engendered by the movement of the rural population to urban areas. The first task from the point of view of prevention was therefore to satisfy the basic needs of rural families and thus ensure that they could live in normal conditions in their home areas. A very important place in the development programmes had been given to medical assistance and high priority had been given to the introduction of medical services in rural areas, so that each family would be able to obtain the assistance of a trained social worker. The development programmes also provided for services concerned with pre-school infants, economic assistance and other aspects of social assistance. The speaker mentioned that similar social services had also been set up in urban areas. The State’s efforts were supplemented by the co-operation of private organizations, particularly in the field of child welfare. In the larger towns, for instance, there were child guidance clinics run by voluntary agencies. Throughout the country there was a strong trend towards the organization of social services on that basis and there was every evidence that a social climate conducive to the effective prevention of juvenile delinquency was developing. Lastly, agencies had been set up to evaluate the results of the various programmes already under way. Research centres had been established in various parts of the country which were dealing, *inter alia*, with the problem of juvenile delinquency. The defects of the existing programmes

could thus be corrected and the programmes made more effective and oriented towards the most urgent problems.

372. Before describing the social services in his country, Mr. Al-Ani (Iraq) drew attention to the important part which women played in those services. Far from shrinking from social realities, they made every effort to be useful. The speaker first described children's institutions, indicating that they fell into three categories: namely, those administered by the General Government, those administered by local authorities and those operated by private organizations. He reviewed the various existing institutions specialized in dealing with certain specific categories of children such as juvenile delinquents, physically handicapped children and children requiring medical or mental care. Among other things he described an institution where girls were trained for social work in the communities and hospitals. The speaker also drew attention to the Child Welfare Society, founded in 1927, which was one of the largest societies in the country and had many members. It administered fourteen children's hospitals and was very active in the field of child welfare in general and juvenile delinquency in particular. Under new legislation, the Government was to pay a certain sum to the Child Welfare Society for every homeless or illegitimate child placed in the Society's care. In conclusion, the speaker referred to several associations active in social matters in which women played an essential part. Some of the associations had set up mobile health teams which toured the rural areas to make specialized services available there. It had been feared at first that the peasants would view the undertaking with disfavour and refuse to co-operate. That fear had proved unjustified and the mobile teams were doing remarkable work. Generally speaking the social situation in the country as a whole was beginning to reflect the results of the many efforts exerted by the various social services.

373. Mr. Fath El Bab (Egypt) drew the Section's attention to a new institution for the prevention and medical, psychological and social treatment of juvenile delinquency which had recently been established in Egypt. It was a multipurpose social centre with four sections. The first was a reception centre, for the temporary custody of juvenile delinquents, regardless of the nature of their offence. It also admitted pre-delinquent children who were referred to it by social organizations or who entered voluntarily. The second section was a detention home to which children were referred by the reception centre. It was used for delinquents and vagrants. They were placed under observation, both individually and from the point of view of their group behaviour, and were given any medical care they might require. The third section was a probation office which carried out medical examinations and social and psychological investigations for the detention home and for other social agencies. Its findings were set out in a report, together with recommendations for treatment. If the family seemed responsible enough, the office recommended that the child should be left in his parents' care, under the supervision of the office. The fourth section was a hostel which provided a suitable home for young people who could not live with their families. The hostel was completely

open and the boarders went out to work. When they returned in the evening, they could engage in recreational activities or attend evening classes under the supervision of qualified social workers. No restriction was placed on the length of time which young people could spend in the hostel. They were expected to contribute to their own maintenance, so as to make it quite clear to them that they were not dependants of the institution. The general objectives of the multipurpose centre covered the prevention of juvenile delinquency as well as treatment, and it was planned to establish similar centres throughout the country.

374. Mr. Riby-Williams (Gold Coast) said that, before the war, all social welfare activities in the Territory had been in the hands of private organizations. The Government had assumed responsibility for the organization of such services in 1944 when a Department of Social Welfare had then been established. The Department was responsible, *inter alia*, for the treatment of juvenile delinquents, both in institutions and on probation. Initially, the Department's efforts had been the target of considerable criticism because it had concentrated its attention on juvenile delinquents and the situation of young people in general had been far from satisfactory. However, as the Department's activities covered prevention also, it had naturally become interested in the community development programme and had very soon tried to draw upon all the resources of the community in order to extend its activity. A change had been made recently in the name of the Department, which was now called the Department of Social Welfare and Community Development. Its officials had gone into slum areas, the schools, and families to investigate problems and try to solve them. Its programme included the establishment of community centres and children's clubs, family social work and family counselling, in which the local notables participated, and local development projects. The local centres referred juveniles requiring special action to the competent specialized services as soon as possible. The staff of the centres kept in close contact with the police, the child welfare organizations, other social organizations and the missionary societies. A fundamental education programme, which included instruction in agriculture, child care and nutrition, and community development plans had already been initiated in rural districts with the assistance of various Government departments.

375. Describing the present situation in his country, Mr. Baasher (Sudan) said that, although the nation was still in the process of formation, various social services had already been established. They provided medical and psychological treatment and included child health and child welfare centres. As in other Eastern countries, juvenile delinquency was relatively uncommon in the Sudan, but it was nevertheless essential to make renewed efforts in education in order to strengthen children's characters and direct their energies towards positive goals. The need was increased by the fact that in the Sudan, as in many other countries, there was a drift of population from the rural areas to the towns. In view of economic and social conditions in a country in the process of development, it was important to draw the

public's attention to the dangers of the social isolation in which people who moved to new areas and new types of employment might find themselves. It was also important to give such people guidance so that they should not feel uprooted. Young people's aid bureaux were being established in urban areas for this purpose. In the rural areas, the ethnic and cultural problems which divided the different tribes had to be solved and the whole community had to be given the inter-connecting social structure which was essential to the security and welfare of the individual.

376. Mrs. Spurgin (United Kingdom) gave the Section two examples of social work in the United Kingdom directly concerned with the prevention of juvenile delinquency. She first described action taken by the London County Council, which had built groups of dwellings, comprising small units for eight or ten families, to rehouse former slum dwellers. A Council officer had his own apartment in each of those units. He served as counsellor to the families with whom he lived and was always at their disposal. The flats were let furnished for a very low rent, which included heating. Thanks to the continuous assistance of the counsellor, the families he guided were able to change their mode of life while at the same time benefiting gradually from improved economic conditions. She also mentioned the work of the Salvation Army and the Society of Friends which had established special institutions to which magistrates could send mothers who had been found guilty of neglecting their children and had been placed on probation. They could stay there for the first four months of their probation, with all their children under five. They were generally women who were mentally unstable, who had had several children very close together and who were unable to cope with life's problems. The institution assisted them and aimed at training them to shoulder their future burdens. If the husband also had been found guilty of neglect and placed on probation, the probation officer of the area in which he lived would help him, during the same period, to put his home in order or to find a house if he had none. Similar action could be taken by voluntary agencies in cases where the husband had not been placed on probation. During this preparatory period, contacts between the wife and her husband were maintained and when she returned home, the family could make a fresh start. These activities were now being scientifically appraised and the results appeared to be encouraging.

377. Some of the participants emphasized that the preventive work which might be done by services primarily intended for the treatment of juvenile delinquents should not be disregarded during the discussion. Among others, Mr. Dawtry, the representative of the Howard League for Penal Reform, mentioned the preventive function of the probationary services. The probationary service was one of the most important social agencies which the children's court had at its disposal, but it carried out other functions which were not unimportant. First, the probation officers dealt not only with the persons who were themselves on probation but also with their families. In England, many children with behavioural difficulties also were sent to the probation officers for advice on an unofficial basis, and the

officers could play a very useful role in that respect. Families with matrimonial difficulties also often consulted probation officers; the speaker pointed out that in 1953 21,000 cases of this kind out of a total of 41,000 had voluntarily requested the services of the probation officers. He also mentioned the decline in juvenile delinquency in the United Kingdom during the last two years and attributed it, at least in part, to the efforts made by the social services and the co-ordinated activities of the children's courts, the police and other specialized organizations.

378. Mr. Wheeler (United Kingdom) described a programme carried out by the Children's Department of the London County Council to prevent the recurrence of delinquency among juveniles who had already committed one offence and had undergone re-education. The Department had selected a number of its officers and made them responsible for a group of children who had been discharged from the approved schools to which they had been sent. These officers worked full time with the children and their families. They investigated the background to which the children had to return and they used the resources not only of the Department, but also of all the other social services, Government or voluntary, that were available. Action of this kind was particularly important as a means of preventing the recurrence of the circumstances in which the child had committed its last offence. The Department was also planning to turn one of its remand homes into a modern classification centre, which would facilitate the selection of the most effective method of treatment.

379. Various special aspects of the social services problem were stressed in connexion with the descriptions of the social services of different countries and also in some other statements. With regard to the question whether social services should be official or voluntary, some participants underlined the importance of the private and voluntary agencies. They emphasized that the organization of social services was not a matter for the State only, but should be a movement rooted in the community itself. It was pointed out that this view reflected, not an attachment to outdated forms of charity, but a recognition of what was a real community duty. It was emphasized also that the State should extend its protection and financial assistance to the voluntary agencies active in the field.

380. Other speakers emphasized the direct practical co-operation which, in their opinion, should be established between the State and the voluntary agencies if really effective results were to be obtained. The question of the co-ordination of the social services was naturally mentioned in this connexion and stress was laid on the importance of such co-ordination for the dual purpose of covering all needs and avoiding undesirable and irritating duplication. Several participants expressed the view that co-ordination was the responsibility of the Government, which should therefore take over the central direction of the social services.

381. In the course of the debate some speakers emphasized the capital importance of training qualified personnel for the social services. Several speakers described the measures which had been taken in their

countries to provide such training. Others mentioned, *inter alia*, the role which might be played by the United Nations Technical Assistance Programme in this respect.

382. The representative of the World Health Organization, Dr. Buckle, described the role which could be played by the health services in the prevention of juvenile delinquency. He noted that many medical services provided an opportunity for the intimate personal contact with individuals of all classes and so could play a useful part in the prevention of social difficulties, if the right attitude were adopted. Family doctors, for example, were often also family advisers. If the medical services grasped the importance of the problem, they could utilize their knowledge and assist in discovering individuals who needed special attention. However, they needed some additional training, particularly in mental health, if they were to render effective service in this field; such training was already given in many countries. Diagnosis was, however, only the first step: it should lead to the examination of the child in need of care. The difficulty was to know what to do with children who could not be classified in any definite category. The speaker stated that many cases of this kind were medical cases. Finally, he mentioned the part which the medical profession could play in the field of research into the causes of juvenile delinquency.

383. Mr. Sessions Hodge, representative of the International Society of Criminology, and Mr. Barbour, representative of the World Federation for Mental Health, drew the Section's attention to the neuro-psychiatric aspects of the problem of maladjusted children. They emphasized how the doctor, working with a diagnostic team, could help to prevent juvenile delinquency by discovering such disturbances with a view to treatment. Mr. Barbour also emphasized the importance of the general mental health of children, which should go hand in hand with physical health, and the need not to harm the former when taking measures which were otherwise well intended. He gave the example of restricting parents' visits to sick children in children's hospitals; in his opinion, too much importance was laid on the danger of infection, and not enough attention paid to the emotional tension created in the child by his being unable to see his parents.

(ii) *Conclusions and recommendations*

384. The following conclusions on the role of social services, including health services, in the prevention of juvenile delinquency were submitted to the Section by the Drafting Committee:

"With the development of complexity and conflict of patterns in the modern community, the ordinary social institutions, such as the family, school and church, have encountered increasing difficulty in the effective performance of their functions. In particular, they have had limited success in maintaining stability, integrity, a sense of independence, and responsibility of the individual. This has been associated with an increasing prevalence of delinquency as well as other forms of inter-related pathology, including psychosis, alcoholism, suicide, family breakdown, unemployment,

and other emotional and social disorders. Because of the inability of the primary social institution to cope with these problems, specialized agencies have been called upon more and more to intervene. Thus have come to be established what have been referred to above as the 'direct' services, not only for the prevention and treatment of juvenile delinquency, but also of other difficulties which may, but in the majority of cases do not, produce delinquency. The fuller effectiveness in the performance of these services should lead, it is believed, to the diminution both of juvenile delinquency and of the other pathologies. However, it should be observed that some caution is desirable in the method and extent of providing such services: the individual should be encouraged to retain a sense of personal responsibility to avoid passive dependence. He should be aided to cope with his frustrations and other difficulties rather than led to expect their removal. In accordance with these principles, the following conclusions and recommendations are submitted:

"1. So far as may be necessary and feasible, a full network of social and health services should be provided by official and unofficial agencies in order that children who are in danger of becoming delinquent or who are in need of care and protection may be provided with the treatment they require. These services include, in particular, welfare agencies, psychiatric clinics, family service agencies, child guidance clinics, testing centres and other specialized child welfare facilities.

"2. It is possible, in many countries, to build on existing services, expanding treatment and control services to include preventive services. This would imply a fundamental reorientation both in theory and practice of such services.

"3. The integration and co-ordination of the varied social services is most desirable to avoid both the overlapping or duplication of facilities and gaps where coverage is needed. Furthermore, by the establishment of co-ordinating councils or referral committees, it will be possible to discover a greater proportion of those children who manifest serious difficulties in adjustment.

"4. Referral of cases needing help, guidance or control may be made most effectively by those agencies that have closest contact with children in troubles: the schools, clinics, social agencies, police, courts, churches, in addition to parents. The discovery of children with adjustment problems is not, however, a diagnosis of delinquency or pre-delinquency, but a basis for referral for diagnostic purposes, where necessary, in order to ascertain what the specialized nature of the problem may be. Thus, through the co-ordinating agency and the use of diagnostic facilities, it is possible to refer cases to the treatment resource best suited to the needs of the individual child and his family. The result is not only advantageous to the client but economical in the use of specialized treatment facilities.

"5. Where clinical work with the child or his family is involved, whether diagnostic or therapeutic, advanced training of professional staff is required.

Because of the special problems involved in dealing with delinquency prevention and juvenile delinquency itself, a specialized (and, in many places, revised) training is required for authorities who handle such cases: psychiatrists, psychologists, social workers, probation officers, specialized school teachers and others.

" 6. There is a need to strengthen the collaboration between the professional experts who deal in delinquency prevention as well as to co-ordinate efforts of the preventive agencies.

" 7. Specialized facilities are needed for particular types of problems in some countries where provisions are not presently in existence: for unmarried mothers, for adolescents who are in difficult transition to adulthood, for children with special disabilities and disorders, and others.

" 8. The establishment of agencies independently of State action should be encouraged, providing that the services they supply are technically competent and that they can form part of a general co-ordinated plan covering the totality of social and health services concerned with the prevention of juvenile delinquency.

" 9. Accurate knowledge of the fields of delinquency prevention and treatment lag far behind the good intentions of those interested in increasing social action, and so there is need for caution in determining the social action to be taken. It is desirable to make provision for evaluation whenever new social action is undertaken."

385. A relatively large number of amendments were proposed to the introductory paragraph of this chapter. When submitting the report to the Section, Mr. Tappan, the Rapporteur, announced that the Drafting Committee wished to replace the third sentence of this paragraph by the following text: "The difficulty encountered by the ordinary social institutions has been associated with an increasing prevalence of delinquency as well as other forms of emotional and social disorders, such as psychoneurosis, psychosis, alcoholism, suicide, family breakdown, unemployment." The Section also decided to replace the word "pathologies" in the sixth sentence of the same paragraph, by the word "disorders".

386. Before the opening of the debate in the plenary meeting, the Section Rapporteur took the initiative of replacing the word "church", in the first sentence of the introductory paragraph, by the words "religious institutions"; he also proposed the deletion of the opening words of the fourth sentence, "Because of the inability of the primary social institutions to cope with these problems", so that the sentence would read merely "Specialized social agencies have been called upon more and more to intervene".

387. When the text was considered in the plenary meeting, the introductory paragraph was criticized for two different reasons. Mr. Cornil (Belgium) felt that the introduction was over-positive on certain points and he proposed two amendments to make it less so. Referring to the third sentence which, in the text adopted by the Section, read "The difficulty encountered by the

ordinary social institutions has been associated with an increasing prevalence of delinquency..." he pointed out that there were some countries where juvenile delinquency was not on the increase. While the phenomenon did exist in certain countries, it was not general. He therefore proposed the insertion of the words "in certain countries", after the words "This has been associated", so as to indicate clearly that the increase in delinquency was restricted to certain areas. He also said that, in his opinion it was not yet possible to establish a definite and positive correlation between the difficulties encountered by the ordinary institutions, on the one hand, and the increase in delinquency on the other, and he emphasized that the words "has been associated with" described two parallel but not necessarily related phenomena. For similar reasons, he also proposed the deletion of the sixth sentence of the paragraph reading as follows, "The fuller effectiveness in the performance of these services should lead, it is believed, to the diminution both of juvenile delinquency and of the other disorders". He expressed the hope that such was the case, but he felt that it was premature to make a categorical statement to that effect. Mr. Ross, the Chairman of the Section, supported the two proposed amendments, which, in the absence of any objection, the President declared adopted.

