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REPORT OF THE AD HOC ADVISORY COMMITTEE OF EXPERTS ON THE  
 PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

25 July - 3 August 1960

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## I. INTRODUCTION

1. By resolution 415 (V) of 1 December 1950, the General Assembly provided for a small international ad hoc Advisory Committee of Experts

"to advise the Secretary-General and the Social Commission in devising and formulating programmes for study on an international basis and policies for international action in the field of crime and the treatment of offenders".

The Committee was convened in accordance with this provision in 1953, 1955 and 1958.<sup>1/</sup>

2. The ad hoc Advisory Committee of Experts which met in New York from 5 to 15 May 1958 recommended, inter alia, that an ad hoc Advisory Committee of Experts be convened immediately before each Congress.<sup>2/</sup>

3. At its twelfth session held in May 1959, the Social Commission adopted a programme of work in the field of social defence which included the convening of the ad hoc Advisory Committee of Experts in the summer of 1960 immediately preceding the Congress and the following three items:<sup>3/</sup>

(A) A study of methods used for the prevention of juvenile delinquency, particularly with regard to the provision of social, health and guidance services and their relation to diagnostic services, to be undertaken to the extent that staff resources are available;

(B) A study to be made of programmes for the prevention of crime by young adult offenders, including the questions of special legislation and the development of suitable forms of treatment;

(C) The regime for (a) adults and (b) juveniles detained prior to sentence or commitment.

4. This programme of work was subsequently adopted by the Economic and Social Council<sup>4/</sup> at its twenty-eighth session by resolution 731 A (XXVIII). Pursuant to the adoption of the work programme, and in accordance with General Assembly resolution 415 (V), the Secretary-General included these matters in the provisional

<sup>1/</sup> See documents E/CN.5/298, E/CN.5/319 and E/CN.5/329.

<sup>2/</sup> See document E/CN.5/329.

<sup>3/</sup> Social Commission: Report of the Twelfth Session, document E/3265/Rev.1.

<sup>4/</sup> Official Records of the Economic and Social Council, Twenty-eighth Session, Resolutions, Supplement No. 1, document E/3290.

agenda of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the treatment of Offenders in 1960.

5. The session of the ad hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders opened at 10, Carlton House Terrace, London S.W.1, United Kingdom, on 25 July 1960 and closed on 3 August 1960.

6. The meeting of the ad hoc Advisory Committee of Experts was organized by the United Nations with the co-operation of the Government of the United Kingdom, which was acting as host to the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

7. The Committee was composed of the following members:<sup>5/</sup>

Professor François Clerc

Professor of Penal Law at the Universities of Neuchatel and Fribourg; correspondent with the United Nations in the field of the Prevention of Crime and the Treatment of Offenders (SWITZERLAND)

Mr. Juan Carlos García Basalo

National Inspector-General of Penal Institutions; correspondent with United Nations Secretariat in the field of the Prevention of Crime and the Treatment of Offenders (ARGENTINA)

Mr. F. Graham-Harrison

Assistant Under-Secretary of State, Criminal Department, Home Office (UNITED KINGDOM)

Mr. V.N. Pillai

Commissioner of Prisons, Colombo; correspondent with the United Nations Secretariat in the field of the Prevention of Crime and the Treatment of Offenders (CEYLON)

Mr. Nikola Srzentic

Under-Secretary of State for Judiciary Affairs, Federal Executive Council, Belgrade; correspondent with the United Nations Secretariat in the field of the Prevention of Crime and the Treatment of Offenders. (YUGOSLAVIA)

Professor Paul Tappan

Professor of Sociology and Law,  
New York University  
(UNITED STATES OF AMERICA)

Ato Yohannes Wolde Gerima

Director of Health and Social  
Welfare, Municipality of  
Addis Ababa  
(ETHIOPIA)

8. The following members of the United Nations Secretariat attended the session:

Mr. Manuel López-Rey

Representative of the Secretary-  
General and Chief of the Social  
Defence Section

Mr. D.I. Nicolle

Secretary of the Committee

9. The United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the International Labour Office were invited by the Secretary-General to participate in the work of the Committee. Their representatives were Mr. Pierre Francois, Chief of the Youth Section (UNESCO); Drs. T.C.N. Gibbens and Donald Buckle (WHO) and Sir Guildhaume Myrddin-Evans and Mr. E.S. Krause (ILO).

10. At the invitation of the Secretary-General, the International Penal and Penitentiary Foundation was represented by Mr. Charles Germain, Secretary of the Foundation.

11. The session was opened by Mr. López-Rey, Representative of the Secretary-General.

12. The Committee unanimously elected Mr. Nikola Srzentic as Chairman; Professor Paul Tappan as Vice-Chairman; Mr. V.N. Pillai as Rapporteur.

13. The Representative of the Secretary-General announced that Sir Lionel Fox, Chairman of the British Organizing Committee for the Second Congress had unfortunately been taken ill and would not be able to attend either the meeting of the ad hoc Advisory Committee of Experts, to which he had been appointed a member, or the Congress itself. The Committee then decided that, in view of the keen interest shown by Sir Lionel in the Congress, it would like to convey through the Chairman a message of sympathy to him in his illness and expressing hopes for his speedy recovery.

14. The provisional agenda of the Committee (E/CN.5/AC.10/R.1) was adopted without dissent.<sup>6/</sup>

15. It was decided that since the organization of the Congress was a joint undertaking by the United Nations and the Government of the United Kingdom, two members of the British Organizing Committee, Mr. A.R. Judge and Mr. R.J.H. West, should be invited to attend the meetings of the Committee dealing with these matters.

