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CRIME PREVENTION AND CONTROL

Implementation of the conclusions of the Fifth United Nations
 Congress on the Prevention of Crime and the Treatment
 of Offenders

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 32/59 of 8 December 1977, the General Assembly considered the report of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 1 to 12 September 1975, as well as the recommendations made by the Committee on Crime Prevention and Control at its fourth session. The General Assembly recognized the seriousness of crime problems, which had assumed new forms and dimensions in many countries and had, in fact, transcended national boundaries. The Assembly also expressed concern about the high social and material costs of crime and its adverse effects on development and the betterment of life.

2. Under paragraph 4 of that resolution, the General Assembly invited Member States to give maximum attention and support to the relevant conclusions of the Fifth Congress and to provide the Secretary-General with information relating to measures taken in this respect. The Secretary-General was then requested, under paragraph 7, to prepare a report on the information received from Member States, for submission to the Sixth Congress as well as the General Assembly at its thirty-fifth session.

3. In pursuance of this request, the Secretariat transmitted an inquiry to Member States on 6 March 1979, requesting relevant information for the purpose of preparing the present report. Follow-up notes were sent on 27 August and 10 October 1979, in order to attain the highest possible rate of response. By the end of April 1980, replies had been received from the following 46 Member States: Argentina, Australia, Austria, Barbados, Belgium, Botswana, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, Cuba, Czechoslovakia, El Salvador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Hungary, Iraq, Italy, Jamaica, Japan, Kenya, Lebanon, Luxembourg, Mauritius, Mexico, Morocco, Netherlands, Pakistan, Philippines, Poland, Portugal, Romania, Saudi Arabia, Seychelles, Spain, Sweden, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela and Yugoslavia. This report is thus based on the information submitted by the responding States and is structured along the substantive agenda items dealt with at the Fifth Congress.

II. CHANGES IN FORMS AND DIMENSIONS OF CRIMINALITY: TRANSNATIONAL AND NATIONAL

4. A number of countries drew attention to the limited reliability of crime statistics as indicators of the incidence of crime and also pointed out that reporting practices and the categories of crime covered by crime statistics differed among countries. With these caveats, the responses received from Member States presented three broad categories of countries with regard to recent crime trends, these being countries reporting a decline in the overall crime rate, those reporting an increase and those reporting stable crime rates over the period under consideration (post-1975).

5. It must be pointed out that the statistical information provided by various countries lacks a uniform basis. While a few countries provided reasonably detailed statistics, a large number of countries did not provide any statistics at all. Many countries provided no information on recent trends in the forms and dimensions of criminality. Thus, a global view of crime trends could not be constructed from the figures provided.

6. About 10 countries reported an overall decline in their crime rates in recent years, although some of these also mentioned an increase in certain categories of crime in spite of the overall decline. Increases were noted in crimes committed by juveniles and were attributed to an increase in youth problems, in general, and not necessarily those of youth from poorer families. Problems were reported to be associated with strains and stresses in the family, the school or society in general. Increases were also reported for traffic offences, attributable to an increase in road traffic, and also for crimes of violence, offences against property, economic and environmental offences.

7. The second category was that of countries reporting an increase in the overall crime rate, but with different rates of increase or decrease in certain types of crime. Again, this category included countries in which the increase was a continuation of a steady rise in crime rates over a long period of time and also countries in which the increase fell into a pattern of fluctuation.

8. At a lower level of detail, crime patterns in this second group of countries also presented a complex picture, ranging from steady or stable rates in particular categories of crime, through declining, fluctuating or rising rates for others. Thus, crimes involving theft and burglary showed a marked decline in some countries and an increase in others: in one case different patterns of increase and decrease were reported for the same category of crime (burglary) in different parts of the same country. Increases in violent crimes were considered related in an unusual degree to the use of alcohol in one country which had recently liberalized its laws regulating the use of alcoholic beverages. In this same category of countries, some reported a rise in petty crimes resulting from increased rural-urban migration and youth unemployment and also increases in traffic offences; while a few others reported increases in "modern" crimes connected with economic development, such as embezzlement, forgery and the like.