388. However, other amendments, which were proposed immediately afterwards, had the effect of cancelling these decisions later in the debate. Miss Borsinger (Holy See) raised serious objections to the text adopted by the Section on different grounds from those of the preceding speaker, and found the wording unsatisfactory in more than one respect. In the introduction, the traditional institutions were judged very harshly; she felt that they had not deserved so harsh a judgement and most delegations would not support it. The text appeared to suggest that as the ordinary institutions had failed in their task and were doomed to impotence, the special organizations should to an increasing extent take over the functions of the ordinary institutions which could not meet the requirements of modern life. She pointed out that both in the statements made in the course of the debate and in the texts adopted by the Congress there had so far been an evident determination to keep the balance even between the future possibilities and past results of those two types of institutions and to be very cautious even in making appraisals. She therefore proposed some amendments to the introductory paragraph, which she hoped would be generally acceptable. The delegation of the Holy See proposed that the text should be drafted along the following lines: "*As a consequence of the development of conditions of life in the modern community the ordinary social institutions, such as the family, school and religious institutions, have encountered increasing difficulty in the effective performance of their functions. In particular, they have had limited success in maintaining stability, integrity, a sense of independence and responsibility of the individual. The corollary of such a situation is that more and more juveniles are becoming delinquent and it is also responsible for other forms of emotional and social disorders such as psychoneuroses, psychoses, alcoholism, suicide, family breakdown, unemployment. It has been thought that specialized*

social agencies should be called upon increasingly with a view to solving these problems. Thus have come to be established what have been referred to above as the 'direct' services, not only for the prevention and treatment of juvenile delinquency, but also of other difficulties which may, but in a majority of cases do not, produce delinquency. The greater effectiveness in the performance of these services should lead, it is believed, to the diminution both of juvenile delinquency and of the other disorders *and better results can be achieved if the action of such services is exercised in complete agreement and close collaboration with traditional social institutions.* However, it should be observed...". There were no objections to this text which, *inter alia*, replaced the words "has been associated with", in the third sentence, by "The corollary of such a situation is", and which maintained and added to the sixth sentence of the text approved by the Section, and the paragraph as amended was unanimously adopted by the plenary meeting.

389. Paragraph 1 of the Drafting Committee's conclusions was amended by the Section, which decided to replace the words "testing centres" in the last sentence, by the words "centres for observation and testing".

390. Finally, the plenary meeting agreed to replace the word "churches" in the first sentence of paragraph 4 by the words "religious institutions", in order to bring the terminology of this paragraph into line with that of similar decisions in other parts of the report.

(d) *Work*

391. During the consideration of the Section's report by the plenary meeting, Mr. Ancel (France) regretted that the document contained no specific reference to work or, in particular, to the role in the prevention of juvenile delinquency which could be played by good work habits, appropriate vocational training and satisfactory working conditions. He felt that a reference to this point should be included among the Congress's conclusions on the prevention of juvenile delinquency, and he therefore proposed the insertion in the report of a new chapter entitled "Work", to read as follows:

"Inability to adapt to work, lack of effective vocational training, assignment to unhealthy, very hard or morally dangerous work are often the fundamental factors contributing to juvenile delinquency.

"It would therefore be most desirable to recommend:

"(a) The development of professional orientation and placement centres for juveniles;

"(b) The intensification of the control of the conditions of work of juveniles;

"(c) The enactment of laws and measures with a view to developing vocational training, and

"(d) The development of the creation of homes or hostels for juvenile workers."

392. In answer to a question from the President, Mr. de Steiger, Mr. Tappan, the Rapporteur of the Section, stated that the question had not been overlooked by the Drafting Committee. The Committee had felt, however, that detailed questions connected with employ-

ment should preferably be left to the International Labour Organisation and that there was therefore no need to refer to work in such specific terms in the Congress's conclusions concerning the prevention of juvenile delinquency. That was why the report had not been more specific on the point. The Rapporteur said that, although he could not support the proposal, he would not oppose it. The French representative's proposal was supported by several delegations and unanimously adopted by the Congress.

(e) *Other agencies*

(i) *General discussion*

393. During the Section's general debate on other agencies which might contribute to the prevention of juvenile delinquency, many speakers emphasized the importance of religion and religious institutions. In connexion with the causation of juvenile delinquency, it was pointed out that the abandonment of religion by young people, with the resulting atrophy of the moral sense, must be considered an important factor in juvenile delinquency, as had been noted in the case of many juvenile delinquents. Stress was laid upon the need to include the moral and religious factor in any plan of preventive action and not to disregard it, whatever other measures might be planned in that respect.

394. Several participants particularly emphasized the importance of training and religious and moral education, which was, in their opinion, a fundamentally important aspect of the preventive education of young people. It was felt that religious instruction should be given a place and that the work of ministers of religion should be facilitated in institutions where their presence was desired by the parents or families of young delinquents or pre-delinquents. In this connexion it was pointed out that it was reasonable also to require ministers of religion undertaking such work to have the teaching and psychological qualifications necessary for the work.

395. Reference was also made to the practical contribution of religious institutions and ministers of religion to preventive action. A religious organization might provide a favourable environment for the child who was in moral danger in his community. Mention was also made of the social activity of ministers of religion who were in contact with juvenile delinquents and children in moral danger and who might meet the need for spiritual values found in so many young people. It was felt that by emphasizing the role of ministers of religion of all creeds, the Congress might awaken those who had hitherto been indifferent to juvenile delinquency and encourage those who, although sincerely concerned, hesitated to act for fear their assistance might be frowned upon by the specialists.

396. Much of the Section's debate was devoted to the role of the police in the prevention of juvenile delinquency. In general, attention was focussed on the role, specialization and training of the police. Concrete examples of preventive police action were also given by various participants.

397. It was pointed out that the primary function of the police was to prevent crime. Because of the import-

ance of juvenile delinquency, the police had naturally come to play an important role in the prevention of juvenile delinquency. The police force was often the principal agency taking direct action in that field. On the one hand it provided a barrier against delinquency, and, on the other, it played an important role in the discovery of anti-social behaviour. The police thus had great influence, which might be good or bad depending on the quality of its services.

398. It was stated that for the police to be able to play a positive role it must make a clear-cut distinction between its work with adults and its work with juveniles. The logical outcome of such a distinction was specialization, which was essential if the police wished to discover the problems of young persons, to be ready to act in an emergency, and to have at its disposal the special facilities required for effective action. The importance of appropriate special training for police officers dealing with juveniles was emphasized by all speakers who dealt with this question. Stress was laid on the role played, in an increasing number of countries, by the young persons' aid bureaux run by the police, whose activity was much more effective than that of the ordinary police. Mention was also made of the need to alter the attitude of the public and of young people to the police and to banish prejudice against it, which the police was striving to do.

399. These modern tendencies were underlined by Mr. Goldenberg, the representative of the International Criminal Police Commission, who recalled that the very concept of the police was changing. Having started by aiming mainly at the neutralization of delinquents, the police had developed and sought to prevent the commission of offences. Finally, it had recently realized that it had a further task, that of preventing individuals from becoming delinquents. Prevention was now the essential function of the police, which sought, on the one hand, to prevent the occurrence of the physical conditions in which crimes were committed and, on the other to prevent individuals from living under conditions or being subjected to influences which made them delinquents. The International Criminal Police Commission, in which the police departments of fifty-two States were represented, was striving to encourage these trends. With regard to juveniles, it had secured the adoption by its members of two fundamental principles, that of the specialization of officers who were in contact with juveniles and that of a two-fold segregation: first, the segregation of juveniles from adults, and also, among the juveniles, the separation of children into three groups, pre-adolescents, adolescents and late adolescents. The police forces of the various countries were working increasingly to give effect to these principles. This speaker also mentioned another subject in which the International Criminal Police Commission was interested. It had included in its programme a study of co-operation between the police and the school with a view to co-ordinating these two community resources as effectively as possible in the campaign against juvenile delinquency.

400. Giving a concrete example of specialized police activity, Mr. Fujimoto (Japan) said that every police unit in his country had a juvenile division, which paid

special attention to the problems of young people and the improvement of conditions likely to prove harmful to them. The police attached great importance to the human aspect of the first contact between the juvenile in difficulties and the officers responsible for keeping law and order. Special care was taken in training the specialized officials who were to deal with young people, so as to prevent this contact from having any detrimental effects. In each district, the specialized police co-operated also with the community institutions concerned with juveniles.

401. Mr. Veillard (Switzerland) mentioned the work of women police officers in the district where he was a children's court judge; they played an important preventive role and maintained permanent contact between the police, the court and the families of the children under their care. The children's court kept the police constantly informed of its methods and the social aspect of its activity. Regular courses on the subject were given at the police training schools. The speaker also mentioned that police officers who accompanied juveniles always wore civilian clothes, so as not to draw public attention to their charges. He further mentioned that police officers were used in certain specific cases, for the supervision of probation. This was a field in which great care was needed. In certain special circumstances however and if the officer was qualified, it was a method which might be useful in certain difficult cases, particularly in rural areas.

402. Mr. Robertson (United Kingdom) described some aspects of the prevention programme carried out over the last fifty years by the Glasgow police. Courts with power to admonish children on which the Chief of Police of the district sat, had been established in 1905. The police brought before them all juveniles who had committed a first non-serious offence and pleaded guilty. The parents accompanied the children to the court and the attention of both was drawn to the serious consequences which the repetition of such an act would have, and on the necessity of a change in the child's behaviour. The court often advised the children to join one of the many youth organizations which existed in the city. Since the system had been instituted, 90 per cent of the children referred to the court have never been prosecuted. The speaker also mentioned that the women's police force was going to play an increasingly important role in the settlement of family difficulties in Glasgow and that it also advised girls in need of help. He also mentioned that the police had come to pay particular attention to the problem of the son or younger brother whose father or elder brother was in prison. Such individuals needed special care. They were often resentful towards society and there was a danger that they might become delinquent themselves if nothing was done to help them through the crisis they had to face.

403. Several speakers mentioned the initiative taken by the police in organizing various activities, such as clubs for relaxation, sports fields and other recreational activities for young people.

404. The third kind of activity which, besides that of the religious institutions and of the police, particularly engaged the attention of the Section was that of youth

organizations. Mr. Astruc, representative of the World Assembly of Youth, drew attention to the dual contribution which youth movements could make to the prevention of juvenile delinquency, on the one hand, through their influence with the members of such movements in general, and on the other, by training leaders. With regard to the former of these two aspects, the organizations dealing with physical education, sports, cultural activities or vocational training did very useful work in combating such demoralizing factors as idleness, poverty and slums. On the other hand, work as the leader of a youth movement evoked a real vocation for education in many people. In this connexion, he pointed out that several of the centres for maladjusted children which had been established in France after the war had been founded by leaders of youth movements and had proved to be among the best of their kind.

405. Mr. Astruc and Mrs. Bugnion-Secrétan, the representative of the World Association of Girl Guides and Girl Scouts, also stressed the outstanding effectiveness of the scout movement. The scout organizations contributed to the prevention of juvenile delinquency in general by providing children with a life based on a sense of honour and a friendly environment where the most varied recreational activities all helped towards the healthy development of the child. They could fulfil this function in a more positive way by contributing to supervised education when they received delinquent or morally unprotected children in their movements. They also played a direct preventive role when they organized, as they did in Paris and London, girls' clubs in prostitution areas or scout groups in institutions for juvenile delinquents or children in moral danger. Finally, many directors of institutions, specialized educators and the social workers connected with church clubs were former scout leaders.

406. Mr. Engel (Switzerland) described the activity of a youth assistance movement in French-speaking Switzerland. This movement was based on the principle of solidarity among young people and it recruited privileged, healthy and happy young people for the purpose of helping children who were living under difficult conditions. During their leisure time, the members of the movement made themselves responsible for needy, morally unprotected or merely idle children. The movement organized recreational activities and holiday camps, and it also gave immediate direct moral or practical assistance to less fortunate children, thus creating a feeling of belonging to the community which was effective in preventing juvenile delinquency.

407. Mr. Reifen (Israel) also stressed the role of youth organizations in his country, particularly of those whose members intended to become farmers. Members were recruited from all classes of society. He mentioned the positive influence of the kind of life which was lived in pioneer agricultural colonies. Twenty per cent of all juvenile delinquents were sent to these colonies, where they were mixed with non-delinquents and led a normal and productive life, which gave them a deep feeling of being accepted by the community. This positive influence sometimes extended to the child's family, who joined him in the colony. The speaker also men-

tioned that young farmers who had risen by their own endeavours to a good position in agricultural communities had no hesitation in leaving those communities to act as pioneers in new colonies where refugees were settling. Such experience showed that it was essential to ensure that everyone contributed personally to prevention; it was not enough to organize and finance over-all plans. The speaker also mentioned that a campaign launched by a great newspaper had recently led to the establishment of a boys' club in a slum area and that three similar clubs were to be established in the near future.

408. Describing one particular aspect of prevention in his country, Mr. Skjerbaek (Denmark) said that a number of recreational hostels had existed for many years, and the number had recently been considerably increased. Such hostels or clubs were reserved for children aged from about 14 to 18. Some were organized by the local authorities, but most of them owed their existence to private initiative. They fulfilled a very useful function, particularly with regard to children who had no definite occupation. The State took an active interest in such hostels and financed 45 per cent of their current expenditure. As the local administrative authorities covered a further 35 per cent of the expenditure, only 20 per cent had to come from donations, collections or other resources. The administrative child welfare organs which acted as children's courts in Denmark could order a child who came before them to join a recreational hostel or club.

409. Several other speakers drew the section's attention to other aspects of juvenile delinquency. Reference was made to the role of hostels for young workers, which were no less important than the university hostels existing in many countries. The steps taken to train teachers and social workers specializing in the problems of maladjusted and neglected children were described. The positive role that could be played by children's newspapers and books with the right tone was also underlined. Mr. Joubrel, the representative of the International Association of Workers for Maladjusted Children, emphasized the primary importance of public opinion in the modern world and the need to enlist its support. He said that the specialists should overcome their prejudices and make as wide a use as possible of public communication media, such as the press, the radio and the cinema, so as to enlist public support for anti-delinquency measures.

410. Mr. Fujimoto (Japan) and Mrs. Mavromati (Greece) described the organizations which had been established in their countries to co-ordinate the various activities connected with the prevention of juvenile delinquency. The Central Juvenile Problem Deliberation Council in Japan, and the Co-ordinating Committee for the Prevention and Treatment of Juvenile Delinquency, in Greece, nevertheless had much wider powers than mere co-ordination. They gave their opinion on measures which should be taken to increase the efficiency of prevention in general and they therefore had their own preventive function.

411. Reference was also made during the discussion to the difficult position of some of the under-developed countries which lacked the resources to organize effective

preventive services. The role which could be played in this field by the United Nations Technical Assistance Programme was once more stressed.

(ii) *Conclusions and recommendations*

412. The Drafting Committee submitted the following conclusions and recommendations on the role of other agencies in the prevention of juvenile delinquency:

"The prevention of delinquency is ordinarily considered to be primarily the concern and responsibility of the agencies and institutions considered in the comments and conclusions above. Certain other agencies, however, may play a part in this field in some countries. These include, among others, religious bodies, organizations which provide leisure time facilities, police and industrial organizations. There is little agreement among authorities either as to the specific measures that they may appropriately employ or as to the consequences which may result from their use. It is clear that considerable research is required to determine what is presently being done by such agencies and, more particularly, the direct and indirect effects of their operations.

"Each class of agencies referred to here, because of the general nature of its functions, is in a peculiarly effective position to discover those children who display social or emotional problems, and to make referrals to more specialized agencies for diagnosis and treatment. Such practice is recommended as highly desirable.

"The appraisal of the more direct efforts of these agencies towards the prevention of juvenile delinquency can be only tentative, and this should be borne in mind in considering the following conclusions:

"1. Religious bodies may play an increasing role not only in the establishment and perpetuation of firm moral standards in the home and community but also in developing youths' and parents' services that may help to counteract the disorganizing influences of rapid social change and materialism.

"2. Police agencies may deal more effectively with juveniles if there is provision for a specialized selection and training of officers to deal with children. Such officers should not act as the exclusive agency of prevention, but may advise, counsel, and inspire youths who are in danger of becoming offenders.

"3. Without regard to specific effects upon the prevention of delinquency, it is desirable that a wide variety of constructive leisure-time activities should be made available to children and youth in the interest of their general healthy development. With the increasing margin of leisure time available in some countries, education and training for the wise use of leisure time becomes increasingly important. Clubs, associations, sports, and other forms of organized recreation should be available, but no single plan of leisure-time pursuit should be considered appropriate or adequate to the individual needs of every youth.