16. A total of sixteen meetings were held at which the documentation concerning the various items on the agenda was considered.<sup>7/</sup>

## II. ORGANIZATION OF THE SECOND UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

### (A) Statement by the Secretariat on the preparation of the Congress and final programme of the Congress

17. The Representative of the Secretary-General gave a brief review of the background of the Congress, which historically was a continuation of the Congresses organized by the International Penal and Penitentiary Commission. In accordance with General Assembly resolution 415 (V), the recommendations of the 1955 Congress had been submitted to the Social Commission at its tenth session in May 1957, which had endorsed them. The Economic and Social Council had adopted these recommendations at its twenty-fourth session in July 1957 and had transmitted them to the various Governments, inviting them to be guided by these recommendations in the formulation of their policies. On the whole, it might be considered that the Congress of 1955 had produced satisfactory results. The Standard Minimum Rules for the Treatment of Prisoners had been translated into more than twenty-five languages and had been incorporated in varying degrees into the legislation of a number of countries. Regarding the recommendations of the Congress on the subject of juvenile delinquency, the follow-up of these recommendations seemed to be less satisfactory.

<sup>6/</sup> See Annex B.

<sup>7/</sup> See Annex C.

18. The Second Congress of 1960 had been organized taking into account as much as possible the recommendations of the ad hoc Committee of Experts which had met in May 1958. An important difference between the First and Second Congresses was that the latter had been organized in co-operation with the United Kingdom, and this difference had been reflected in the draft of the rules of procedure which formed part of the agenda of this meeting. It was also important to bear in mind that the scientific character of the Congress was being maintained. On the other hand, it was recalled that the conclusions were intended to provide guidance to Governments rather than the formulation of academic principles. The agenda of the Congress had been specifically adopted by the ad hoc Committee of 1958, and the Secretariat had maintained frequent and regular contact with the British Organizing Committee under the chairmanship of Sir Lionel Fox. Invitations to the Congress had been sent out at the beginning of January 1960 and it was estimated that there would be about 900 participants, including official delegations from about fifty Governments and from the specialized agencies of the United Nations, inter-governmental and non-governmental organizations, attending the Congress. The Government of the United Kingdom had made arrangements for the efficient functioning of the Congress.
19. The Secretariat of the United Nations would provide the necessary substantive officers as well as interpreters, *précis*-writers and translators. The British Government would provide all the necessary clerical staff, and be responsible for the internal organization of the Congress, including the reproduction and distribution of documents.
20. The Representative of the Secretary-General drew the attention of the Committee to the list of basic documents on each of the subjects of the Congress. The English version had been circulated to all participants in the Congress and every effort had been made to have the French and Spanish versions available in time for the opening of the Congress. In compliance with the recommendations of the Committee of Experts of 1958, no individual documents or contributions as separate documents had been accepted. Various organizations and individuals had sent copies of certain documents. Unless otherwise decided, these documents would be distributed for information purposes only and not as Congress documents. A daily journal would be published during the Congress in the working languages.

There would be no Russian text of the documents, but provision was being made for simultaneous interpretation into and from Russian during the Congress.

21. As in the First Congress, there would be no summary records of the meetings, but minutes would be prepared in English in order to facilitate, inter alia, the drafting of the final report. The minutes would be circulated to members of the Steering Committee only.

22. According to the Rules of Procedure of the Congress each of the three Sections of the Congress would be divided into two parts, each of which would discuss one item on the agenda. The Chairmen, Vice-Chairmen and Rapporteurs would be designated by the Secretary-General, while the President, Vice-Presidents, Honorary President and Honorary Vice-Presidents of the Congress would be elected by the Congress. The Executive Secretary and his deputy would be appointed by the Government of the United Kingdom.

23. Despite every effort on the part of the host Government, it had proved impossible to house the Congress in one single building. The plenary meetings and meetings of the Sections would be held at Church House, where simultaneous interpretation facilities were available. The exhibition would be at 10 Carlton House Terrace, which would also provide offices, a delegates' lounge and more conference rooms, though without simultaneous interpretation facilities.

24. The Secretariat had followed the same procedure as in 1955 in preparing the list of lectures, taking into consideration not only the professional qualifications of the speakers but also the principle of geographical distribution. Arrangements had been made for suitable films to be shown after the lectures.

25. The Secretary of the British Organizing Committee gave information regarding the registration of the participants, the visits to institutions and the various facilities that would be available to those attending the Congress. He indicated that a handbook giving all possible information would be available for distribution at the opening of the Congress.

26. There was a general discussion on the statement of the Representative of the Secretary-General and the information given by the Executive Secretary of the British Organizing Committee. The Committee expressed its appreciation of the excellent preparatory work done by the Secretariat of the United Nations as well as by the British Organizing Committee.



27. It was suggested by some of the members of the Committee that the minutes of the Congress should be published in as comprehensive a form as was practicable in the working languages. The Representative of the Secretary-General indicated that the United Nations would be responsible for the publication of the report of the Congress in the working languages. The publication of the minutes would depend on the effective co-operation received from Governments or institutions and, in any event, the International Review of Criminal Policy could not be used for the publication of the minutes. He added that the Secretariat would take the necessary exploratory steps vis à vis certain national prison administrations and organizations to comply, as far as possible, with the wishes of the Committee.