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9. In a few countries, such as the United Kingdom of Great Britain and Northern Ireland, the increase in the crime rate had overloaded the capacity of the criminal justice system, in terms of a heavy work-load for the police, the courts and an increase in the average daily population of prisons and other corrections facilities. Such an overload was considered to have exceeded the possibility of effective action by crime control agencies, in some cases, but in a few others, the criminal justice system was expected to be able to bear the strain and to devise new methods for dealing with the situation, although the risk of a breakdown in the effectiveness of the system was present nevertheless.

10. The third category was that of countries reporting stable crime trends over the period under consideration. This stability apparently applied to all categories of crime in most cases and was often attributed to the relative stability of traditional institutions and spiritual and social traditions.

11. Less than half of the responding States reported that they engaged in the forecasting of future crime trends and of the future needs of the criminal justice system as a regular feature of criminal justice planning. For those countries which did not engage in forecasting, the reasons given were usually one or more of the following: the unreliability of the basic statistics upon which predictions of future trends could be based; the relatively low priority attached to criminological forecasting as against other demands on criminal justice personnel; the non-existence of adequately-trained staff to engage in such forecasting; and finally, the unsatisfactory nature of past efforts at forecasting. Several countries which had not hitherto engaged in forecasting because of the imperfections of their crime statistics systems considered the possibility of developing systematic forecasting programmes as part of an overall programme of improvements in their statistical systems, while those experiencing manpower constraints expected to resort to forecasting after adequately-trained staff had been acquired or by the provision of specialized training to existing staff.

12. It was noted in the response of the United States of America, for instance, that researchers had devoted more effort to the testing of hypotheses on the determinants of crime than to the prediction of future crime rates. Even so, scientific knowledge as to the determinants of crime was far from perfect, and the state of the art with regard to forecasting models and practical applications was even more imperfect. Yet any law-enforcement activity involved a certain amount of forecasting, even in the more immediate and short-term functions such as the mounting of police patrols in anticipation of criminal activity in specific locations and particularly at the macro level of long-term national or state planning and policy making, where it was necessary to anticipate the various kinds of demands that would be brought to bear on the criminal justice system and to allocate commensurate resources efficiently with sufficient lead time. Most of the forecasting activity reported by various countries were, thus, rather tentative or experimental in nature; besides, it was often found more profitable to engage in only short-term or medium-term forecasting or to apply forecasting to particular subsystems only, because of the high margins of error involved in comprehensive and long-term forecasting.

13. The point was made, for example, by Hungary, that long-term forecasts covering a period longer than 15 years cannot be scientifically substantiated, and that while medium-term forecasts covering 5 to 15 years may be appropriate only short-term forecasts for a maximum period of 5 years can be of practical value. This was corroborated by the practices of several other countries, which relied mainly on simple models based on stable data in particular categories of crime or sectors of the criminal justice system.

14. In terms of the organizational and methodological approach to forecasting and to policy making in crime prevention as a whole, one particularly important feature noted in the responses of a large number of countries was a regular and often institutionalized practice of evaluating and analysing recent crime trends in the context of relevant sociological and economic factors. A number of countries had established permanent official bodies which engaged in such activity, while others relied on ad hoc commissions or on the academic community for this purpose. And although the main emphasis of such activity was not always on criminological forecasting, the availability of comprehensive scientific analyses of crime data and other socio-economic information was a vital prerequisite for future planning and policy-making in various sectors of the criminal justice system and the overall socio-economic system.