"4. More may be gained by a positive emphasis upon the development of constructive and diversified

activities, including the mass media of communication (e.g., cinema, radio, television, comic books and other publications), than upon rigid and negative measures of control and censorship.

"5. Efforts should be made to integrate the activities of the agencies noted in this section, and others that might be mentioned, more closely into the services and objectives of the other agencies and social institutions that have been considered in relation to the prevention of delinquency."

413. Various amendments were made to the introduction to the recommendations. First, the Section decided to insert the words "youth organizations" after the word "police" in the third sentence of the first introductory paragraph.

414. In the plenary meeting Miss Borsinger (Holy See) proposed that the last two sentences of that paragraph should be replaced by the following:

"The study of the activities of these agencies and of the results obtained by them is still far from being complete and extensive research work would be desirable in order to determine what is being done at present by such agencies and, more particularly, what are the direct and indirect effects of their operations."

That proposal met with no objections and was unanimously adopted by the plenary meeting.

415. The question whether juvenile courts should be mentioned in the chapter concerning other agencies was raised in several proposals and led to a lively exchange of views. Mr. Bississo (Syria) proposed the insertion of the words "juvenile courts" after "among others" in the third sentence of the first introductory paragraph. He stated that the Congress had given general recognition to the fact that the prevention of juvenile delinquency could take two forms: the prevention of anti-social behaviour before any offence had been committed, and the adoption of measures to prevent juvenile offenders from committing further offences. In his view juvenile courts had a vital part to play with regard to the latter aspect. In order to clarify his first amendment he also proposed the insertion of a new paragraph 1, reading as follows, in the text of the conclusions:

"In accordance with modern principles of youth care, it is the function of juvenile courts, not to try and sentence minors, but to give careful study to the problems of the young people who appear before them, whether delinquent, maladjusted or neglected, and to order satisfactory, objective and positive treatment designed to lead to their rehabilitation and re-education. The establishment of juvenile courts should therefore be regarded as an essential means of preventing the commission of further illegal or anti-social acts. It is accordingly necessary that such courts should be established in the near future in those countries where they do not yet exist."

416. These two proposals were supported by various participants, who emphasized the very important part which juvenile courts could play in the field of prevention. A number of examples were cited. It was pointed out,

for instance, that children's courts could intervene in mild cases and prevent the anti-social behaviour of juveniles referred to them from becoming worse. Certain sexual offences committed by minors were in some cases accidental in character and the court could draw the attention of the parents to the need for appropriate sexual education, thus preventing the juveniles in question from becoming real delinquents.

417. Mr. Tappan, the Section Rapporteur, considered however that juvenile courts should not be mentioned in the chapter under consideration. He pointed out that in some countries at least experience had shown that it was undesirable to use children's courts as a general preventive agency in the case of young people who had not broken the law or become involved in serious difficulties. The proposed amendment might give the impression that juvenile courts should be used in the same way, and to fulfil the same sort of functions, as the agencies referred to in the text under consideration. Mr. Cornil (Belgium) also considered that the Syrian representative's proposal was too categorical to be acceptable. It was true, he said, that in many countries children's courts exercised preventive functions and were at present performing a double function, but such a solution was far from universally accepted, and it was felt in some quarters that the orientation of the children's courts should be reviewed. It might indeed be asked whether the juvenile courts did not intervene in too many cases, and should not surrender some of their prerogatives to non-judicial agencies. If the Congress wished to say anything on the subject, it should at most draw attention to the fact that there was a problem that deserved attention.

418. Mr. Eriksson (Sweden) said that if a reference to juvenile courts was inserted in the text it would also be necessary to refer to administrative organs with similar functions, such as the child welfare boards in Sweden. He accordingly submitted an amendment to that effect.

419. The proposal to insert the words "juvenile courts" in the third sentence of the first introductory paragraph was adopted by 27 votes to 1, with 2 abstentions. The plenary meeting then decided, by 25 votes to none, to insert at the same point a reference to "administrative bodies such as the child welfare boards found in the Scandinavian countries". On the other hand the proposal by Mr. Bississo (Syria) for the insertion of a text concerning juvenile courts as paragraph 1 of the conclusions was rejected by 15 votes to 12, with 3 abstentions.

420. Later in the discussion, when paragraph 5 of the conclusions was being considered Mr. Bississo proposed a further amendment calling for the insertion of the words "to establish juvenile courts where these do not yet exist" at the beginning of the paragraph, after the words "Efforts should be made". He felt that such a reference should be made in the paragraphs dealing with means of prevention in order to balance the reference to juvenile courts in the first introductory paragraph. Mr. Eriksson (Sweden), said that if the amendment was adopted it should be supplemented, as before, by a reference to administrative bodies of the Scandinavian type.

421. The Rapporteur, Mr. Tappan, felt that the proposal would have important implications. Its adoption would imply that the Congress, in considering the prevention of juvenile delinquency, attached great importance to juvenile courts, whereas in his view the previous vote rejecting the proposed new paragraph 1 had shown that the Assembly had no such intention. He also pointed out that the proposed insertion might imply that the juvenile courts were responsible for co-ordinating the activities of the agencies referred to in the text, whereas the whole emphasis of the chapter, and especially of paragraph 5 of the conclusions, was on agencies other than those concerned with juveniles who were already delinquents. The amendment was put to the vote and rejected by a majority of the plenary meeting.

422. Paragraph 1 of the Drafting Committee's conclusions, concerning the role of religious bodies, also led to a lengthy discussion. Mr. Todorovic (Yugoslavia) stated in the Section that in his view materialism was not a factor in the disorganization of the family and the community and did not exert an influence which might result in an increase in juvenile delinquency. On the contrary, his country's experience had shown that the materialist conception of society made a positive contribution to the reduction of juvenile delinquency. He did not see the point of including in the draft recommendations criticism of a view of society which was accepted in certain States Members of the United Nations. He therefore proposed that only the first part of the sentence should be retained, and that the following words should be deleted: "but also in developing youths' and parents' services that may help to counteract the disorganizing influences of rapid social change and materialism." The Section rejected the proposal.

423. Mr. Bocobo (Philippines), however, felt that the draft text as it stood was incomplete, and proposed the addition of a second sentence reading as follows: "In countries where religion is an important and essential element of national life, religious bodies have an important part to play in the prevention of juvenile delinquency". He pointed out that most countries gave religion an important place in life. While making allowance for the position of countries which did not take that view, he considered it necessary to make a categorical general reference to the part played by religion in the work of prevention.

424. The Rapporteur, Mr. Tappan, said that he was unable to support the amendment as it might be taken to mean that some countries gave religion insufficient attention or that, in countries which placed less emphasis on religion, religious bodies were not called upon to play an important part in the prevention of juvenile delinquency. He explained that the Drafting Committee's intention had been to recognize the role of religion in all countries. The amendment was rejected by a small majority.

425. Later in the discussion, however, Mr. Bocobo submitted a new amendment for the addition of the following sentence to paragraph 1: "While the role of religion differs in several countries, it is recognized that religious bodies have an important part to play in the

prevention of juvenile delinquency." The proposal was adopted by the Section.

426. When the Section's conclusions were discussed in the plenary meeting, Mr. Tappan, the Rapporteur, proposed that the order of the sentences in the paragraph adopted by the Section should be reversed, and that the concluding words of the new second sentence should be re-drafted. The text which he submitted to the Assembly, and which made no reference to materialism, read as follows: "Whereas the role of religion differs in several countries, it is recognized that religious bodies have an important part to play in the prevention of juvenile delinquency. Religious bodies may play an increasing role not only in the establishment and perpetuation of firm moral standards in the home and community but also in developing services for youths and parents and in helping to counteract the disorganizing influences that may arise as a result of rapid industrial and social changes."

427. On the proposal of Mr. Rustamji (India) the Assembly first adopted an amendment to clarify the English text of the first sentence by changing the position of a comma; in the French text the effect of the amendment was to add the words *dans plusieurs pays* after the words *il n'en est pas moins certain que*.

428. Mr. Homad (Syria) said that, without wishing to minimize the role of religious bodies in the prevention of juvenile delinquency, he regarded the first sentence of the proposed text as over-emphatic. In his view religious bodies alone could not exercise preponderant influence in the prevention of delinquency in general or of juvenile delinquency in particular, unless economic and social factors were considered to play only an insignificant part. He therefore proposed the deletion of the first sentence. It was pointed out, however, that the original English text of the sentence referred to the "important", not the "preponderant" part played by religious bodies, and when the French text had been changed by substituting the word "important" for the word "prépondérant", Mr. Homad withdrew his proposal for the deletion of the sentence.

429. Mr. Todorovic (Yugoslavia) recalled the statement he had made in the Section with regard to the paragraph concerning religion. He had felt that his point had not been fully understood in the Section and had intended to re-state his position in the plenary meeting and had submitted a draft amendment to the President. As the revised version of the paragraph presented by the Section Rapporteur showed that an effort had been made to find a generally acceptable form of words, he said that he would refrain, in a spirit of conciliation, from proposing an amendment to the second part of the revised paragraph but that his delegation would abstain when the paragraph was put to the vote.

430. In the Section it was proposed that paragraph 2 of the Drafting Committee's conclusions, concerning the role of the police, should be replaced by the following text: "The fundamental mission of the police is to ensure the protection of property and persons, and the prevention of delinquency, particularly of minors, is

normally one of its duties. In virtue of their functions, police officers are in permanent contact with all classes of society. Being thus well placed to detect dangerous conditions and criminogenic factors, it is for them to take steps within their competence and also to alert the judicial authorities, the social, health and other qualified services. In the general organization of the police, the institution of special police services for juveniles should be officially encouraged. These special services should be composed of specially trained police officers."

431. The Rapporteur, Mr. Tappan, expressed the opinion that the text added little to the substance of the Drafting Committee's recommendation. He felt that it was undesirable to give a much more prominent place in the chapter under consideration to the police than to certain other agencies. Several speakers, however, strongly supported the proposal. They considered that in general too little emphasis was placed on the role of the police as the primary instrument for the prevention of delinquency. The police had special facilities for discovering the symptoms of delinquency before they became too acute. Reference was also made to the satisfactory results already obtained in this field in some countries, and it was felt that an explicit recommendation was needed to encourage the development of special police services for juveniles. It was said that such encouragement would merely express the sense of the general discussion in the Section. The Section adopted the proposal by a majority vote; the text adopted by the Section was approved by the plenary meeting without discussion.

432. It was also proposed in the Section that the following sentence should be added at the end of paragraph 4 of the Drafting Committee's conclusions: "It is recognized, however, that such measures are useful and sometimes necessary." The Rapporteur, Mr. Tappan, felt that it would be preferable to keep the main emphasis on the positive aspects of mass media of communication rather than to stress the role of negative measures, and did not feel that the amendment added anything of value to the recommendation as prepared by the Drafting Committee. The amendment was rejected in the Section by a small majority.

(f) Research

433. During the Section's discussions on the role of various agencies in the field of juvenile delinquency many speakers mentioned the need for scientific research on this subject. The question of research and its importance received most attention at the meeting devoted to a general discussion of the role of social services, particularly when the effectiveness of social services was called into question, but also in a more general connexion. Mr. Barry (Australia) said that very few studies had been made of the results of programmes for the prevention of juvenile delinquency, and the results of those that had been made were not very encouraging. There was a tendency to make unverified assertions, and serious critical studies must be undertaken in order to ascertain what the real situation was.

434. The Rapporteur, Mr. Tappan, entirely agreed

with the Australian representative on that point. He considered that serious scientific research was needed if real progress was to be made in the field of prevention of juvenile delinquency. Etiology was still in the realm of conjecture, and there could be no absolute assurance that programmes of prevention were really achieving the desired goal. The question was of the highest importance if it was desired to develop an effective policy for the prevention of delinquency. Several other speakers expressed similar views, and emphasized the great importance of developing research.

435. During the exchange of views on research the Reverend Bissonnier, representative of the International Catholic Child Bureau, gave the Congress an account of the research carried out by the Bureau's Medico-Social and Psychopedagogic Committee. The Committee which was an international team of specialized educators, medical practitioners, psychologists, social assistants and social workers, jurists and theologians, had made several studies in the field of prevention of juvenile delinquency.

436. Reflecting the interest shown in research during the general discussion, the Drafting Committee included in its proposals to the Section a final chapter reading as follows:

"More important, perhaps, than any of the specific conclusions and recommendations submitted above is the obvious need for the development of more research relating to delinquency causation, prediction and prevention. Efforts to prevent juvenile delinquency should become more effective and economical as more accurate knowledge is available. Research should be directed both to the identification of the measures that are currently employed in the effort to prevent juvenile delinquency, and to objective and critical evaluation of the effectiveness of such measures. Comparative, co-ordinated and interdisciplinary researches should be carried out to determine the relative effects of programmes in different countries. The United Nations is urged to continue its support of significant research in these fields.

"The Congress wishes to go on record in praise of the programme adopted by the United Nations and its specialized agencies as disclosed in the valuable and comprehensive study prepared by the Secretariat of the United Nations on the prevention of juvenile delinquency (Document ST/SOA/Ser.M/7-8)."

437. It was proposed in the Section that a new sentence reading as follows should be inserted before the last sentence of the first paragraph: "Research should also be devoted to the causation, diagnosis and treatment of delinquency." The Section adopted the proposal without discussion.

438. In the plenary meeting three amendments to the Section's conclusions on research were proposed. First, Mr. Barry (Australia) proposed the insertion of the following text after the fourth sentence of the first paragraph: "Through co-operation between researchers from different countries it may be possible to develop a highly promising new field of comparative criminology, based on research employing standard definitions and tech-

niques. In this way, uniformities and differences in causal influences, in predictive factors and in results of preventive and treatment programmes can be determined and progress made toward a true science of criminology." Mr. Barry said that the technique of predicting the behaviour of minors with delinquent tendencies had made appreciable progress, and that the Congress should indicate the desirability of further research in this field. The Section Rapporteur, Mr. Tappan, said he had no objection to the proposal, which was adopted by the plenary meeting by 20 votes to 2, with 9 abstentions.

439. Mr. Millo (Israel) said that there was general agreement on the need for thorough research based on detailed examination and correct interpretation of the facts. At the same time it was important not to underestimate the value of simple statistical data, which were essential for purposes of international comparison. Methods of collecting crime statistics varied considerably from country to country, and it was impossible to determine the relative magnitude of crime in the various countries. Uniform statistics were therefore essential and he accordingly proposed that the following sentence should be added at the end of the first paragraph of the conclusions: "It is likewise requested to work out a minimum form of statistics for international and comparative purposes and publish the results regularly." The Section Rapporteur felt that the Section's conclusions were comprehensive enough as they stood to cover the point that had been raised, and he therefore opposed the amendment. Another participant also spoke against the amendment. The proposal was not seconded and therefore was not put to the vote.

440. Lastly, Mr. Verma (India) proposed that the words "the definition of the term 'juvenile'", should be inserted after the words "research relating to" in the first sentence of the first paragraph. He said that the problem of juvenile delinquency and the treatment of juvenile delinquents was a frequent topic of discussion, but the definition of the term "juvenile" varied widely from country to country. The age-limits differed greatly from one legal system to another. It would, he thought, be more useful to attempt to clarify this aspect of the problem and if possible, to find a suitable definition of the term "juvenile". The proposal was supported by the Section Rapporteur and adopted by the Assembly by 24 votes to none, with 8 abstentions.

F. TECHNICAL ASSISTANCE IN THE FIELD OF THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

441. At the last plenary meeting of the Congress a joint draft resolution on technical assistance in the field of the prevention of crime and the treatment of offenders (A/CONF.6/L.10) was submitted by the delegations of Egypt, Indonesia, Iraq, Pakistan and Syria.

442. Mr. Osman (Egypt), who introduced the draft resolution on behalf of the sponsoring delegations, said that he regarded the adoption of the Standard Minimum Rules for the Treatment of Prisoners and the Recommendations concerning Open Institutions and the Selec-

tion and Training of Personnel as an important event. It was, however, necessary to ensure that the Rules and Recommendations were applied effectively in practice, and the Congress could not rest content with the thought that they would be communicated to Governments. In the last analysis their application depended upon the willingness and competence of the various categories of prison staff. It was necessary to train such staff and prepare them for their task. While some countries had already done much in that direction, others had neither the means nor the experience needed to provide the required training. It was necessary, however, to avoid a situation in which such countries would have to start from scratch, and it should be possible for them to benefit from the experience of others. He therefore proposed that the Congress should adopt a resolution expressing the hope that the United Nations would provide technical assistance to those Governments requesting it, either in the form of sending experts needed or by helping in the establishment of institutions for the training of personnel or by the organization of seminars or by the publication of guides or handbooks to facilitate the application of the Standard Minimum Rules and the training of personnel.

443. The draft resolution was adopted unanimously. The text of the resolution is reproduced in annex I, section F, of this report.