(B) Functions of the governing body of the Congress

28. The Representative of the Secretary-General drew the attention of the Committee to the important functions of the Steering Committee which would govern the Congress. The Steering Committee would advise the President and the Chairmen of the Sections on the conduct of business and would decide on the form and content of the findings of the Congress. After a discussion, the Committee endorsed the views expressed on this matter by the Secretariat.

(C) Rules of Procedure for the Second Congress

29. The Committee devoted several sessions to the detailed consideration of the draft Rules of Procedure. They were discussed Rule by Rule and, on the basis of the recommendations made by the Committee, the Secretariat prepared the final text, which appears in Annex D.

(D) Proposals on the order and method of discussion of the agenda of the Congress

30. After a general discussion in the course of which members of the Committee expressed varying points of view and requested proposals from the Representative of the Secretary-General, the Committee adopted the following conclusions:

- (a) Though the Rules of Procedure would cover the method and manner of the discussions, the study and effective coverage of the business of each meeting would depend on the way in which these rules were interpreted and implemented.

(b) The President of the Congress and the Chairmen of different Sections should bear in mind that the items of the agenda should be considered rather from a social and practical angle than on a purely academic and theoretical basis, and that it was important to produce specific recommendations or findings on which Governments and organizations could take action.

(c) The specific working method that should be followed in each Section should be for the Rapporteur or the person who had prepared the basic document on each subject to make a brief introductory statement on the contents of the report. This would be followed by discussions on the subject. The Chairmen assisted by the Rapporteurs would then draw up a list of the most important points that had emerged and submit them for discussion. Finally, the results would be embodied in the form of recommendations or findings which would be placed before the Sections for their approval or otherwise. The texts adopted by the Sections should be submitted by the Rapporteur-General, assisted by the respective Rapporteurs, to the corresponding plenaries of the Congress.

(d) A brief note on the methods to be followed by the President, Chairman and Rapporteurs should be prepared by the Secretariat for the information of all officers of the Congress.

III. PROPOSALS BY THE MEMBERS OF THE AD HOC COMMITTEE  
CONCERNING THE IMPLEMENTATION OF THE FOLLOWING  
PROJECTS OF THE SOCIAL DEFENCE PROGRAMME OF  
WORK

(A) A study of methods used for the prevention of juvenile delinquency, particularly with regard to the provision of social, health and guidance services, and their relation to diagnostic services

31. On the invitation of the Chairman, the Representative of the Secretary-General summarized as follows the main points and the trends of thought contained in the various reports of the members (documents E/CN.5/AC.10/R.2 to E/CN.5/AC.10/R.8 inclusive):

(a) The growing importance of the problem of juvenile delinquency and the necessity of giving this problem the highest priority.

- (b) The difficulty of treating juvenile delinquency as an isolated problem in view of its close connexion with educational, social and economic problems.
- (c) The importance attached to the collection and study of statistical data.
- (d) The need for studies to be made on a regional basis.
- (e) The necessity for a proper appraisal of the existing programmes, policies and services in this field in different countries.
- (f) The need to draw a distinction between prevention and treatment, the former being by far of greater importance.
- (g) The advisability of examining some of the current definitions in order to ascertain the extent of the differences between real offenders and potential delinquents.
- (h) The importance of the use of the juvenile offender himself in programmes relating to prevention.
- (i) The idea of solving the problem through the concerted efforts of the community as a whole.

32. A detailed discussion by the members of the Committee ensued on the foregoing points, with special attention being paid to the fact that the subject under consideration was a study of methods for the purposes of undertaking the study, and not a study of the problem of juvenile delinquency as such. After the Representative of the Secretary-General had been invited to summarize the points of view that emerged from the discussion, and to present them in the form of concrete conclusions, the following points were enumerated:

- (a) The proposed study should primarily concern itself with the prevention of juvenile delinquency and not of repeated delinquency. Prevention and treatment were undoubtedly closely related, but it was of the greatest importance to prevent young persons from becoming offenders in the first instance.
- (b) The study should include policies designed for the benefit of youth generally, as well as programmes specifically directed to delinquents, but should not, except where special circumstances make it desirable, embrace broad programmes of social welfare and of general improvement of living conditions.

(c) The proposed study should be on a regional basis and should include pilot projects in regions with a view to making comparative assessments and drawing conclusions of a practical and scientific value.

(d) The studies should include (i) the collection of relevant information on legislation, programmes, policies, services and methods used in the prevention of juvenile delinquency, (ii) the assessment or appraisal of the extent to which they were applied and implemented, and (iii) the evaluation of the results obtained.

(e) The studies should analyse all available statistical data with a view to ascertaining wherever practicable the fluctuations and incidence of juvenile delinquency.

(f) The conclusions and findings on these studies should comprise evaluation of the available data and suggestions on the different aspects of the problem.

(g) With regard to the general modus operandi for the implementation of the project, it was suggested that the resources of the United Nations, the specialized agencies and the inter-governmental and non-governmental organizations should be co-ordinated.

33. The Committee was unanimously of the view that the foregoing summary should be adopted as the basic outline for the project, and that these proposals and the corresponding minutes of the discussions of the Committee should be placed at the disposal of those who would eventually decide upon the final form of the study and the method of carrying it out.

(B) A study to be made of programmes for the prevention of crime by young adult offenders, including the questions of special legislation and the development of suitable forms of treatment

34. At the request of the Chairman, the Representative of the Secretary-General summarized the various points raised by the members of the ad hoc Committee in their reports. Special reference was made to the fact that certain members had raised a question concerning the existence of young adult offenders as a separate category or as a criminological entity. At the same time, it appeared that for certain members, as far as treatment was concerned, individualization was more important than the fixing of definite age limits. There also appeared to be a

feeling that the information obtained should cover not only legislation but also programmes and services relating to prevention and treatment, that the studies should be of an analytical character, that they should be on a regional basis, and that they should include suggestions or proposals for the improvement of existing methods in prevention and treatment.

35. At the request of the Committee, the Representative of the Secretary-General made a synthesis of the opinions expressed. After some discussion, the following recommendations were adopted:

- (a) The studies to be carried out in connexion with items 4 (A) and 4 (B) on the agenda of the Committee should not be combined.
- (b) With regard to the existence or otherwise of a separate category of young adult offenders, it was felt that the problem might be in some regions met more effectively by an individualization of preventive and treatment measures than by a division into categories on the basis of age limits.
- (c) The study should be divided into two related parts, the first to be primarily concerned with prevention, and the second with treatment.
- (d) As the studies were to be on a regional basis, and since some countries might not recognize a separate category of young adult offender, the selection of countries should be made on a geographical basis from among those countries which recognized such a category. For purposes of comparison it might be advisable to include in the study a country in which young adult offenders were not recognized as a separate category by existing legislation or practice.
- (e) The information to be obtained in connexion with the study should cover not only laws but also administrative regulations, and whether there was any gap between the laws as they existed and their effective implementation.
- (f) There should be an analytical appraisal of the results obtained and the conclusions or findings might not only refer to the results of the study but also make specific reference to the advisability or otherwise of recognizing a separate category of young adult offenders.
- (g) The foregoing considerations should apply to both parts of the study.
- (h) Regarding the modus operandi of implementing the project, the possibilities of co-ordination and co-operation with inter-governmental and non-governmental agencies and other organizations should be sought.

(C) The regime for (a) adults and (b) juveniles detained prior to sentence or commitment

36. At the request of the Chairman, the Representative of the Secretary-General summarized the various points outlined in the reports of the members of the Committee. In the discussion that followed, some of the members raised the question of defining the respective spheres of the Human Rights Commission and the Social Defence Section in relation to the position of persons detained in custody pending trial or conviction. The Committee appeared to take the view that in general, whereas the subject of the study would in its broader aspects be somewhat related, the present project might bear special reference to those aspects that have a direct bearing on the regime relating to adults and juveniles prior to sentence or commitment.

37. At the request of the Committee, the Representative of the Secretary-General submitted a series of concrete proposals. After some general discussion, the following points were adopted as constituting the basic outline of the study under consideration:

A. Information should be gathered concerning:

- (i) Provisions for and practices of detention prior to sentence or commitment in different regions, including developed and under-developed countries, as well as countries with different detention or commitment systems.
- (ii) Statistical data on the number of persons detained, including data on the average length and character of the detention, and the institutions in which it takes place.
- (iii) Existing or possible substitutes for detention prior to sentence such as might exist in some countries.
- (iv) The extent and the powers of courts, police, and similar authorities to commit persons to detention before and during trial or commitment; the extent to which such powers are used or abused in actual practice.
- (v) Medico-psychological data on the effects of detention prior to trial or commitment on persons so detained; information as to whether detainees are subject to any form of observation and

classification; whether the fact of detention and/or the period of detention might directly or indirectly contribute to the causation of crime and delinquency; the extent to which medico-psychological services are being used for the examination of those awaiting trial or conviction in order to ascertain the possibility of using such information in applying methods of treatment.

- B. The study should concern itself with the whole question of custody and the advisability of restricting the powers of the courts or police and of establishing some form of judicial control and a legal limit to the duration and place of custody.
- C. The study should include the sphere of social assistance to detainees and their families during the period of detention, more especially when the detention was excessive, as well as the question of compensation by the State to those held in custody unjustly.
- D. The study should direct its attention to the extent to which, both in law and actual practice, the period of detention was taken into account in determining the offender's term of confinement in a correctional institution.
- E. Reference should also be made in the study to the extent to which detainees are entitled or authorized to work, and the facilities to be provided to this end. It must be emphasized, however, that the idea of work during detention is considered in this context not as a punishment, but in order to occupy them gainfully during this period.
- F. With respect to juveniles, the following questions should, inter alia, receive special consideration: facilities for work and vocational training as well as education during the period of detention, and the kind of institutions to which juveniles are sent.
- G. The study should conclude with an analysis of the findings and conclusions, and recommendations should be made as to the improvements and reformative measures to be introduced in the regime of detention in respect of juveniles and adults. Due consideration should be given to the two following postulates:

- (i) the exceptional character which should be given to the institution of detention prior to sentence or commitment, and
- (ii) the period of detention should not be considered as one during which rehabilitation should be undertaken, as long as the detainee is not convicted or sentenced.

38. The Committee adopted the proposals contained in the basic outline given above

39. The Committee considered the question of the priorities that should be given to the various sub-items of item 4 of the Agenda. Various points of view were expressed as to the necessity or desirability of allocating priorities. Some members took the view that, for practical purposes, priorities should be assigned, while others were of the opinion that all items were of equal importance and hence no priorities should be assigned. After a detailed consideration of the various points of view, the Committee was of the opinion that the present low priority previously accorded to these projects by the Social Commission did not correspond to their importance. Therefore, the Committee recommended that the three projects should be undertaken simultaneously and as soon as possible, and that the Secretariat should take the necessary steps to secure the co-operation of the specialized agencies and other organizations in carrying out this task.