G. ROLE OF THE CONGRESS AND ACTIVITY OF THE UNITED NATIONS IN THE FIELD OF THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

444. At the last plenary meeting Mr. Rogers (United States of America) submitted a draft resolution (A/CONF.6/L.16) stating that the Congress had been a significant success and that the results achieved held

great promise for contributing to the cause of human progress; commending the Secretariat for the work it had performed; and emphasizing the atmosphere of goodwill and co-operation which had prevailed among all of the delegates. The resolution was adopted unanimously by the Congress. It is reproduced in annex I, section G.1, of this report.

445. A joint draft resolution (A/CONF.6/L.13) was proposed on the same occasion by the delegations of eighteen countries, namely, Argentina, Austria, Denmark, Ecuador, Egypt, Federal Republic of Germany, India, Indonesia, Iraq, Israel, Italy, Mexico, Netherlands, Pakistan, Philippines, Syria, United States of America and Venezuela.

446. The proposed text expressed pleasure at the fact that the Secretary-General, in conformity with resolution 415 (V) of the General Assembly, had organized the Congress, thereby preserving the historical continuity of the Congresses held in the past by the International Penal and Penitentiary Commission. It also expressed the hope that the policy-making bodies of the United Nations would continue to devote their attention to the problem of the prevention of crime and treatment of offenders as an important part of the programme of work of the United Nations on social questions, an attention fully justified by the social aims of the Charter of the United Nations. Lastly, the draft resolution expressed the thanks of the Congress to the Swiss authorities and to the International Penal and Penitentiary Foundation for the hospitality extended to all its participants, and also thanked the Governments of France and the United States of America for having generously printed a substantial number of documents submitted to the Congress. After being introduced by one of its sponsors, the draft resolution was adopted unanimously by the Congress. The text of the resolution is reproduced in annex I, section G.2, of this report.

III. General lectures

447. The Congress, in plenary meeting, heard five general lectures on the main trends in the prevention of crime and treatment of offenders in different parts of the world. The lectures were delivered, at the invitation of the Secretary-General, by persons prominent in this field.

1. EUROPE

448. The first lecture, concerning Europe, was given by Mr. Marc Ancel, Councillor at the Court of Cassation and Secretary-General of the French Centre of Comparative Law, Paris.

449. Mr. Ancel said that modern trends in the prevention of crime and the treatment of offenders in Europe were numerous and at times contradictory, and that no attempt could be made to summarize them without a preliminary detailed analysis. He felt that it would be better to endeavour to show how the European nations and legal systems had come to recognize these

two essentially dynamic concepts and how they had tried to put them into practice.

450. Historically, the appearance of the two concepts, the prevention of crime and the treatment of offenders, marked the transition to modern criminal law. They were born of the scientific revolution brought about at the end of the nineteenth century by the Italian School which sought to replace the study of crime by the study of the offender, and to focus attention on the criminal's personality. Scientifically speaking, that school was now out of date, and in the legal field the various intermediate schools at the beginning of the century had ultimately obscured the real contribution of the positivists. Legal systems, however, had quickly responded to it: they had concerned themselves with the personality of the criminal which, because it was dangerous, was to lead to preventive and protective action and, because it reflected the anti-social condition of an individual, was to give rise to the idea of treatment.

451. Preventive action, the main aim of which was

to protect society, first appeared in its simplest form, that of prevention through the removal of incorrigible criminals (transportation); later, under the influence of the criminal law applicable to juveniles and of prison reform, it took the form of prevention through re-education or treatment (preventive detention for an indefinite period); while at its latest stage of development European law embodied the idea of prevention through assistance (non-institutional treatment, probation, after-care and aid for discharged prisoners).

452. The notion of treatment was less readily admitted into positive law. As early as the last century, however, the foundations were being laid by the movement for the individualization of penalties and by the Penitentiary School. In the twentieth century it was the keystone of the whole penal system and modern prison reform. Outside the sphere of prison work, it introduced into European legal systems a new conception of the function of the court, which ceased to be an objective distributor of abstract penalties, and led to a gradual reorganization of the legal framework of criminal justice (the narrow legalism of indictment and punishment being discarded and procedure being made more flexible).

453. These reforms were often effected empirically and not without some confusion, which might be taken to indicate the existence of a crisis in criminal law or of chaos in legislation. This crisis, however, represented the growing-pains of modern criminal law as it developed and gradually took shape. Out of that seeming chaos there might come a new world, guided by a rational policy for the prevention of crime and the treatment of offenders.

2. ASIA AND THE FAR EAST

454. The second general lecture was given by Mr. Jorge Bocobo (Chairman of the Code Commission, Pasay City, Philippines).

455. Mr. Bocobo described by way of illustration some experiments made in the Philippines and some trends in that country's legislation. Referring first to open institutions he described the Iwahig Penal Colony (Palawan island), which covered an area of 41,000 hectares and in which more than 3,600 prisoners were permitted to live with their families. The travelling expenses of the prisoner's wife and children were paid by the Government, which also paid the travelling expenses of the fiancées of deserving prisoners who after marriage were allowed to share the prisoner's life in the penal colony. Every prisoner received a plot of land which he was allowed to cultivate during his term of imprisonment. Later he was given another plot of not less than six hectares so that he could, if he so desired, settle permanently on Palawan island with his family. The Government provided a house and agricultural implements. Until the ex-prisoner was able to support himself he was clothed and fed by the Government. At Iwahig everything possible was done to maintain normal social relations among the prisoners and their families, to allow for religious activities and to provide education for the

children. On the average there was only one attempted escape per 1,000 prisoners.

456. Two other open institutions were in operation at Dawan and Sablayan respectively. In all 48 per cent, or almost half the 14,000 prisoners in the Philippines, were in open institutions.

457. Four agricultural "Edcor" colonies were maintained for rebels who had surrendered to the Government forces. Each rebel received eight hectares of land and the necessary equipment, to be paid for by instalments.

458. In conclusion Mr. Bocobo cited some provisions of the new Criminal Code proposed by the Standing Commission on Codification. One innovation in the new Code was a provision that fines should be based on the offender's daily income, which appeared fairer than the practice of imposing the same fine on rich and poor alike. Fines collected by the Treasury would be used to assist released prisoners and the families of prisoners.

3. MIDDLE EAST

459. Mr. El Said Mostafa el Said, Rector of the University of Alexandria, gave the third general lecture, which dealt with new trends in the prevention of crime and the treatment of offenders in Egypt.

460. The two main trends in modern Egyptian criminal law were the high degree of individualization of penalties and the humanitarian and social considerations embodied in the measures for the prevention of crime and the treatment of offenders. The two trends were apparent in the provisions concerning both adults and juveniles, although they were more marked in the case of the latter.

461. In the case of adults they took such forms as the reduction of penalties because of extenuating circumstances; suspended sentences; indeterminate sentences for some recidivists; improvement of the prison level of living where warranted by a prisoner's previous level of living and social standing and by the nature of his offence; elimination of unjustifiable cruelty in the execution of penalties, such as the iron chain prescribed in cases of hard labour; the organization of education and paid work for prisoners; parole before the final release of prisoners sentenced to more than five years' imprisonment; financial assistance to prisoners' families and discharged prisoners; co-operation between the authorities and private agencies in finding work for released prisoners; and the abolition of police supervision during parole.

462. In the case of juveniles, the legislation tended to consider their problem from the social rather than from the legal point of view. It prescribed almost the same treatment for juvenile offenders as for juvenile vagrants in need of protection but not guilty of an offence. Similar educational measures were prescribed for both categories, and the imposition of ordinary penalties on juvenile offenders below a certain age was prohibited outright or made subject to restrictions.

463. The special juvenile court had equal competence to deal with either category and the same procedure was applied to both: before trial the court was bound to undertake a social investigation; after the trial the juvenile was placed under the social supervision of competent agencies; and lastly, the juvenile court could review its decision and modify its original order in the light of experience.

464. Finally the lecturer suggested to participants that it was useless to propose any system which could not be applied in practice and that the prison level of living should not be higher than that of the population at large; it was necessary to avoid reducing the impact of the penalty and thus robbing it of one of its essential characteristics.

4. NORTH AMERICA

465. The fourth general lecture was delivered by Mr. Sanford Bates, former President of the International Penal and Penitentiary Commission, Pennington, New Jersey, United States of America, who spoke of new trends in the American penal system.

466. Mr. Bates described the United States contribution to the prevention of crime and the treatment of offenders, the development of juvenile courts, probation, parole and the classification of prisoners.

467. He gave an account of recent progress with regard to buildings, personnel and methods of treatment and referred to the new prison building projects in the states of California, Massachusetts, New Jersey, New York, Connecticut and Louisiana and the youth centres in Oregon, Philadelphia and New York City. He felt that the personnel employed was considerably improved, especially in staff positions, although political influences still made themselves felt. Great progress had also been made in legislation and administrative practice with regard to the indeterminate sentence, parole, statutory restrictions on abuses in prisons, and the classification method of treatment.

468. Mr. Bates considered that the first stage in the effort to rehabilitate prisoners was well under way; but now that living conditions and the standard of comfort in prisons had been improved, the second stage—that of teaching prisoners self-control through just discipline—might be even more difficult. That stage was, however, of the greatest importance if prisoners were to be returned to society improved in body and mind.

469. While he deplored the recent epidemic of prison riots in the United States, he pointed out that the riots were usually inspired by a small group of psychopathic prisoners, and would be made impossible by the reform of the prison system. Such disturbances were "growing pains" inherent in efforts to improve the penal system in order to facilitate the rehabilitation of prisoners. He referred to various fields in which particular effort was needed.

470. Mr. Bates cited statistics to prove that whatever

the causes of the temporary increase in crime and juvenile delinquency in the United States of America, it was not related to treatment in prisons. According to the reports of the Federal Bureau of Investigation, the number of offences reported to the police was relatively lower in States which had modern correctional systems and made full use of probation and parole. In conclusion, he summarized the tasks incumbent upon a penal system genuinely directed towards the social rehabilitation of offenders.

5. LATIN AMERICA

471. Mr. Israel Drapkin S., Director of the Institute of Criminology of the Penal Administration, Santiago, Chile, gave the fifth general lecture, in which he described modern trends in the prevention of crime and treatment of offenders in Latin America.

472. After some general observations on the main geographical, climatic, demographic, economic, political and social characteristics of Latin America, Mr. Drapkin described the main patterns of crime in the Latin American countries. Unlike the "organized crime" typical of industrially and economically developed countries such as the United States of America, and the psychopathic crime so frequent in culturally advanced countries such as those of Europe, crime in Latin American countries tended to be primitive in character—in other words, to be the outcome of instinctive aggressiveness.

473. The predominating forms taken by such primitive crime varied from one Latin American country to another according to their national and regional characteristics and conditions. In most of the Latin American countries knives were used more frequently than firearms. Mutilation, acid-throwing and poisoning were rare. The two basic causes of this form of crime were poverty and alcoholism, together with illiteracy and lack of education.

474. During the colonial period the criminal law in force had been that of the conquering countries, in particular Spain and Portugal. After independence had been achieved the greatest influence in the drafting of Latin American criminal code had been the criminal codes of Spain and France. Italian legal thought, and particularly the works of Cesare Lombroso, had also played a major part. Mr. Drapkin also mentioned the influence of Vervaeck's work and the establishment by José Ingenieros, at the National Penal Institution of Buenos Aires, of the world's first criminological institute, which was a source of pride to all Latin America. Most Latin American countries now had similar institutions.

475. Mr. Drapkin also referred to the sexual problems of prisoners. Various systems had been developed in Latin America to enable prisoners to satisfy what was one of the individual's vital instincts. Mexico, Argentina, Colombia and other countries had instituted different systems for the purpose. Elsewhere, for instance in Chile, public opinion had always been opposed to any such measure. He thought that the subject might usefully be discussed at length at a future Congress.

476. Mr. Drapkin then referred to other aspects of the prevention of crime and the treatment of offenders in Latin America and gave detailed information concerning the treatment of prisoners, the training of staff and the various types of penal institutions. In conclusion he

said that the activities of the United Nations had largely contributed to the spreading of modern ideas on the subject, which were slowly but surely being embodied in the various codes, statutes and regulations of the Latin American countries.

IV. Closure of the Congress

477. After the Congress had completed the discussion of the items on its agenda, Mr. de Steiger, the President, began the closing ceremonies by stating that, thanks to the co-operation shown by all, the Congress had reason to be satisfied with the results it had to show for two weeks of work. Recalling the resolutions and recommendations adopted on the various items of the agenda, he said that the different topics varied in degree of difficulty and it had not been possible to approach all of them in the same way. He was gratified that the results achieved faithfully reflected those inherent differences. For example, while the Standard Minimum Rules had been embodied in a document which was perhaps the Congress's main achievement, the decisions on the prevention of juvenile delinquency, in contrast, emphasized the need for further study of the subject. The Congress has a solid and realistic body of work to submit to the policy-making organs of the United Nations and to Governments. The Congress could not have achieved such results without the help of all participants, and without the understanding and harmony which had prevailed among them, and he was sure that its work would bear fruit.

478. Several representatives expressed their satisfaction at the results achieved by the Congress and the excellent spirit of understanding and co-operation which had prevailed. The speakers included: Mr. Pettinato, Argentina, speaking for the delegations of Latin America; Mr. Gandasoabrata, Indonesia; Mr. Rustamji, India;

Mr. Ancel, France, speaking for several European delegations; Mr. Theobaldi, Holy See; and Mr. Noujaim, Lebanon, speaking for several delegations of the Middle East.

479. Mr. Lopez-Rey, the representative of the Secretary-General, pointed out that the Congress had been attended by over 500 participants from sixty countries and territories, representing a wide range of cultures, a fact which gave even greater value to the results achieved. In organizing the Congress the United Nations had shown its desire to continue the tradition established by the Congresses of the International Penal and Penitentiary Commission. He paid a tribute to the Secretariat's correspondents in the field of the prevention of crime and the treatment of offenders, whose work and co-operation had contributed much to the successful organization of the Congress. Lastly he stated that, while the United Nations could endeavour to develop and spread new ideas by organizing international co-operation in that field, the effectiveness of its work ultimately depended on the action taken by the various Governments to give effect to that work in their respective countries. He appealed to all to continue in their own countries the task which had been sketched in broad outline, so that the recommendations approved by the Congress might be translated into reality.

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

ANNEXES

Annex I

RESOLUTIONS AND RECOMMENDATIONS ADOPTED BY THE CONGRESS

A. Standard Minimum Rules for the Treatment of Prisoners

Resolution adopted on 30 August 1955

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having adopted the Standard Minimum Rules for the Treatment of Prisoners annexed to the present Resolution,

1. *Requests* the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415(V) of the General Assembly of the United Nations, to submit these rules to the Social Commission of the Economic and Social Council for approval;

2. *Expresses* the hope that these rules be approved by the Economic and Social Council and, if deemed appropriate by the Council, by the General Assembly, and that they be transmitted to governments with the recommendation (a) that favourable consideration be given to their adoption and application in the administration of penal institutions, and (b) that the Secretary-General be informed every three years of the progress made with regard to their application;

3. *Expresses* the wish that, in order to allow governments to keep themselves informed of the progress made in this respect, the Secretary-General be requested to publish in the International Review of Criminal Policy the information sent by governments in pursuance of paragraph 2, and that he be authorized to ask for supplementary information if necessary;

4. *Expresses* also the wish that the Secretary-General be requested to arrange that the widest possible publicity be given to these rules.

Annex

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

PRELIMINARY OBSERVATIONS

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

3. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.

4. (1) Part I of the rules covers the general management of institutions, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.

(2) Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

5. (1) The rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general part I would be equally applicable in such institutions.

(2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

PART I. RULES OF GENERAL APPLICATION

Basic principle

6. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

Register

7. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

- (a) Information concerning his identity;
- (b) The reasons for his commitment and the authority therefor;
- (c) The day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

Separation of categories

8. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

(b) Untried prisoners shall be kept separate from convicted prisoners;

(c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;

(d) Young prisoners shall be kept separate from adults.

Accommodation

9. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

12. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

13. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

14. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

15. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

16. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

17. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

(2) All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

(3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

18. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

19. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

Food

20. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

(2) Drinking water shall be available to every prisoner whenever he needs it.

Exercise and sport

21. (1) Every prisoner who is not employed in out-door work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

(2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

Medical services

22. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

23. (1) In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

(2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

25. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

(2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. (1) The medical officer shall regularly inspect and advise the director upon:

(a) The quantity, quality, preparation and service of food;

(b) The hygiene and cleanliness of the institution and the prisoners;

(c) The sanitation, heating, lighting and ventilation of the institution;

(d) The suitability and cleanliness of the prisoners' clothing and bedding;

(e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 25 (2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment

27. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

28. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of punishment which may be inflicted;

(c) The authority competent to impose such punishment.

30. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.

(2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.

(3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

32. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In

no case may such punishment be contrary to or depart from the principle stated in rule 31.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint

33. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners

35. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

36. (1) Every prisoner shall have the opportunity each week day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly dealt with and replied to without undue delay.

Contact with the outside world

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

38. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their

interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

Religion

41. (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

Retention of prisoners' property

43. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer, etc.

44. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of the critical illness of a near relative, the prisoner should be authorized, whenever circumstances allow, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners

45. (1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

Institutional personnel

46. (1) The prison administration, shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

(3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. (1) The personnel shall possess an adequate standard of education and intelligence.

(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect.

49. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

(2) The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

50. (1) The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.

(3) He shall reside on the premises of the institution or in its immediate vicinity.

(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

(2) Whenever necessary, the services of an interpreter shall be used.

52. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.

(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

53. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.

(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.

(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

54. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection

55. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of penal and correctional services.

PART II. RULES APPLICABLE TO SPECIAL CATEGORIES

A. PRISONERS UNDER SENTENCE

Guiding principles

56. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

57. Imprisonment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

58. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

59. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

60. (1) The régime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release régime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

61. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connexion with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

62. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

63. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.

(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

64. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

Treatment

65. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

66. (1) To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph. Such reports shall always include a report by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

Classification and individualization

67. The purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

68. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

69. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

Privileges

70. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

Work

71. (1) Prison labour must not be of an afflictive nature.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

72. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

73. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of

the institution's personnel. Unless the work is for other departments of the government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

74. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.

(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

75. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.

(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

76. (1) There shall be a system of equitable remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

77. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

78. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

Social relations and after-care

79. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. (1) Services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

B. INSANE AND MENTALLY ABNORMAL PRISONERS

82. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.

(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.

(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.

(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

83. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

C. PRISONERS UNDER ARREST OR AWAITING TRIAL

84. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

(2) Unconvicted prisoners are presumed to be innocent and shall be treated as such.

(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special régime which is described in the following rules in its essential requirements only.

85. (1) Untried prisoners shall be kept separate from convicted prisoners.

(2) Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

86. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

87. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their

food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

88. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.

(2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

92. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

D. CIVIL PRISONERS

94. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

B. Selection and training of personnel for penal and correctional institutions

Resolution adopted on 1 September 1955

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having adopted recommendations, annexed to the present resolution, on the question of the selection and training of personnel for penal and correctional institutions,

1. Requests the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415 (V) of the General Assembly of the United Nations, to submit these recommendations to the Social Commission of the Economic and Social Council for approval;

2. Expresses the hope that the Economic and Social Council will endorse these recommendations and draw them to the attention of governments, recommending that governments take them as fully as possible into account in their practice and when considering legislative and administrative reforms;

3. Expresses also the wish that the Economic and Social Council request the Secretary-General to give the widest publicity to these

recommendations and authorize him to collect periodically information on the matter from the various countries, and to publish such information.

Annex

RECOMMENDATIONS ON THE SELECTION AND TRAINING OF PERSONNEL FOR PENAL AND CORRECTIONAL INSTITUTIONS

A. MODERN CONCEPTION OF PRISON SERVICE

I. Prison service in the nature of a social service

(1) Attention is drawn to the change in the nature of prison staffs which results from the development in the conception of their duty from that of guards to that of members of an important social service demanding ability, appropriate training and good team work on the part of every member.

(2) An effort should be made to arouse and keep alive in the minds both of the public and of the staff an understanding of the nature of modern prison service. For this purpose all appropriate means of informing the public should be used.

II. Specialization of functions

(1) This new conception is reflected in the tendency to add to the staff an increasing number of specialists, such as doctors, psychiatrists, psychologists, social workers, teachers, technical instructors.

(2) This is a healthy tendency and it is recommended that it should be favourably considered by governments even though additional expense would be involved.

III. Co-ordination

(1) The increasing specialization may, however, hamper an integrated approach to the treatment of prisoners and present problems in the co-ordination of the work of the various types of specialized staff.

(2) Consequently, in the treatment of prisoners, it is necessary to ensure that all the specialists concerned work together as a team.

(3) It is also considered necessary to ensure, by the appointment of a co-ordinating committee or otherwise, that all the specialized services follow a uniform approach. In this way the members of the staff will also have the advantage of gaining a clearer insight into the various aspects of the problems involved.

B. STATUS OF STAFF AND CONDITIONS OF SERVICE

IV. Civil service status

Full-time prison staff should have the status of civil servants, that is, they should:

(a) Be employed by the government of the country or State and hence be governed by civil service rules;

(b) Be recruited according to certain rules of selection such as competitive examination;

(c) Have security of tenure subject only to good conduct, efficiency and physical fitness;

(d) Have permanent status and be entitled to the advantages of a civil service career in such matters as promotion, social security, allowances, and retirement or pension benefits.

V. Full-time employment

(1) Prison staff, with the exception of certain professional and technical grades, should devote their entire time to their duties and therefore be appointed on a full-time basis.

(2) In particular, the post of director of an institution must not be a part-time appointment.

(3) The services of social workers, teachers and trade instructors should be secured on a permanent basis, without thereby excluding part-time workers.

VI. Conditions of service in general

(1) The conditions of service of institutional staff should be sufficient to attract and retain the best qualified persons.

(2) Salaries and other employment benefits should not be arbitrarily tied to those of other public servants but should be related to the work to be performed in a modern prison system, which is complex and arduous and is in the nature of an important social service.

(3) Sufficient and suitable living quarters should be provided for the prison staff in the vicinity of the institution.

VII. Non-military organization of the staff

(1) Prison staff should be organized on civilian lines with a division into ranks or grades as this type of administration requires.

(2) Custodial staff should be organized in accordance with the disciplinary rules of the penal institution in order to maintain the necessary grade distinctions and order.

(3) Staff should be specially recruited and not seconded from the armed forces or police or other public services.

VIII. Carrying of arms

(1) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed.

(2) Staff should in no circumstances be provided with arms unless they have been trained in their use.

(3) It is desirable that prison staff should be responsible for guarding the enclosure of the institution.

C. RECRUITMENT OF STAFF

IX. Competent authority and general administrative methods

(1) As far as possible recruitment should be centralized, in conformity with the structure of each State, and be under the direction of the superior or central prison administration.

(2) Where other State bodies such as a civil service commission are responsible for recruitment, the prison administration should not be required to accept a candidate whom they do not regard as suitable.

(3) Provision should be made to exclude political influence in appointments to the staff of the prison service.

X. General conditions of recruitment

(1) The prison administration should be particularly careful in the recruitment of staff, selecting only persons having the requisite qualities of integrity, humanitarian approach, competence and physical fitness.

(2) Members of the staff should be able to speak the language of the greatest number of prisoners or a language understood by the greatest number of them.

XI. Custodial staff

(1) The educational standards and intelligence of this staff should be sufficient to enable them to carry out their duties effectively and to profit by whatever in-service training courses are provided.

(2) Suitable intelligence, vocational and physical tests for the scientific evaluation of the candidates' capacities are recommended in addition to the relevant competitive examinations.

(3) Candidates who have been admitted should serve a probationary period to allow the competent authorities to form an opinion of their personality, character and ability.

XII. Higher administration

Special care should be taken in the appointment of persons who are to fill posts in the higher administration of the prison services; only persons who are suitably trained and have sufficient knowledge and experience should be considered.

XIII. Directors or executive staff

(1) The directors or assistant directors of institutions should be adequately qualified for their functions by reason of their character, administrative ability, training and experience.

(2) They should have a good educational background and a vocation for the work. The administration should endeavour to attract persons with specialized training which offers adequate preparation for prison service.

XIV. *Specialized and administrative staff*

(1) The staff performing specialized functions, including administrative functions, should possess the professional or technical qualifications required for each of the various functions in question.

(2) The recruitment of specialized staff should therefore be based on the professional training diplomas or university degrees evidencing their special training.

(3) It is recommended that preference should be given to candidates who, in addition to such professional qualifications, have a second degree or qualification, or specialized experience in prison work.

XV. *Staff of women's institutions*

The staff of women's institutions should consist of women. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women. Female staff, whether lay or religious, should, as far as possible, possess the same qualifications as those required for appointment to institutions for men.

D. PROFESSIONAL TRAINING

XVI. *Training prior to final appointment*

Before entering on duty, staff should be given a course of training in their general duties, with a view particularly to social problems, and in their specific duties and be required to pass theoretical and practical examinations.

XVII. *Custodial staff*

(1) A programme of intensive professional training for custodial staff is recommended. The following might serve as an example for the organization of such training in three stages:

(2) The first stage should take place in a penal institution, its aim being to familiarize the candidate with the special problems of the profession and at the same time to ascertain whether he possesses the necessary qualities. During this initial phase, the candidate should not be given any responsibility, and his work should be constantly supervised by a member of the regular staff. The director should arrange an elementary course in practical subjects for the candidates.

(3) During the second stage, the candidate should attend a school or course organized by the superior or central prison administration, which should be responsible for the theoretical and practical training of officers in professional subjects. Special attention should be paid to the technique of relations with the prisoners, based on the elementary principles of psychology and criminology. The training courses should moreover comprise lessons on the elements of penology, prison administration, penal law and related matters.

(4) It is desirable that during the first two stages candidates should be admitted and trained in groups, so as to obviate the possibility of their being prematurely employed in the service and to facilitate the organization of courses of training.

(5) The third stage, intended for candidates who have satisfactorily completed the first two and shown the greatest interest and a vocation for the service, should consist of actual service during which they will be expected to show that they possess all the requisite qualifications. They should also be offered an opportunity to attend more advanced training courses in psychology, criminology, penal law, penology and related subjects.

XVIII. *Directors or executive staff*

(1) As methods vary greatly from country to country at the present time, the necessity for adequate training, which directors and assistant directors should have received prior to their appointment in conformity with paragraph XIII above, should be recognized as a general rule.

(2) Where persons from the outside with no previous experience of the work but with proved experience in similar fields are recruited as directors or assistant directors, they should, before taking up their duties, receive theoretical training and gain practical experience of prison work for a reasonable period, it being understood that a diploma granted by a specialized vocational school or a university degree in a relevant subject may be considered as sufficient theoretical training.

XIX. *Specialized staff*

The initial training to be required from specialized staff is determined by the conditions of recruitment, as described in paragraph XIV above.

XX. *Regional training institutes for prison personnel*

The establishment of regional institutes for the training of the staff of penal and correctional institutions should be encouraged.

XXI. *Physical training and instruction in the use of arms*

(1) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners by the means prescribed by the authorities in accordance with the relevant rules and regulations.

(2) Officers who are provided with arms shall be trained in their use and instructed in the regulations governing their use.

XXII. *In-service training*

(1) After taking up their duties and during their career, staff should maintain and improve their knowledge and professional capacity by attending advanced courses of in-service training which are to be organized periodically.

(2) The in-service training of custodial staff should be concerned with questions of principle and technique rather than solely with rules and regulations.

(3) Whenever any type of special training is required it should be at the expense of the State and those undergoing training should receive the pay and allowances of their grade. Supplementary training to fit the officer for promotion may be at the expense of the officer and in his own time.

XXIII. *Discussion groups, visits to institutions, seminars for senior personnel*

(1) For senior staff, group discussions are recommended on matters of practical interest rather than on academic subjects, combined with visits to different types of institutions, including those outside the penal system. It would be desirable to invite specialists from other countries to participate in such meetings.

(2) It is also recommended that exchanges be organized between various countries in order to allow senior personnel to obtain practical experience in institutions of other countries.

XXIV. *Joint consultation, visits and meetings for all grades of staff*

(1) Methods of joint consultation should be established to enable all grades of prison personnel to express their opinion on the methods used in the treatment of prisoners. Moreover, lectures, visits to other institutions and, if possible, regular seminars should be organized for all categories of staff.

(2) It is also recommended that meetings should be arranged at which the staff may exchange information and discuss questions of professional interest.

C. Open penal and correctional institutions

Resolution adopted on 29 August 1955

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having adopted recommendations, annexed to the present resolution on the question of open penal and correctional institutions,

1. *Requests* the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415 (V) of the General Assembly of the United Nations, to submit these recommendations to the Social Commission of the Economic and Social Council for approval;

2. *Expresses* the hope that the Economic and Social Council will endorse these recommendations and draw them to the attention of governments, recommending that governments take them as fully as possible into account in their practice and when considering legislative and administrative reforms;

3. *Expresses* also the wish that the Economic and Social Council request the Secretary-General to give the widest publicity to these recommendations and authorize him to collect periodically information on the matter from the various countries, and to publish such information.

Annex

RECOMMENDATIONS ON OPEN PENAL AND CORRECTIONAL INSTITUTIONS

I. An open institution is characterized by the absence of material or physical precautions against escape (such as walls, locks, bars, armed or other special security guards), and by a system based on self-discipline and the inmate's sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from other types of institutions, some of which are run on the same principles without, however, realizing them to the full.

II. The open institution ought, in principle, to be an independent establishment; it may, however, where necessary, form a separate annex to an institution of another type.

III. In accordance with each country's prison system, prisoners may be sent to such an institution either at the beginning of their sentence or after they have served part of it in an institution of a different type.

IV. The criterion governing the selection of prisoners for admission to an open institution should be, not the particular penal or correctional category to which the offender belongs, nor the length of his sentence, but his suitability for admission to an open institution and the fact that his social readjustment is more likely to be achieved by such a system than by treatment under other forms of detention. The selection should, as far as possible, be made on the basis of a medico-psychological examination and a social investigation.

V. Any inmate found incapable of adapting himself to treatment in an open institution or whose conduct is seriously detrimental to the proper control of the institution or has an unfortunate effect on the behaviour of other inmates should be transferred to an institution of a different type.

VI. The success of an open institution depends on the fulfilment of the following conditions in particular:

(a) If the institution is situated in the country, it should not be so isolated as to obstruct the purpose of the institution or to cause excessive inconvenience to the staff.

(b) With a view to their social rehabilitation, prisoners should be employed in work which will prepare them for useful and remunerative employment after release.

While the provision of agricultural work is an advantage, it is desirable also to provide workshops in which the prisoners can receive vocational and industrial training.

(c) If the process of social readjustment is to take place in an atmosphere of trust, it is essential that the members of the staff should be acquainted with and understand the character and special needs of each prisoner and that they should be capable of exerting a wholesome moral influence. The selection of the staff should be governed by these considerations.

(d) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to become thoroughly acquainted with each prisoner.

(e) It is necessary to obtain the effective co-operation of the public in general and of the surrounding community in particular for the operation of open institutions. For this purpose it is therefore, among other things, necessary to inform the public of the aims and methods of each open institution, and also of the fact that the system applied in it requires a considerable moral effort on the part of the prisoner. In this connexion, local and national media of information may play a valuable part.

VII. In applying the system of open institutions each country, with due regard for its particular social, economic and cultural conditions, should be guided by the following observations:

(a) Countries which are experimenting with the open system for the first time should refrain from laying down rigid and detailed regulations in advance for the operation of open institutions;

(b) During the experimental stage they should be guided by the methods of organization and the procedure already found to be effective in countries which are more advanced in this respect.

VIII. While in the open institution the risk of escape and the danger that the inmate may make improper use of his contacts with the outside world are admittedly greater than in other types of penal institutions, these disadvantages are amply outweighed by the following advantages, which make the open institution superior to the other types of institution:

(a) The open institution is more favourable to the social readjustment of the prisoners and at the same time more conducive to their physical and mental health.

(b) The flexibility inherent in the open system is expressed in a liberalization of the regulations; the tensions of prison life are relieved and discipline consequently improves. Moreover, the absence of material and physical constraint and the relations of greater confidence between prisoners and staff tend to create in the prisoners a genuine desire for social readjustment.

(c) The conditions of life in open institutions resemble more closely those of normal life. Consequently, desirable contacts can more easily be arranged with the outside world and the inmate can thus be brought to realize that he has not severed all links with society; in this connexion it might perhaps be possible to arrange, for instance, group walks, sporting competitions with outside teams, and even individual leave of absence, particularly for the purpose of preserving family ties.

(d) The same measure is less costly if applied in an open institution than in an institution of another type, in particular because of lower building costs and, in the case of an agricultural institution, the higher income obtained from cultivation, if cultivation is organized in a rational manner.

IX. In conclusion, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders

(a) Considers that the open institution marks an important step in the development of modern prison systems and represents

one of the most successful applications of the principle of the individualization of penalties with a view to social readjustment;

(b) Believes that the system of open institutions could contribute to decreasing the disadvantages of short term sentences of imprisonment;

(c) Consequently recommends the extension of the open system

to the largest possible number of prisoners, subject to the fulfilment of the conditions set forth in the foregoing recommendations;

(d) Recommends the compilation of statistics supplemented by follow-up studies conducted, in so far as possible, with the help of independent scientific authorities, which will make it possible to assess, from the point of view of recidivism and social rehabilitation, the results of treatment in open institutions.