#### IV. MISCELLANEOUS

40. Under this item, the Committee discussed the following subjects:

(a) Criminal statistics

In reply to a question raised by the Committee, the Representative of the Secretary-General pointed out that the study on the question of criminal statistics which had already been completed and translated into French and Spanish had not yet been distributed and sent to Governments. The Committee expressed the wish that, in view of the vital importance of criminal statistics in the study of the prevention of crime and the treatment of offenders, and the statement made by the Secretariat before the Social Commission in 1959, the study should be sent to national correspondents and Governments, and the Secretariat should do this as soon as possible.



(b) Organization of regional institutes

The Committee raised the issue of the delay in the establishment of the regional institutes for Latin America and for Asia and the Far East. The Representative of the Secretary-General explained the present position regarding these institutes, and pointed out that the Secretariat had done, and was doing, everything possible to expedite their early functioning. With regard to the institute at Sao Paulo, the Committee expressed its wish that the United Nations should explore all avenues to start the functioning of the Latin American Institute of Criminology, for which the Agreement between the Government of Brazil and the United Nations had already been signed. If, for reasons beyond the control of the Secretariat, the functioning of the Latin American Institute in Brazil could not be begun, the Secretariat should explore the possibility of getting another country to act as host to the Institute. With respect to the organization of the Asian and Far East Institute the Committee wanted to record its satisfaction at the negotiations already undertaken.

(c) Capital punishment

Several members of the Committee and the representative of the International Penal and Penitentiary Foundation raised the question of capital punishment in connexion with resolution 1396 (XIV) of the General Assembly and Economic and Social Council resolution E/RES/747 (XXIX) regarding the initiation of a study of the question of capital punishment. The Representative of the Secretary-General explained the origins and background of the question of capital punishment as it was taken up by the United Nations. He explained that this item had not been included in the agenda of the present meeting of the ad hoc Committee in view of the fact that the Secretary-General had been requested to submit a review of the various aspects of the question to the Council at its thirty-third session, and that since the Economic and Social Council resolution had been adopted only in April 1960, it was not practicable to include the question in the agenda. He also referred to the human rights issues involved in the proposed study. The Committee expressed its satisfaction at the explanation of the Representative of the Secretary-General and expressed the hope that, as far as possible, the study would be kept within the province of the Bureau of Social Affairs.

(d) Technical assistance

The Committee stressed the view that special attention should be given to the question of intensifying assistance to less developed countries which lacked economic and other resources for the carrying out of programmes of social defence. The Committee also stressed that this desirable development should not be at the expense of the important study projects to be conducted by the Social Defence Section.

(e) Future programme of work of the Social Defence Section

In view of the importance of the study projects examined, the Committee refrained from recommending new projects of study to be incorporated in the future programme of work of the Social Defence Section. The Committee was of the opinion that instead of recommending new projects, it would be far better to undertake, as soon as possible, the projects recommended.

(f) Activities of the Social Defence Section

After a general discussion of the responsibilities of the United Nations in the field of the prevention of crime and the treatment of offenders, especially those resulting from the assumption of United Nations leadership in the field and the transfer of functions of the former International Penal and Penitentiary Commission, the Committee expressed its concern about the reorganization of the Social Defence Section and whether this reorganization corresponded to the responsibilities entrusted to the United Nations. In expressing this view, the Committee in no way passed any judgement on the internal aspects of the reorganization, but wished only to express its view on the relation between the reorganization as it had been described by the United Nations Secretariat in the letter of 28 June 1960 sent to national correspondents, and the responsibilities of the United Nations in the field of the prevention of crime and the treatment of offenders. The Representative of the Secretary-General stated that the new organization was a matter exclusively within the competence of the Secretary-General, and in accordance with Economic and Social Council resolution 731 F (XXVIII). He assured the Committee that the new organization should in no way be interpreted as a reduction in the existing responsibilities of the United Nations Secretariat in the field of social defence.

41. The Committee decided to place on record its great appreciation of the work done by the Representative of the Secretary-General and his colleagues, as well as of the assistance rendered by them to the members of the ad hoc Committee in their work. Also, the Committee recorded its deep appreciation of the skill of the Rapporteur and his dedication to the work of the Committee.

V. ADOPTION OF THE REPORT

42. The report was adopted unanimously.

ANNEX A

BIOGRAPHICAL DATA CONCERNING THE MEMBERS OF THE COMMITTEE

PROFESSOR FRANCOIS CLERC, Professor of Penal Law at the Universities of Neuchâtel and Fribourg, Switzerland.

Born in 1911. Educated in Geneva and Paris. Named Professor of Penal Law at the University of Neuchâtel in 1938. Representative of the Government of Switzerland to the International Penal and Penitentiary Commission (1949). After the dissolution of the Commission, became Treasurer of the International Penal and Penitentiary Foundation (1951). National correspondent with the United Nations Secretariat in the field of the prevention of crime and the treatment of offenders. In 1954, was named Professor of Penal Law and of Canon Law at the University of Fribourg. Rector of the University of Neuchâtel. Editor of the Bulletin de jurisprudence pénale, Informations pénitentiaires suisses and Revue pénale suisse. Author of a manual on Swiss penal law, a publication on French-Swiss penal procedure, and of a number of articles devoted primarily to Swiss juridical institutions.

MR. JUAN CARLOS GARCIA BASALO, Inspector General del Servicio Penitenciario de la Nación, Buenos Aires, Argentina.

Born in Buenos Aires in 1917. Entered the penitentiary service in 1938 and has served in numerous capacities including that of acting National Director of Penal Institutions. Professor of penology and penitentiary practice in the National Penitentiary School since 1948. Government delegate to the Twelfth International Penal and Penitentiary Congress and to the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, also to the Brazilian Penitentiary Meetings of 1957 and 1958. National correspondent with the United Nations Secretariat in the field of the prevention of crime and the treatment of offenders. Secretary of the National Commission on Penitentiary Construction. Editor, and then director of the Revista penal y penitenciaria. Co-author of Ley penitenciaria nacional, complementaria del Código Penal (1958). Author of numerous notes, articles and studies on criminological matters in some

of the principal journals of Latin America and Spain. Among these articles are "La política penitenciaria del Estado de San Pablo, Brasil". "Las reglas minimas para el tratamiento de los reclusos", "Introducción a la arquitectura penitenciaria", and "La readaptación del recluso a la vida libre".

MR. F. GRAHAM-HARRISON, Assistant Under-Secretary of State in charge of the Criminal Department and Probation Division, Home Office, Government of the United Kingdom.

Born 30 October 1914. Educated at Eton College and at Magdalen College, Oxford University. Served in divisions of the Home Office concerned with criminal justice and police administration 1938-1941, 1943-1946 and 1953-1957. Private Secretary to the Parliamentary Under-Secretary of State 1941-1943. Private Secretary to the Prime Minister 1946-1949. Secretary to the Royal Commission on Capital Punishment 1949-1953. Since 1957, Assistant Under-Secretary of State in charge of the Criminal Department and Probation Division, Home Office.

MR. V.N. PILLAI, Commissioner of Prisons, Colombo, Ceylon.

B.A. (Hons.) London. Advocate of the Supreme Court of Ceylon. Superintendent of prisons 1934-1938. Imperial prison course and London probation service training course, 1939. Superintendent of various correctional institutions for adults and for youthful offenders 1940-1951. Deputy Commissioner of Prisons and Probation Services 1951-1956. Representative of the Ceylonese Government at the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders 1955. Commissioner of Prisons 1956. National correspondent with the United Nations Secretariat in the field of the prevention of crime and the treatment of offenders. Participant at the Second United Nations Regional Seminar for Asia and the Far East on the prevention of crime and the treatment of offenders. Colombo Plan Fellow 1960.

MR. NIKOLA SRZENTIC, Under-Secretary of State for Judiciary Affairs, Belgrade, Yugoslavia.

Born 25 January 1910. Completed his studies in the Faculty of Law, Belgrade and admitted to practice in the Courts of First Instance. Became Assistant State Prosecutor, Secretary of the Court of Appeal and then Secretary of the

Court of Cassation in Belgrade. In 1944, was transferred to the Ministry of Justice as counsellor and then became chief of the Department. In 1952, was Secretary of Judiciary Affairs. Since 1959, has been Under-Secretary of State for Judiciary Affairs. At the invitation of the Faculty of Law, Belgrade, has taught penal law with the status of Professeur agrégé. Member of the Juridical Council. President of the Association of Penal Law and Criminology, and member of various foreign associations of penal law and criminology. National correspondent with the United Nations Secretariat in the field of the prevention of crime and the treatment of offenders.

PROFESSOR PAUL TAPPAN, Chairman of the Department of Sociology and Anthropology and Professor of Law, New York University, New York, United States of America.

Born in 1911. Graduated cum laude from Clark University in 1934. Received M.A. and Ph.D. from the University of Wisconsin in 1935, and 1940 respectively. Awarded the degree of Doctor of Juridical Science from Columbia University in 1945. Honorary LL.D. from Clark University in 1959. Visiting Assistant Professor at New York University in 1944; Assistant Professor in 1946; Associate Professor in 1947; Professor of Sociology in 1948, and Professor of Sociology and Law in 1955. Chairman of the Department of Sociology and Anthropology at Washington Square College, New York University. Chairman of the United States Board of Parole of the Department of Justice in 1953-1954, and since 1952, associate reporter for the model penal code of the American Law Institute. Consultant to the United Nations Secretariat in the field of social defence. Member of a number of boards of organization in the field of corrections. Visiting professor during the summer sessions at the University of California and St. Lawrence University. In 1958, lectured and conducted research at the University of Melbourne, Australia, under a Fulbright grant. Member of the American Correctional Association, the National Probation and Parole Association, the American Law Institute, the American Bar Association and the International Criminological Society. Author of several books including Delinquent girls in court (1947); Juvenile delinquency (1949); The habitual sex offender (1950); Contemporary correction (editor: 1951); Comparative survey of juvenile delinquency, North America (for the United Nations; revised in 1959); Crime, justice and correction (1960). Has published numerous articles on criminology, criminal law, juvenile delinquency, and penology.

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English

Annex A

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ATO YOHANNES WOLDE GERIMA, Director of Health and Social Welfare, Municipality of Addis Ababa, Ethiopia.

Graduated in public administration and law from the University College of Addis Ababa. Received degree of Master of Social Work from McGill University, Montreal, Canada. Director of Health and Social Welfare, Municipality of Addis Ababa. Field work supervisor, Ethiopian Government - United Nations Joint Programme of Social Work Training. Co-chairman, University College Graduates Social Research Committee. Member of an advisory committee on training programmes for the blind and of a committee on the rehabilitation of lepers in Ethiopia. Member of the Curriculum Committee for the School of Social Work, Ministry of Community Development. Author of a number of articles on social welfare and mass education. Joint author of a research paper on juvenile delinquency in one district of Montreal, Canada.