D. Prison labour

Resolution adopted on 2 September 1955

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having adopted recommendations, annexed to the present resolution, on the question of prison labour,

1. Requests the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415 (V) of the General Assembly of the United Nations, to submit these recommendations to the Social Commission of the Economic and Social Council for approval;

2. Expresses the hope that the Economic and Social Council will endorse the general principles contained in these recommendations and recommend to governments that they take them as fully as possible into account in their practice and when considering legislative and administrative reforms;

3. Calls attention in particular to the proposals for further study and expresses the hope that the Social Commission of the Economic and Social Council will find it advisable to include these topics in the future work programme of the Regional Consultative Groups organized in accordance with the above-mentioned resolution.

Annex

RECOMMENDATIONS ON PRISON LABOUR

GENERAL PRINCIPLES

I. All prisoners under sentence should be required to work subject to their physical and mental fitness as determined medically. Work is not to be conceived as additional punishment but as a means of furthering the rehabilitation of the prisoner, his training for work, the forming of better work habits, and of preventing idleness and disorder. Those who cannot legally be compelled to work should nevertheless be allowed and encouraged to do so.

II. The interests of the prisoners and of their vocational training must not be subordinated to the purpose of making a financial profit from an industry in the institution. It is the duty of the State to ensure that adequate and suitable employment is provided for prisoners. It is preferable that this be done under the State-use system with compulsory government markets. Recourse may be had to private industry when sound reasons exist, provided adequate safeguards are established to ensure that there is no exploitation of prison labour and that the interests of private industry and free labour are protected.

III. Prison labour should be performed under conditions and in an environment which will stimulate industrious habits and interest in work. The management and organization of prison labour, whether industrial or agricultural, should be as much as possible like that of free labour, so as to enable prisoners to adapt themselves to the conditions of normal economic life.

IV. In prison labour programmes special attention should be paid to vocational training for prisoners able to profit thereby and especially for young prisoners, according to methods and standards as generally recognized in the country, so as to enable them to qualify on equal terms with persons outside the institution

and to acquire, if appropriate, the same diploma or certificate as under normal circumstances.

The trades should be sufficiently varied to enable them to be adapted to the requirements of the labour market and the educational standards, aptitudes, and inclinations of the prisoners.

Outside his working hours a prisoner should be given the opportunity to improve his skill in the work he is doing already or any kind of suitable work he may be interested in, for example, by attending theoretical or practical classes.

V. It is desirable to give suitable categories of prisoners vocational examination and to take the results into account when they are assigned to a certain type of work in the institution.

Within the limits compatible with proper vocational selection and with the requirements of prison administration and discipline, the preferences of the prisoner should be taken into account in assigning the work most suitable for him. It should be such as will maintain or increase the prisoner's ability to earn an honest living after release.

It is desirable to ascertain what types of work are most suitable for prisons, with a view to the prisoner's rehabilitation.

VI. The precautions laid down to protect the safety and health of free workmen should likewise be observed in institutions. Provision should be made to compensate prisoners for industrial accidents and diseases on terms not less favourable than those granted by law to free workmen. In addition, prisoners should participate to the greatest practicable extent in the social insurance schemes in force in their countries.

VII. Prisoners should receive an equitable remuneration for their work. This remuneration should be at least such as to stimulate keenness and interest in the work.

It is desirable that it should be sufficient to enable prisoners at least in part to help their families, to indemnify their victims, to further their own interests within the prescribed limits and to set aside a part as savings to be returned to them on discharge, where desirable through an official or agency.

VIII. In planning prison labour programmes, greatest possible reliance should be placed on the use of open institutions, in order not only to provide the variety of occupational opportunities afforded by open institutions but also to enable prison labour to be carried out under conditions approximating those of free labour.

IX. Consideration should be given to the arrangement or extension of schemes under which selected prisoners, especially those serving long sentences, may qualify during the last few months prior to release to go out daily to work for a private employer or a public enterprise, preferably in the trade in which they qualified prior to, or have been trained during, their sentence.

CONVENTION CONCERNING FORCED OR COMPULSORY LABOUR

The Congress has noted with satisfaction that the International Labour Organisation has taken preliminary steps towards a review of the Convention concerning Forced or Compulsory Labour.

The Congress wishes to point out that in any revision of this Convention, and particularly of article 2, paragraph 2, it would be desirable to exclude from the definition of Forced Labour the employment of selected prisoners by private employers or public enterprises outside the prison in such ways as are likely to assist their rehabilitation, subject always to such safeguards in respect of wages and conditions of work as are necessary to prevent exploitation, inasmuch as this is a vital element of progressive penal policy.

PROPOSALS FOR FURTHER STUDY

It is recommended that further study be given, *inter alia*, by Regional Consultative Groups, to the following:

(a) The integration of prison labour with the national economy. In this connexion it would be advisable to have the collaboration of persons outside the prison administration and in particular of

economists and representatives of workers' and employers' organizations;

(b) Methods of remuneration with particular reference to the principle that prisoners should be paid for their work on the basis of normal wages paid in the free labour market. Both advantages and disadvantages of that method should be carefully studied, and whether a portion of the remuneration should go to indemnify the victim;

(c) Appropriate prison labour programmes for special categories of offenders such as professional classes, mentally abnormal persons and work-shy individuals;

(d) The special problems encountered with respect to labour programmes for untried prisoners;

(e) The measures which should be taken in order that the sentence of a prisoner should not be an insurmountable obstacle to his finding work after release.

E. Prevention of juvenile delinquency

Resolution adopted on 3 September 1955^a

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having adopted the report annexed to the present resolution of its Section on the Prevention of Juvenile Delinquency,

1. Requests the Secretary-General, in accordance with paragraph (d) of the annex to resolution 415 (V) of the General Assembly of the United Nations, to transmit this report to the Social Commission of 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;

2. Recommends that, in accordance with the provisions of the annex mentioned in paragraph 1 above, the Secretary-General of the United Nations inform the Social Commission of the Economic and Social Council of the following suggestions with a view to their being included in the social defence work programme:

(a) That the following studies be made:

(i) A study of the methods used for the prevention of juvenile delinquency, the first stage of this study to pay particular attention to the possibility of organizing a social and health care or guidance system co-operating closely with the diagnostic services, and assistance to parents, particularly in the task of guidance; the second stage to make an assessment of the practical value of certain direct and indirect measures for the prevention of juvenile delinquency. This task might be undertaken by means of a small number of projects carried out in various regions, both developed and under-developed, with the assistance of governments and organizations which are prepared to collaborate; and,

(ii) An evaluative study of the methods and techniques used by special police services dealing with juveniles. Certain countries have already introduced such services, but the results deserve careful study before positive conclusions can be drawn from them;

(b) That the help of the non-governmental organizations with special knowledge in this field be sought in this connexion in accordance with resolution 155 C (VII) of the Economic and Social Council;

(c) That the United Nations Regional Consultative Groups and seminars continue to devote attention to the various aspects of juvenile delinquency; and

^a Consolidated text of draft resolutions A/CONF.6/L.12, L.12/Add.1 and L.15, in accordance with authorization given to the General Rapporteur by the Congress.

(d) That, when organizing forthcoming congresses, conferences or seminars, the organizations concerned, taking into account the problems facing different regions of the world, select clearly defined topics allowing for a thorough study and a useful comparison of the experience acquired in the various countries.

Annex

REPORT ON THE PREVENTION OF JUVENILE DELINQUENCY

I. SCOPE AND PROCEDURES

The summary of the suggested scope and procedures and of the conclusions and recommendations presented below is drawn from the following sources:

(1) The Report by the Secretariat on the Prevention of Juvenile Delinquency and papers submitted by the specialized agencies;

(2) Certain mandates from the Steering Committee of the Congress;

(3) Oral and written statements submitted to the Congress by participants including non-governmental organizations; and

(4) The work of the *Ad Hoc* Drafting Committee charged with preparing conclusions, presided over by the Chairman of the Section.^a

Section III devoted initially considerable effort to arriving at a universally applicable definition of juvenile delinquency for the purposes of the work of the Congress. Delegates from several countries emphasized, as did the Report by the Secretariat, the importance of defining delinquency precisely and in legal terms, so that children should not unnecessarily be considered delinquent where their conduct had not been defined as a criminal offence by the law of their country. It was concluded, however, that, because of wide variations in custom, law and philosophy in different countries, it was not feasible to formulate a precise and universal definition of the term. Accordingly, a proposal relating to the scope of the matters to be considered was adopted by the Section to replace paragraphs (1), (2) and (3) of "General principles with regard to the prevention of juvenile delinquency" (A/CONF.6/C.3/L.3) by the following:

^a Under the chairmanship of Mr. John Ross (United Kingdom), this Committee included Mlle. S. Huynen (Belgium), Mr. John Vincent Barry (Australia), Mr. D. V. Kulkarni (India), Mr. I. Drapkin (Chile), Dr. D. Buckle (WHO), and Mr. P. W. Tappan, Rapporteur (USA).

"The subject for study is the situation of minors in whose interests society should promote measures designed to ensure, as far as possible, that they are enabled to live a law-abiding, well-adjusted and useful life.

"The discussion and study of the Congress should include not only those juveniles who have committed an act regarded as a criminal offence by the law of their country, but also those whose social situation or whose character places them in danger of committing such an act, or who are in need of care and protection.

"Preventive work should cover all three categories."

It was concluded that the attention of the Section should be directed primarily to pre-delinquency: the prevention of juvenile delinquency where no prior law violation had occurred. Further, it was proposed by the Chairman of the Section, and agreed by the delegates, that instead of proceeding on the basis of the Guiding Principles contained in document A/CONF.6/C.3/L.3, participants, taking account of what was being done towards prevention in their own countries, should consider how preventive work might be developed in relation to: (1) the community; (2) the family and school; (3) the social services; and (4) other agencies. It was recognized that there was overlapping within this classification; certain types of measures, for example, governmental and clinical services, might be employed in two or more of these categories.

It was observed that in the prevention of delinquency distinction should be made between those underlying and often highly significant influences that were indirect in their relation to delinquency, and the more direct influences that might encourage or discourage anti-social behaviour. Basic trends of culture in some societies might so promote delinquency as to make it extremely difficult to deal with the situation effectively by the more direct but partial measures of prevention that might be established.

II. CONCLUSIONS AND RECOMMENDATIONS

A. The community

The Congress recognizes that the community, considered in its local, regional and national aspects, provides the environment in which social institutions mould the child's behaviour patterns and personality. The neighbourhood in which young people live and form their most important associations is perhaps the most decisive phase of community influence, though it reflects too the broader influences of the society and culture. The factors which shape character derive very largely from these community influences as they operate through the family, the school, religious and other social institutions. Community action to prevent juvenile delinquency is to a great extent a matter of organizing the variety of community resources so as to provide, on the one hand, an environment in which children may develop without abnormalities of character and in which, on the other, those who are in danger of becoming delinquent may be discovered and guided toward conformity to normal standards. Toward these ends, the following conclusions and recommendations are submitted:

1. Services, both official and unofficial, for young people in the community should be organized and drawn together as closely as possible so as to provide them with a healthy environment for growth and to take appropriate measures of guidance and control when they are in difficulty. These should include constructive activities in the family, school and other social institutions to meet the fundamental needs of youth and, so far as possible, varied agency resources, such as child guidance clinics, educational centres and counselling facilities for parents, leisure time resources, family substitutes, special schools or classes and organizations designed to encourage the mutual aid of youth and others. Consideration should be given to the possible establishment of community committees, co-ordinating councils, or some other sort of

specialized agency to plan, organize and develop community resources to aid children with problems and their families.

2. Within the social framework of the country involved, appropriate machinery, whether official or unofficial, should be established to advise in the formulation of policies and to supervise their application for the prevention of delinquency.

3. In developing programmes and policies, due attention should be given to the developments in other countries, with a view to the possible selective adaptation of those features that may be used effectively. In this regard it is desirable especially that the more positive elements of the programmes of other societies be selected and that a country should avoid the adoption of measures that are inappropriate either intrinsically or because of cultural differences.

4. In the effort to prevent delinquency, special attention should be focused upon those "delinquency areas" where there is a large component of anti-social attitudes and behaviour. Where such "delinquency areas" exist, it is desirable to strengthen the work of prevention as well as treatment.

5. Policies and programmes of general social welfare are not sufficient by themselves alone to dispense with the need for more specific policies that focus attention on juvenile delinquency and its prevention.

6. Housing programmes should be developed to provide better living conditions. Urban housing projects should be so organized as to provide for full community living in the area of residence. Where there is a heterogeneous mixture of people living together, agency facilities should be provided to facilitate the interrelationships of those whose cultures are different.

B. The family and school

The family

It is axiomatic that ordinarily the family provides the most important phase of the child's environment from his earliest years and that it plays a fundamental role in the development of personality, attitudes and behaviour. It is recognized, furthermore, that industrialization and the growth of cities have been accompanied by an increasing measure of social, family and personal disorganization. According to current opinion, delinquency appears to be intimately connected with the social and cultural changes that have operated through the family. It is vital therefore that preventive efforts be designed to produce closer family ties, thus achieving greater affection, emotional security and control through the family. The child needs a sense of belonging. The following conclusions and recommendations are submitted:

7. So far as possible, assistance should be provided to parents where necessary in order that their basic material needs may be met. In particular it is desirable that some form of family or children's allowances be given where necessary to keep the family intact, to avoid the necessity for mothers to work outside the home for economic reasons alone and to protect children where the family is broken or where the mother must work.

8. Information, guidance, and counselling services should be provided for parents and for their children in order that they may not encounter difficulties through lack of knowledge. Adult and family-life education are desirable for this purpose.

9. Counselling in domestic relations, conciliation machinery for estranged parents and psychological assistance of other sorts for parents should be made available, so far as possible, so that individuals with family difficulties may be helped to solve their problems.

10. Emphasis should be placed upon fulfilling children's emotional and social needs and remedying their difficulties in so far as it is feasible through the family rather than through the direct intervention of other agencies or removal from home. Parents may require help in the care or guidance of those children

who manifest serious difficulties, but children should not be compulsorily removed from the care of their parents except by order of a court or board containing a judicial element, after hearing and determining the case according to law and in the interests of the welfare of the child.

11. Use should be made of foster homes or boarding homes whenever appropriate, where efforts with the child and/or his parents have failed so seriously that placement is necessary in the interest of his care and protection.

12. Children ought not to be placed in institutions designed specifically for delinquent children unless they have violated the law and all efforts at supervision in their own homes fail. Placement in institutions for neglected or dependent children should be resorted to only when they cannot be cared for in their own homes and when other types of home placement are impossible. Other types of specialized treatment facilities may be employed in appropriate cases, however, to provide particular forms of therapy that cannot be applied effectively in the community. In such cases the rights and interests of both the child and his parents should be given careful consideration.

13. In those societies that are recently becoming industrialized and where the family is still a well-integrated and effective unit of control, serious effort should be directed to maintaining its cohesiveness in order to mitigate so far as possible the disorganizing consequences of industrialization.

The school

Besides the family, the school is the social institution in closest and most frequent contact with the child from his early years to adolescence. It broadens his associations beyond the family and enables him to begin to take part in the life of the community. It plays an important role not only in his intellectual development but in his emotional and social growth as well. Very commonly children's behavioural difficulties are associated with poor adjustments in school. Educational institutions are very important, therefore, both in their possible contribution to the healthy social development of children and in the opportunity they provide for teachers to identify in a preliminary way those who appear to display serious adjustment problems that require further investigation. It is not believed, however, that the school should attempt to assume functions which properly belong to the family, religious institutions, the court, or specialized social agencies. The following conclusions and recommendations are submitted:

14. The school should take into account as fully as possible the individual differences in aptitude and in personality generally among children so as to fit the educational programme to their different requirements. Flexible curricula are needed for this purpose.

15. Within the limitations of its ability to do so, the school should endeavour to play a constructive role in the development of character and attitudes among children, with the object of counteracting unhealthy influences in the community.

16. The training of teachers should include sound preparation for understanding children and for identifying those with emotional or behavioural difficulties. Teachers should be of a type with which children can properly identify themselves in the development of their character and goals of living.

17. The educational programme should emphasize the contact and co-operation of school and family so that children's difficulties of adjustment may be avoided or alleviated. Parent/teacher and home/school or other similar associations are desirable for this purpose.

18. Auxiliary psychological and social services attached to the school should be developed so far as possible to help children and to aid and advise parents and teachers. Guidance clinics

and psychological testing and treatment facilities are desirable for these purposes.

19. Greater emphasis should be laid upon educational measures, including vocational guidance, designed better to meet the emotional and social difficulties of adolescents who are completing school and to facilitate their entry into working life, and on measures intended to improve the condition of children and youth who are already at work.

20. It is important in the interests of preventing delinquency that the community should prevent the exploitation of children for economic reasons at the sacrifice of their education, their healthy development and their future. Measures should be taken to ensure the school attendance of certain age-groups in a regular and systematic way.

C. Social services, including health services

As a consequence of the development of conditions of life in the modern community, the ordinary social institutions, such as the family, school, and religious institutions, have encountered increasing difficulty in the effective performance of their functions. In particular, they have had limited success in maintaining stability, integrity, a sense of independence and responsibility of the individual. The corollary of such a situation is that more and more juveniles are becoming delinquent and it is also responsible for other forms of emotional and social disorders such as psychoneuroses, psychoses, alcoholism, suicide, family breakdown, unemployment. It has been thought that specialized social agencies should be called upon increasingly with a view to solving these problems. Thus have come to be established what have been referred to above as the "direct" services, not only for the prevention and treatment of juvenile delinquency, but also of other difficulties which may, but in a majority of cases do not, produce delinquency. The greater effectiveness in the performance of these services should lead, it is believed, to the diminution both of juvenile delinquency and of the other disorders and better results can be achieved if the action of such services is exercised in complete agreement and close collaboration with traditional social institutions. However, it should be observed that some caution is desirable in the method and extent of providing such services: the individual should be encouraged to retain a sense of personal responsibility to avoid passive dependence. He should be aided to cope with his frustrations and other difficulties rather than led to expect their removal. In accordance with these principles, the following conclusions and recommendations are submitted:

21. So far as may be necessary and feasible, a full network of social and health services should be provided by official and unofficial agencies in order that children who are in danger of becoming delinquent or who are in need of care and protection may receive the treatment they require. These services include, in particular, welfare agencies, psychiatric clinics, family service agencies, child guidance clinics, centres for observation and testing and other specialized child welfare facilities.

22. It is possible, in many countries, to build on existing services, expanding treatment and control services to include preventive services. This would imply a fundamental reorientation both in the theory and practice of such services.

23. The integration and co-ordination of the varied social services is most desirable to avoid both the overlapping or duplication of facilities and gaps where coverage is needed. Furthermore, by the establishment of co-ordinating councils or referral committees, it will be possible to discover a greater proportion of those children who manifest serious difficulties in adjustment.

24. Referral of cases needing help, guidance or control may be made most effectively by those agencies that have closest contact with children in trouble: the schools, clinics, social agencies, police, courts, religious institutions, in addition to parents. The discovery

of children with adjustment problems is not, however, a diagnosis of delinquency or pre-delinquency, but a basis for referral for diagnostic purposes, where necessary, in order to ascertain what the special nature of the problem may be. Thus, through the co-ordinating agency and the use of diagnostic facilities, it is possible to refer cases to the treatment resource best suited to the needs of the individual child and his family. The result is not only advantageous to the client but economical in the use of specialized treatment facilities.

25. Where clinical work with the child or his family is involved, whether diagnostic or therapeutic, advanced training of professional staff is required. Because of the special problems involved in dealing with delinquency prevention and juvenile delinquency itself, a specialized (and, in many places, revised) training is required for authorities who handle such cases: psychiatrists, psychologists, social workers, probation officers, specialized school teachers and others.

26. There is a need to strengthen the collaboration between the professional experts who deal in delinquency prevention as well as to co-ordinate efforts of the preventive agencies.

27. Specialized facilities are needed for particular types of problems in some countries where provisions are not at present in existence: for unmarried mothers, for adolescents who are in difficult transition to adulthood, for children with special disabilities and disorders, and others.

28. The establishment of agencies independently of State action should be encouraged, providing that the services they supply are technically competent and that they can form part of a general co-ordinated plan covering the totality of social and health services concerned with the prevention of juvenile delinquency.

29. Accurate knowledge of the fields of delinquency prevention and treatment lags far behind the good intentions of those interested in increasing social action, and so there is need for caution in determining the social action to be taken. It is desirable to make provision for evaluation whenever new social action is undertaken.

D. Work

Inability to adapt to work, lack of effective vocational training, assignment to unhealthy, very hard or morally dangerous work are often the fundamental factors contributing to juvenile delinquency.

30. It would therefore be most desirable to recommend:

(a) The development of professional orientation and placement centres for juveniles;

(b) The intensification of the control of the conditions of work of juveniles;

(c) The enactment of laws and measures with a view to developing vocational training, and

(d) The development of the creation of homes and hostels for juvenile workers.

E. Other agencies

The prevention of delinquency is ordinarily considered to be primarily the concern and responsibility of the agencies and institutions considered in the comments and conclusions above. Certain other agencies, however, may play a part in this field in some countries. These include, among others, juvenile courts and administrative bodies such as the child welfare boards found in the Scandinavian countries, religious bodies, organizations which provide leisure time facilities, police, youth and industrial organizations. The study of the activities of these agencies and of the results obtained by them is still far from being complete and

extensive research work would be desirable in order to determine what is being done at present by such agencies and, more particularly, what are the direct and indirect effects of their operations.

Each type of agency referred to here, because of the general nature of its functions, is in a particularly good position to discover those children who display social or emotional problems, and to make referrals to more specialized agencies for diagnosis and treatment. Such practice is recommended as highly desirable.

The appraisal of the more direct efforts of these agencies towards the prevention of juvenile delinquency can only be tentative, and this should be borne in mind in considering the following conclusions:

31. Whereas the role of religion differs, in several countries it is recognized that religious bodies have an important part to play in the prevention of juvenile delinquency. Religious bodies may play an increasing role not only in the establishment and perpetuation of firm moral standards in the home and community but also in developing services for youth and parents and for helping to counteract the disorganizing influences that may arise as a result of rapid industrial and social changes.

32. The fundamental mission of the police is to ensure the protection of property and persons, and the prevention of delinquency, particularly of minors, is normally one of its duties. In virtue of their functions, police officers are in permanent contact with all classes of society. Being thus well placed to detect dangerous conditions and criminogenic factors, it is for them to take steps within their competence and also to alert the judicial authorities, the social, health and other qualified services. In the general organization of the police, the institution of special police services for juveniles should be officially encouraged. These special services should be composed of specially trained police officers.

33. Without regard to specific effects upon the prevention of delinquency, it is desirable that a wide variety of constructive leisure time activities should be made available to children and youth in the interest of their general healthy development. With the increasing margin of leisure time available in some countries, education and training for the wise use of leisure time becomes increasingly important. Clubs, associations, sports, and other forms of organized recreation should be available, but no single plan of leisure-time pursuit should be considered appropriate or adequate to the individual needs of every youth.

34. More may be gained by a positive emphasis upon the development of constructive and diversified activities, including the mass media of communications (e.g. cinema, radio, television, comic books and other publications), than by rigid and negative measures of control and censorship.

35. Efforts should be made to integrate the activities of the agencies noted in this section, and others that might be mentioned, more closely into the services and objectives of the other agencies and social institutions that have been considered in relation to the prevention of delinquency.

F. Research

More important, perhaps, than any of the specific conclusions and recommendations submitted above is the obvious need for the development of more research relating to the definition of the term "juvenile", to delinquency causation, prediction and prevention. Efforts to prevent juvenile delinquency should become more effective and economical as more accurate knowledge is available. Research should be directed both to the identification of the measures that are currently employed in the effort to prevent juvenile delinquency and to objective and critical evaluation of the effectiveness of such measures. Comparative, co-ordinated and interdisciplinary research should be carried out to determine the relative effects of programmes in different countries. Through

co-operation between researchers from different countries it may be possible to develop a highly promising new field of comparative criminology, based on research employing standard definitions and techniques. In this way, uniformities and differences in causal influences, in predictive factors and in results of preventive and treatment programmes can be determined and progress made toward a true science of criminology. Research should also be devoted to the causation, diagnosis and treatment of delinquency.

The United Nations is urged to continue its support of significant research in these fields.

The Congress wishes to go on record in praise of the programme adopted by the United Nations and its specialized agencies as disclosed in the valuable and comprehensive study prepared by the Secretariat of the United Nations on the prevention of juvenile delinquency (document ST/SOA/Ser.M/7-8).

F. Technical assistance in the field of the prevention of crime and the treatment of offenders

Resolution adopted on 3 September 1955

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having adopted the Standard Minimum Rules for the Treatment of Prisoners, and the Recommendations concerning Open Institutions and the Selection and Training of Personnel,

Expresses the hope that in order to facilitate the implementation of the above-mentioned Rules and Recommendations, the United Nations will provide technical assistance to those governments requesting it, either in the form of sending experts needed or by helping in the establishment of institutions for the training of personnel or by the organization of seminars or by the publication of guides or handbooks to facilitate the application of the Standard Minimum Rules and the training of personnel.

G. Role of the Congress and activity of the United Nations in the field of the prevention of crime and the treatment of offenders

Resolutions adopted on 3 September 1955

1

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Resolves

(1) That the delegates to the Congress are of the opinion that the Congress has been a significant success and that the results achieved hold great promise for contributing to the cause of human progress in the years ahead;

(2) That the officials of the United Nations Secretariat are commended for the courteous and highly effective work which they have so diligently performed in making the Congress a success;

(3) That in addition to the results achieved in the field of the prevention of crime and the treatment of offenders, the outstanding aspect of the Congress has been the general atmosphere of good will and co-operation which has prevailed among all of the delegates; that every proposal offered by a delegate and each comment made during the Congress by any delegate was offered without any purpose of promoting national interests but solely for the purpose of improving the lives of less fortunate human beings and in the cause of progress throughout the world;

(4) That a copy of this resolution be forwarded to the Secretary-General of the United Nations.

2

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Having finished its deliberations and adopted recommendations on standard minimum rules for the treatment of prisoners, selection and training of personnel for penal and correctional institutions, open penal and correctional institutions, prison labour and prevention of juvenile delinquency,

1. *Expresses its pleasure at the fact that the Secretary-General, in conformity with resolution 415 (V) of the General Assembly, has organized this Congress, thereby preserving the historical continuity of the Congresses held in the past by the International Penal and Penitentiary Commission;*

2. *Expresses the hope that the policy-making bodies of the United Nations will continue to devote their attention to the problem of the prevention of crime and treatment of offenders as an important part of the programme of work of the United Nations on social questions, an attention fully justified by the social aims of the Charter of the United Nations;*

3. *Expresses its thanks to the Swiss authorities and to the International Penal and Penitentiary Foundation for the support given to the Congress, as well as for the hospitality extended to all its participants; also thanks the Governments of France and of the United States of America for having generously printed a substantial number of documents submitted to the Congress.*

Annex II

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.

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Under-Secretary of State
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Director in Chief of the Prison Administration
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Mr. Torsten Eriksson
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Mr. John Ross, C.B.
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Scottish Home Department
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The Menninger Foundation
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Dr. Vladislav Klajn, Inspector
Ministry of the Interior
Belgrade

Dr. Anton Subotinić
Inspector, Ministry of the Interior of the People's Republic of
Croatia
Zagreb

Mr. Svetislav Todorović
Secretary, Ministry of Foreign Affairs
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B. Specialized agencies

INTERNATIONAL LABOUR ORGANISATION

Mr. W. Yalden-Thomson [*Representative*]
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Mr. J. Mowat [*Alternate*]
Chief of the Special Research and Reports Division, ILO, Geneva

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Special Research and Reports Division, ILO, Geneva

Mr. Peter J. Curtis [*Secretary*]
International Organisations Division, ILO, Geneva

UNITED NATIONS—EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

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WORLD HEALTH ORGANIZATION

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Regional Officer for Mental Health, WHO Regional Office for
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World Health Organization, Palais des Nations

C. Inter-governmental organizations

COUNCIL OF EUROPE

Mr. H. T. Adam
Secretariat, Council of Europe
Strasbourg, France

LEAGUE OF ARAB STATES

Mr. Mohamed Aly Namazy
Supervisor, Legal Department
League of Arab States, Cairo, Egypt

D. Non-governmental organizations invited to the Congress

1. Non-governmental organizations in consultative status with the Economic and Social Council

THE ANTI-SLAVERY SOCIETY (UNITED KINGDOM)

Commander T. S. L. Fox-Pitt
Assistant Secretary of the Anti-Slavery Society
London

CATHOLIC INTERNATIONAL UNION FOR SOCIAL SERVICE

M. P. Bibot
Juge au Tribunal de première instance
Namur, Belgium

Mlle A. M. Hertoghe
Social Worker
Antwerp, Belgium

Mr. G. A. Vetch
Geneva, Switzerland

THE COMMISSION OF THE CHURCHES ON INTERNATIONAL AFFAIRS

Mr. Elfan Rees
Representative in Europe
Geneva, Switzerland

FRIENDS WORLD COMMITTEE FOR CONSULTATION

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Philadelphia, Pennsylvania, U.S.A.
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the Committee of Friends on Penology of the Philadelphia
Yearly Meeting of the Religious Society of Friends (Quakers)

HOWARD LEAGUE FOR PENAL REFORM (UNITED KINGDOM)

Mr. Frank Dawtry
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Parliament Mansions, London
Also representing the National Association of Probation
Officers (U.K.)

Miss Dorothy Shipman
c/o The Howard League for Penal Reform
Parliament Mansions, London

Mr. L. Perk Vlaanderen
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Parliament Mansions, London

INTERNATIONAL ABOLITIONIST FEDERATION

Mme Chaix-Constantin
Anières, Geneva, Switzerland

M. Th. de Félice
Secrétaire Général de la Fédération, Geneva, Switzerland

INTERNATIONAL ASSOCIATION OF JUVENILE COURT JUDGES

Mr. Maurice Veillard * [*Chairman of the Delegation of the Associa-
tion*]

Mr. Rodolfo Guillermo Pessagno *

Mr. Morris E. Barison
Judge, Hudson County Juvenile and Domestic Relations Court
Court House, Jersey City, New Jersey, U.S.A.

M. Maurice Frère
Juge des enfants de l'Arrondissement des Tongres
Cabinet du Juge des Enfants, Tongres, Belgium

* Also delegate of the Swiss Government.

* Also delegate of the Argentine Government

Mlle Bl. Richard
Juge des Enfants
Geneva, Switzerland

INTERNATIONAL ASSOCIATION OF PENAL LAW

M. Paul Cornil,^a President
M. Marc Ancel,^b Vice-President
M. Pierre Bouzat,^c General Secretary
M. Jacques-Bernard Herzog,^d Assistant General Secretary

INTERNATIONAL CATHOLIC CHILD BUREAU

M. l'Abbé Bissonnier
Secrétaire général de la Commission medico-sociale et psychopédagogique du Bureau
Paris
Monseigneur Carroll-Abbing
Secrétaire général de la Commission "Institutions pour enfants privés de milieu familial normal" du Bureau
Fondateur du village d'enfants de Civitavecchia
Directeur de l'Opera per il Ragazzo della Strada
Rome
M. M. Normand
Avocat à la Cour
Assistant du Secrétaire général du Bureau
Paris
M. Dellaert
Professeur à l'Université de Louvain
Directeur de la Clinique Psychiatrique pour Enfants d'Anvers
Antwerp, Belgium
Rev. Père Noël Mailloux
Doyen de la Faculté de Philosophie de l'Université de Montréal
Fondateur du Centre d'Orientation et de l'Ecole pour Educateurs spécialisés de Montréal
Montreal, Canada
Dr. Ringel
Médecin neuro-psychiatre
Médecin du Centre pour jeunes délinquants de Vienne
Vienna, Austria

INTERNATIONAL CATHOLIC PRESS UNION

R.P. Henri Conus
Annemasse, France

INTERNATIONAL COMMITTEE OF THE RED CROSS

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INTERNATIONAL COMMITTEE OF SCHOOLS OF SOCIAL WORK

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M. Benoit de Castro
Attached to the Secretariat of the International Conference
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- ^c Also delegate of the Belgian Government.
- ^d Also delegate of the Holy See.

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INTERNATIONAL COUNCIL OF WOMEN

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Vice-Présidente
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Mme Barbizet
Présidente de la Commission de la Protection de l'Enfance
Paris

INTERNATIONAL CRIMINAL POLICE COMMISSION

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INTERNATIONAL FEDERATION OF CHILDREN COMMUNITIES

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INTERNATIONAL FEDERATION OF UNIVERSITY WOMEN

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THE INTERNATIONAL LAW ASSOCIATION

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INTERNATIONAL SOCIETY FOR CRIMINOLOGY

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Mme J. M. Small
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INTERNATIONAL UNION OF FAMILY ORGANIZATIONS

Mme F. de Rham
Juge à la Chambre pénale des mineurs du Canton de Vaud
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INTERNATIONAL UNION OF SOCIALIST YOUTH

Mr. Menahem Bargil
Joint General Secretary
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PAX ROMANA-INTERNATIONAL MOVEMENT OF CATHOLIC STUDENTS and PAX ROMANA-INTERNATIONAL CATHOLIC MOVEMENT FOR INTELLECTUAL AND CULTURAL AFFAIRS

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Louvain; the Section "Aide aux Détenus" of the Fédération
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and the Association Catholique d'Hygiène Mentale

ST. JOAN'S INTERNATIONAL SOCIAL AND POLITICAL ALLIANCE

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WORLD UNION OF CATHOLIC WOMEN'S ORGANIZATIONS

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2. Other non-governmental organizations

AMERICAN CORRECTIONAL ASSOCIATION

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Mr. Edward R. Cass, ^a Secretary-General
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^a Also representing the Friends' World Committee for Consultation.