ANNEX B

AGENDA OF THE AD HOC ADVISORY COMMITTEE OF EXPERTS  
ON THE PREVENTION OF CRIME AND THE TREATMENT OF  
OFFENDERS

1. Election of officers
2. Adoption of the agenda
3. Organization of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders:
  - (A) Report by the Secretariat on the preparation of the Congress and final programme of the Congress;
  - (B) Function of the governing body of the Congress;
  - (C) Rules of Procedure for the Second Congress;
  - (D) Proposals on the order and method of discussion of the agenda of the Congress;
4. Proposals by the members of the ad hoc Committee concerning the implementation of the following projects of the social defence programme of work:
  - (A) A study of methods used for the prevention of juvenile delinquency, particularly with regard to the provision of social, health and guidance services and their relation to diagnostic services.
  - (B) A study to be made of programmes for the prevention of crime by young adult offenders including the questions of special legislation and the development of suitable forms of treatment.
  - (C) The regime for (a) adults and (b) juveniles detained prior to sentence or commitment.
5. Miscellaneous
6. Final report of the Committee.



ANNEX C

WORKING DOCUMENTS OF THE COMMITTEE

<u>SYMBOL</u>	<u>TITLE</u>
E/CN.5/AC.10/R.1	Provisional agenda
E/CN.5/AC.10/R.2	Proposals of members (Professor Tappan)
E/CN.5/AC.10/R.3	Proposals of members (Mr. Nikola Srzentic)
E/CN.5/AC.10/R.4	Proposals of members (Mr. V.N. Pillai)
E/CN.5/AC.10/R.5	Proposals of members (Ato Yohannes Wolde Gerima)
E/CN.5/AC.10/R.6	Proposals of members (Mr. J.C. García Basalo)
E/CN.5/AC.10/R.7	Proposals of members (Sir Lionel Fox)
E/CN.5/AC.10/R.8	Proposals of members (Professor F. Clerc)
E/CN.5/319	Report of the <u>ad hoc</u> Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 8-17 August 1955
E/CN.5/329	Report of the <u>ad hoc</u> Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 5-15 May 1958
E/3265/Rev.1	Report of the Social Commission, Twelfth Session, 27 April - 15 May 1959
No symbol	Draft rules of procedure for the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.5/AC.9/R.6	Organization of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Memorandum prepared by the Secretariat
E/2425	Rules of procedure of the functional commissions of the Economic and Social Council

ANNEX D

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

NOTE

The following rules of procedure for the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders have been prepared and issued by the Secretary-General on the basis of the recommendations made by the ad hoc Advisory Committees of Experts convened in May 1958 and in July-August 1960 in pursuance of resolution 415 (V) of the General Assembly. The rules have taken cognizance of the fact that the Second Congress is organized jointly by the United Nations and the Government of the United Kingdom, which is acting as host to the Congress.

I. Participation and representation

Rule 1

The participants in the Congress are divided into three categories:

- (a) Representatives of the Governments invited to the Congress;
- (b) Representatives of the specialized agencies of the United Nations, of inter-governmental organizations and of non-governmental organizations in consultative status with the Economic and Social Council, interested in, or concerned with, social defence matters.
- (c) Individual participants having a direct interest in the prevention of crime and the treatment of offenders, including members of the teaching staffs of universities and other institutions, of criminological institutes, and of national non-governmental organizations concerned with social defence matters; members of the judiciary, of the legal profession and of the medical and allied professions; staff members of correctional establishments and institutions for juvenile delinquents; police officials; social workers, etc.

Rule 2

(a) Each Government which proposes to participate in the Congress shall communicate to the Secretary-General the names of the representatives forming its delegation.

(b) Each delegation shall communicate to the Executive Secretary of the Congress, normally within twenty-four hours after the opening of the Congress, the name of the head of the delegation and the names of the representatives who are authorized to cast the vote of the delegation in the absence of its head.

Rule 3

Each specialized agency, inter-governmental, and non-governmental organization which proposes to participate in the Congress shall communicate the names of its representatives to the United Nations Secretariat.

Rule 4

Persons in any of the categories described in Rule 1 (c) may participate in the Congress in an individual capacity if their application to the Secretariat of the United Nations is accepted.

II. Organization of the Congress

Rule 5

(a) A President and five Vice-Presidents of the Congress shall be elected from among the representatives of Governments in accordance with the procedure provided for in Rule 16. The first Vice-President shall be from the host country and shall, if required, act as Alternate President.

(b) An Honorary President as well as five Honorary Vice-Presidents may be elected by the participants in the Congress.

Rule 6

(a) The Steering Committee shall be composed of the President and/or the alternate President of the Congress, the representative of the Secretary-General and/or his deputy, the General Rapporteur of the Congress

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

(b) The Steering Committee shall be the governing body of the Congress. It shall have the authority to decide the admissibility of any question submitted for consideration to the Congress which does not appear to be closely related to the items on the agenda of the Congress. Only the President, the Representative of the Secretary-General or the Chairmen of the Sections shall submit any such question to the Steering Committee for decision.

(c) The Steering Committee shall meet each day before the Congress begins its daily business.

(d) All decisions of the Steering Committee shall be by a majority of members present and voting.

#### Rule 7

(a) For the purpose of dealing with the items on its agenda, the Congress shall be divided into three Sections, which shall report to the plenary meetings:

Section I: New forms of juvenile delinquency; their origin, prevention and treatment. Special police services for the prevention of juvenile delinquency.

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

Section III: Pre-release treatment and after-care, as well as assistance to dependents of prisoners.

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

(b) These items will be discussed on the basis of general reports issued by the United Nations Secretariat, as well as of reports prepared at the invitation of the Secretariat by specialized agencies, inter-governmental bodies, and non-governmental organizations in consultative status with the Economic and Social Council. Reports or documents other than those officially submitted to the Congress will not be considered as Congress documents. They may, however, be made available by their authors for information purposes only.

(c) Each participant shall choose the Section of which he wishes to be a member. He may, however, take part in the proceedings of more than one Section.

#### Rule 8

The Secretary-General shall designate a General Rapporteur for the Congress, as well as the Chairmen, Vice-Chairmen and Rapporteurs.

#### Rule 9

(a) In each Section the introduction of the questions to be considered shall be made by the authors of the respective reports officially submitted to the Congress. If the authors are not available, the introduction shall be made by the Rapporteur assigned to each item. The Secretariat of the United Nations shall introduce the reports prepared by it.

(b) The Chairmen of each Section, in consultation with the Rapporteur assigned to each item and the Secretariat of the United Nations, shall indicate the questions to be discussed and the order in which they are to be taken up.

(c) The conclusions or findings adopted by the Section on each of the items before it shall be submitted to the plenary meeting by the General Rapporteur assisted by the respective Rapporteur.

Rule 10

The United Nations and the Government of the United Kingdom shall provide the necessary services for the functions of the Congress. The Executive Secretary and the Deputy Executive Secretary of the Congress shall be designated by the Government of the United Kingdom. They shall be responsible for making all the necessary arrangements for the meetings, interpretation and translation as well as for the reproduction and distribution of documents and, generally, shall provide whatever services the Congress may require, including the organization of visits.

III. Conduct of business

Rule 11

In the plenary meeting, the President, and in each Section, the Chairman, shall declare the opening and closing of each meeting, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order and, subject to the provisions of these rules, shall have control of the proceedings and of the maintenance of order. He may also propose the suspension or adjournment of the meeting, or the adjournment or closure of the debate on a particular item.

Rule 12

(a) At the beginning of the debate on each item, the right to speak shall first be accorded by the President or Chairman to the representatives of Governments, and the Secretariat of the United Nations. Subject to Rule 13, all the participants in the Congress shall have the right to ask for the floor in the debate.

(b) No speech shall, on the first occasion, exceed ten minutes.

Subsequent interventions by the same speaker shall not exceed five minutes.

Rule 13

Only representatives of Governments shall be entitled to raise points of order to move the adjournment or the closure of the debate on an item under discussion, and to move the suspension or adjournment of the meeting.

Rule 14

(a) Formal proposals and substantive amendments concerning conclusions and findings may be submitted, in conformity with Rule 15, by the following persons:

(i) in the Sections, by any government delegation, seconded by another government delegation;

(ii) in a plenary meeting, by two delegations of Governments, seconded by two other government delegations.

(b) These formal proposals and substantive amendments shall be submitted in writing to the Secretariat of the Congress which shall submit them for consideration.

(c) The Representative of the Secretary-General, or a member of the Secretariat of the United Nations designated by the said Representative for this purpose, as well as the representatives of the specialized agencies and of inter-governmental organizations, may request that their point of view on a particular matter be recorded.

Rule 15

No proposals, memoranda or communications concerning items other than those on the agenda of the Congress may be introduced in a Section or in a plenary meeting without the approval of the Steering Committee.

IV. Voting

Rule 16

(a) In the plenary meetings, voting shall be confined to government delegations, each of which shall have one vote. The vote of each delegation shall be cast by the head of the delegation or by a duly authorized delegate whose name, in accordance with Rule 2, shall have been communicated to the Executive Secretary of the Congress. No rule shall be laid down to determine the way of expressing the vote of a specific delegation. If, in the absence of the head of a delegation or his duly authorized representative, the members of a delegation cannot agree on what should be the expression of the vote of the delegation concerned, no vote or mention will be recorded for this particular delegation.

(b) The vote shall be taken by a show of hands, unless a delegation requests a roll-call vote, which shall then be taken in the English alphabetical order of the names of the States beginning with the State whose name is drawn by lot by the President.

(c) All decisions shall be made by a majority of the government delegations present and voting.\*

#### Rule 17

In each Section, all participants have the right to vote. The decisions shall be made by a majority of those participants present and voting.\*

#### V. Expression of views of non-governmental organizations and of persons participating in an individual capacity

#### Rule 18

In a plenary meeting, any vote taken according to Rule 16, on a proposal or on a substantive amendment shall, upon request by the President, be followed by a show of hands, for consultative purposes, expressing the views of specialized agencies, inter-governmental and non-governmental organizations and of individual participants. The result of this show of hands shall be recorded in the Report of the Congress.

#### VI. Languages

#### Rule 19

Simultaneous interpretation into English, French, Spanish and Russian will be provided. Speeches may be made in any of these working languages and shall be interpreted into the other working languages.

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\* As stated in the note of invitation sent to Governments, "it is understood that in view of the nature of the Congress, the participants will express their own personal opinions".



VII. General provisions

Rule 20

Any question not specifically covered by the Rules of Procedure of the Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders shall be settled by the President or respective Chairmen following as closely as possible the relevant rules of procedure of the functional commissions of the United Nations.

Rule 21

The meetings of the Congress shall be held in public unless it is decided otherwise by a vote taken in accordance with Rule 16.

VIII. Report of the Congress

Rule 22

The report prepared by the General Rapporteur, the Rapporteurs of the sections and the Secretariat of the United Nations shall be distributed to all Governments which were invited to the Congress and to all participants in the Congress, as defined in rule 1.

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