INTERNATIONAL ASSOCIATION OF WORKERS FOR
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INTERNATIONAL PENAL AND PENITENTIARY FOUNDATION

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Mr. Sanford Bates, ^a Vice-President
Mr. Roberto Pettinato, ^a Vice-President
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Mr. François Clerc, ^a Treasurer

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- ^a Also delegate of the Argentine Government.
- ^a Also delegate of the French Government.
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Representing Cairo University

FEDERAL REPUBLIC OF GERMANY

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Amtsgerichtsrat, Amtsgericht Mannheim

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Professor, Hamburg University

Mr. Gerd Hiets
Oberstaatsanwalt
Brunswick

Dr. Hopmann
Leiter der Abteilung Erziehungsberatung
Senator für Jugend und Sport
Berlin-Schöneberg (U.S. Zone)

Dr. Wolf Middendorff
Amtsgerichtsrat
Freiburg-Breisgau

Dr. Theodor Mommsen
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Dozent für Kriminologie und Kriminalistik
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Juge des Enfants du département de la Vendée

Mme Guyomarc'h
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Rouen, Seine Maritime
Representing the Department of Seine Maritime

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Toulouse, Haute-Garonne

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Le Général Toussaint
Président de l'Œuvre de la visite des détenus dans les prisons de la Société de Saint Vincent de Paul
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Annex III

LIST OF DOCUMENTS

NOTE

The Congress documents were in principle published in the three working languages of the Congress: French, English and Spanish.

The preparatory reports by countries on the recruitment, training and status of personnel for penal and correctional institutions (A/CONF.6/C.1/L.3 to L.32) and on open penal and correctional institutions (A/CONF.6/C.2/L.4 to L.27) were, however, published in full in only one of these three languages, followed by a summary in the other two languages.

In other instances in which a document was not published separately in each of the three working languages of the Congress, the list names the language or languages in which it appeared.

1. General documents

A/CONF.6/L.1	Rules of procedure of the Congress
A/CONF.6/E.1/Corr.1 (French only)	
A/CONF.6/L.2	Open penal and correctional institutions: recommendations adopted by Section II
A/CONF.6/L.3	Open penal and correctional institutions: Draft Resolution proposed by the General Rapporteur

A/CONF.6/L.4	Standard minimum rules for the treatment of prisoners: amendments included by Section I in the Secretariat Draft
A/CONF.6/L.5	Standard minimum rules for the treatment of prisoners: draft resolution proposed by the General Rapporteur
A/CONF.6/L.6	Selection and training of personnel for penal and correctional institutions: amendments included by Section I in the draft recommendations of the Secretariat
A/CONF.6/L.7	Selection and training of personnel for penal and correctional institutions: draft resolution proposed by the General Rapporteur
A/CONF.6/L.8	Prison labour: recommendations adopted by Section II
A/CONF.6/L.9	Prison labour: draft resolution submitted by the General Rapporteur
A/CONF.6/L.10	Technical assistance in the field of the prevention of crime and the treatment of offenders: joint draft resolution submitted by the delegations of Egypt, Indonesia, Iraq, Pakistan and Syria
A/CONF.6/L.11	Prevention of juvenile delinquency: recommendations adopted by Section III
A/CONF.6/L.12	Prevention of juvenile delinquency: draft resolution proposed by the General Rapporteur
A/CONF.6/L.12/Add.1	Prevention of juvenile delinquency: amendment to the draft resolution proposed by the General Rapporteur, submitted by the delegations of Belgium, Denmark, France, the Holy See, the Netherlands and Switzerland
A/CONF.6/L.13	United Nations activity in the field of the prevention of crime and the treatment of offenders: joint draft resolution proposed by the delegations of Argentina, Austria, Denmark, Ecuador, Egypt, Federal Republic of Germany, India, Indonesia, Iraq, Israel, Italy, Mexico, the Netherlands, Pakistan, the Philippines, Syria, the United States of America, and Venezuela
A/CONF.6/L.14	Prevention of juvenile delinquency: joint draft resolution submitted by the delegations of Belgium, Denmark, France, the Holy See, the Netherlands and Switzerland
A/CONF.6/L.15	Programme of studies in the field of juvenile delinquency: joint draft resolution submitted by the delegations of Argentina, Australia, Chile, Ecuador, India, Israel, Pakistan, the Philippines, Syria, the United States of America, and Venezuela
A/CONF.6/L.16	First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: draft resolution submitted by the delegation of the United States of America
A/CONF.6/L.17	Resolutions and recommendations adopted by the Congress
A/CONF.6/L.17/Corr.1 (English only)	
A/CONF.6/INF.1	First United Nations Congress on the Prevention of Crime and the Treatment of Offenders
A/CONF.6/INF.2	Information for participants
A/CONF.6/INF.3	List of participants (trilingual)
A/CONF.6/INF.4	List of documents (trilingual)
—	Handbook for participants
—	Journal of the Congress, Nos. 1 to 12

2. Documents of Section I

(a) *Standard minimum rules for the treatment of prisoners*

A/CONF.6/C.1/L.1	Standard minimum rules for the treatment of prisoners: report by the Secretariat
Working Paper No. 1	Standard minimum rules for the treatment of prisoners: amendments submitted by the Drafting Committee

(b) *Selection and training and status of personnel for penal and correctional institutions*

A/CONF.6/C.1/L.2	The recruitment, training and status of personnel for adult penal and correctional institutions: report by the Secretariat
A/CONF.6/C.1/L.3	Le recrutement, la formation et le statut du personnel pénitentiaire en France, by J. Voulet
A/CONF.6/C.1/L.4	Le recrutement, la formation et le statut du personnel pénitentiaire en Belgique, by J. Dupréel
A/CONF.6/C.1/L.5	Selection and training of prison staff in the United Kingdom, by Sir Lionel Fox
A/CONF.6/C.1/L.6	Selection and training of prison staff in Trust and Non-Self-Governing Territories for the international relations of which the Government of the United Kingdom is responsible, by Sir Lionel Fox
A/CONF.6/C.1/L.7	Selection and training of penal personnel in Victoria (Australia), by E. V. Shade
A/CONF.6/C.1/L.8	Selection and Training of Prison Personnel in New South Wales (Australia) by L. C. J. Nott
A/CONF.6/C.1/L.9	Le personnel pénitentiaire en Grèce, by Ch. D. Triantaphyllidis
A/CONF.6/C.1/L.10	Selection and Training of Prison Officers in New Zealand, by S. T. Barnett

A/CONF.6/C.1/L.11	Selection and Training of Personnel in the Canadian Federal Penitentiary Service, by R. B. Gibson
A/CONF.6/C.1/L.11/Corr.1	
A/CONF.6/C.1/L.12	The Training of the Personnel of Penal Institutions in the Netherlands, by E. A. M. Lamers
A/CONF.6/C.1/L.13	Selection and Training of Correctional Service Personnel in Japan, by B. Nakao
A/CONF.6/C.1/L.14	The Staff Training Programme of the Department of Reform Institutions in Ontario (Canada), by H. Basher
A/CONF.6/C.1/L.15	Selection and Training of Personnel for Adult Penal and Correctional Institutions in Egypt, by Yassin el Refaie
A/CONF.6/C.1/L.16	The Selection, Training and Status of Correctional Personnel in Uttar Pradesh (India), by R. S. Rastogi
A/CONF.6/C.1/L.17	Selection and Training of Personnel for Penal and Correctional Institutions in the United States Federal Prisons System, by Homer T. Rosenberger
A/CONF.6/C.1/L.18	Selection and Training of Personnel for Adult Correctional Institutions in the State of California (U.S.A.), by Richard A. McGee
A/CONF.6/C.1/L.19	Selection and Training of Personnel for Penal and Correctional Institutions in the Philippines, by A. M. Bunye
A/CONF.6/C.1/L.20	Recruitment, Training and Status of Correctional Personnel in Israel, by Z. Hermon
A/CONF.6/C.1/L.21	Selección y Formación del Personal Penitenciario en Brazil, by V. Caneppe
A/CONF.6/C.1/L.22	Selección y Formación del Personal Penitenciario en Bolivia, by H. Cajias K.
A/CONF.6/C.1/L.23	Selección y Formación del Personal Penitenciario en Costa Rica, by H. Beeche Luján
A/CONF.6/C.1/L.24	Selección y Formación del Personal Penitenciario en Cuba, by E. Tabio y de Castro Palomino
A/CONF.6/C.1/L.25	Selección y Formación del Personal Penitenciario en Argentina, by R. Pettinato
A/CONF.6/C.1/L.26	Selección y Formación del Personal Penitenciario en Colombia, by J. E. Gutiérrez Anzola
A/CONF.6/C.1/L.27	Selección y Formación del Personal Penitenciario en Uruguay, by J. B. Carballa
A/CONF.6/C.1/L.28	The Selection and Training of Correctional Personnel in Burma, by Ba Thein
A/CONF.6/C.1/L.29	Selection and Training of Correctional Staff in the State of New York (U.S.A.), by L. F. Horan
A/CONF.6/C.1/L.30	The Selection and Training of Personnel for Adult Penal and Correctional Institutions in Sweden, by H. Göransson
A/CONF.6/C.1/L.31	Le Recrutement et la Formation du Personnel Pénitentiaire en Italie, by S. Borghese
A/CONF.6/C.1/L.32	Le traitement des délinquants dans les Territoires de la France d'Outre-Mer: Rapport sur les questions à l'ordre du jour présenté par le Ministère de la France d'Outre-Mer
A/CONF.6/C.2/L.27	Selection and Training of Personnel for Penal and Correctional Institutions: amendments to the draft recommendations by the Secretariat: amended draft prepared by the Rapporteur
Working Paper No. 2	

3. Documents of Section II

(a) *Open penal and correctional institutions*

A/CONF.6/C.2/L.1	Open Institutions: Report by the Secretariat
A/CONF.6/C.2/L.2	The Place of the Open Institution in the Penal System and in the Community, by Sir Lionel Fox
A/CONF.6/C.2/L.3	Selection of Offenders suitable for treatment in Open Institutions, by J. A. Mendez
A/CONF.6/C.2/L.4	L'établissement ouvert de Casabianda (France), by A. Perdriau
A/CONF.6/C.2/L.5	Les établissements du type ouvert en Belgique, by J. Dupréel
A/CONF.6/C.2/L.6	Open Prisons in the United Kingdom, by Sir Lionel Fox
A/CONF.6/C.2/L.7	Open Prisons in Trust and Non-Self-Governing Territories for the international relations of which the Government of the United Kingdom is responsible, by Sir Lionel Fox
A/CONF.6/C.2/L.8	An Open Institution in Victoria (Australia), by A. R. Whatmore
A/CONF.6/C.2/L.9	Open Institutions in New South Wales (Australia), by L. C. J. Nott
A/CONF.6/C.2/L.10	Les établissements ouverts en Turquie, by R. D. Tesal
A/CONF.6/C.2/L.11	The "Maasiahu" Prisoners Camp in Israel, by Z. Hermon
A/CONF.6/C.2/L.12	The Development of the Open Institutions in the Federal Prison System of the United States of America, by J. V. Bennett
A/CONF.6/C.2/L.13	Open Institutions in Finland, by V. Soine and I. Aarnio
A/CONF.6/C.2/L.14	Open Institutions in Japan, by B. Nakao
A/CONF.6/C.2/L.15	Open Institutions in New Zealand, by S. T. Barnett
A/CONF.6/C.2/L.16	Two Open Institutions in Denmark, by H. Tetens

A/CONF.6/C.2/L.17	Les établissements ouverts en Suisse, by F. Clerc
A/CONF.6/C.2/L.18	Les établissements ouverts en Grèce, by Ch. D. Triantaphyllidis
A/CONF.6/C.2/L.19	Developments towards Open Institutions in the Union of South Africa, by H. P. Junod
A/CONF.6/C.2/L.20	The Sampurnanand Camp in Uttar Pradesh (India), by A. S. Raj
A/CONF.6/C.2/L.21	The Reformatory Farms at Burewala, Punjab (Pakistan), by Hamid-uz Zafar
A/CONF.6/C.2/L.22	El Sistema de Semilibertad en las Colonias Penales en Argentina, by R. Pettinato
A/CONF.6/C.2/L.23	Les établissements ouverts au Brésil, by V. Canepa
A/CONF.6/C.2/L.24	Open Institutions in the Philippines, by A. M. Bunye
A/CONF.6/C.2/L.25	Open Institutions in the State of New Jersey (U.S.A.), by S. Bates
A/CONF.6/C.2/L.26	Les établissements ouverts en Italie, by A. Garofalo
A/CONF.6/C.2/L.27	See A/CONF.6/C.1/L.32

(b) *Prison labour*

ST/SOA/SD/5	Prison Labour (Published by the Department of Economic and Social Affairs of the Secretariat)
A/CONF.6/C.2/L.28	Note on Various Aspects of Prison Labour: memorandum prepared by the Secretariat
A/CONF.6/C.2/L.29	Report on Prison Labour prepared in 1954 by the United Nations European Regional Consultative Group on the Prevention of Crime and the Treatment of Offenders (French and English only)
Working Paper No.1	Prison Labour: draft recommendations on prison labour, prepared by the Drafting Committee

4. Documents of Section III

ST/SOA/Ser.M/7-8	The Prevention of Juvenile Delinquency: report by the Secretariat (No 7-8 of the <i>International Review of Criminal Policy</i>)
ST/SOA/SD/6	The Prevention of Juvenile Delinquency in Selected European Countries (Published by the Department of Economic and Social Affairs of the Secretariat)
A/CONF.6/C.3/L.1	The Educational Aspects of Juvenile Delinquency: report submitted by the Secretariat of the United Nations Educational, Scientific and Cultural Organization (English only)
A/CONF.6/C.3/L.2	Problèmes de désorganisation sociale liés à l'industrialisation et à l'urbanisation dans les pays en cours de développement économique rapide: report presented by the United Nations Educational, Scientific and Cultural Organization (French only) ^a
A/CONF.6/C.3/L.3	General Principles with regard to the Prevention of Juvenile Delinquency: note by the Secretariat
(WHO) MH/D.11.55	The Detection of the "pre-delinquent" juvenile: Comments on the Methodology of Research: report presented by the World Health Organization (French and English) ^a
(ILO) D.10 E.1955	Juvenile Delinquency viewed as a Labour Problem: report presented by the International Labour Organisation (French and English) ^a
Working Paper No.1	Amendment to items (1), (2) and (3) of "General Principles with regard to the prevention of juvenile delinquency" (A/CONF.6/C.3/L.3): proposal by Drafting Committee
Working Paper No. 2	Draft recommendations on the Prevention of Juvenile Delinquency, prepared by the Drafting Committee

- ^a To appear in English in the *International Review of Criminal Policy*, No. 9 (United Nations publication, ST/SOA/Ser.M/9).
- ^b To appear in Spanish in the above publication.
- ^c To appear in English in the above publication.
- ^d To appear in French in the above publication.

5. Statements submitted by non-governmental organizations

The non-governmental organizations in consultative status with the Economic and Social Council which were invited to take part in the Congress were also invited to submit written statements on various items of the agenda. These papers were published by the organizations concerned and not as United Nations documents. They were distributed in the languages and in the quantities made available to the Secretariat.

1. Deux moyens de prévention de la "criminalité" juvénile: la lutte contre les influences démoralisantes, l'éducation des parents: statement presented by the International Association of Juvenile Court Judges (in French).
2. Procédure judiciaire et action sociale en matière de délinquance juvénile: statement presented by the International Association of Juvenile Court Judges (in French).
3. Social aspects of the Prevention of Juvenile Delinquency: statement presented by the International Catholic Child Bureau (in French, English and Spanish).
4. The Training of Specialized Educators for Maladjusted Children: statement presented by the International Catholic Child Bureau (in French, English and Spanish).
5. Mental Health and the Prevention of Juvenile Delinquency:

statement presented by the International Catholic Child Bureau (in French, English and Spanish).

6. Juvenile Delinquency Statistics: statement presented by the International Criminal Police Commission (in French and English).
7. The Prevention of Juvenile Delinquency: statement presented by the World Federation for Mental Health (in French English and Spanish).
8. The Training and Recruitment of Social Workers for Work amongst the Delinquent and for the Service of Child Protection: statement presented by the Catholic International Union for Social Service (in French and English).
9. The Prevention of Juvenile Delinquency and Women's Organizations: statement presented by the Catholic International Union for Social Service (in French and English).
10. The Problem of Juvenile Delinquency: statement presented

by the Catholic International Union for Social Service (in French and English).

11. The Prevention of Juvenile Delinquency: statement presented by the International Union for Child Welfare (in French and English).
12. Responsibility of the Family and Society for Juvenile Delinquency: paper presented by the International Union of Family Organizations (in French and English).

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The International Penal and Penitentiary Foundation kindly offered all participants in the Congress its recent publication *Modern Methods of Penal Treatment (Les méthodes modernes de traitement pénitentiaire)* in French and English, published in Paris, in 1955.