15. Forecasts of future crime trends were made in individual categories of crime as well as across the board, using different prediction variables. In one specialized application of forecasting, a study on rape in Finland had related an increased incidence to the increased size of the relevant age group and led to the prediction that the prevailing trend was likely to be of short duration. Forecasts of the prison population had also been used to plan construction work on prisons, but with full recognition of the fact that future legislative reforms could have a much greater effect on the size of the prison population than the projected development of criminality based on current data. In yet another example, in Finland, a case for the reform of legislation on drunk-driving criminality was built on the relationship between drunk-driving, the number of motor vehicles and alcohol consumption.

16. One study in Australia, on Population Movements and Crime (1976), had observed that the group from ages 15 to 24 was disproportionately represented in the prevailing criminal population: this led to the prediction that an expected decline in the proportionate size of that age group would lead to a steady but significant decrease in crime. Furthermore, a major study on Patterns and Trends of Crime in Australia, 1900-1976, conducted by the Australian Institute of Criminology (which had not been completed at the time the Australian reply had been submitted) was expected to provide detailed analyses of the relationships between crime data and relevant socio-economic variables. But certain findings had been made in the meantime, these being that property crimes had increased during the Great Depression and also during the post Second World War economic growth, while offences against the person showed a remarkable stability during the entire period. The completed study was expected to satisfy the need for high quality and consistent time-series data necessary for policy making and planning in the broader socio-economic sphere as well as for forecasts of short-term future trends.

17. Criminological research in Australia was conducted under the framework of a 1971 enactment which established the Australian Institute of Criminology and the Criminology Research Council; the duties of these bodies included not only research and training at the federal level but also the funding of relevant research projects by universities, other government departments and members of the general public. Other State Governments within the federation also had their own research and statistical institutions, and the Australian Bureau of Statistics was also collaborating with the Institute of Criminology and relevant State and federal agencies in the establishment of a national system of uniform crime statistics.

18. In Japan, the Research and Training Institute of the Ministry of Justice had analysed the correlations between crime rates and social changes in such areas as population, industry, finance, labour, welfare, education, police activities and so forth. It had been found, for example, that rates of theft were in inverse proportion to the affluence of the society as a whole and that fraud was liable to occur when and where people lacked economic strength. Other correlations had been found between rates of homicide and what may be called socio-pathologic phenomena such as the rates of divorce or suicide or the shortage of hospital accommodations and also between juvenile delinquency and unsettled labour and living conditions. The National Research Institute of Police Science also conducted ongoing research into the socio-economic correlations of crime and had published a Review on the Research for Predicting Crime in Japan, in connexion with a seminar held in 1976 under the auspices of the International Criminal Police Organization. The Institute's forecasting research used step-wise multiple regression analysis as a predictive formula, in conjunction with selected socio-economic indices such as city population and industrial activities, and it had been found that for most crimes, the accuracy of this formula was quite high, errors being no more than 10 per cent in the majority of cities.

19. In the Netherlands, the prediction and interpretation of expected trends was approached from the angle of three target groups for various groupings of crimes, these groupings being serious crimes, minor crimes, road traffic offences and economic and environmental offences. The target groups around which these evaluations were made were the victims, the offenders and the offences. An analysis of the victims established which sections of the population ran the risk of falling victim to particular types of criminality and the resultant material, physical and mental damage. With regard to offenders, an attempt was usually made to forecast the number and disposition of potential delinquents, while the offence-oriented approach examined the type and number of cases reported to the police as well as those handled by the criminal prosecution authorities. Not only were police and crime statistics used for this purpose but "dark-figure" studies were also conducted to estimate the full extent of criminality. Similarly, in the Federal Republic of Germany several "dark-figure" studies had been undertaken to improve empirical knowledge of the actual extent and distribution of criminality, and a continuing exploration of the manifestations and causes of criminality was expected to create the basis for more reliable prognostic studies.

20. The prediction of trends in criminality in the framework outlined above, in the Netherlands, was made by reference to both risk and time-series analyses, the former being an identification and study of population groups that were at risk in particular situations and the latter being an attempt to project current trends into the future. The prediction exercise took account of social, economic and planning information in conjunction with crime statistics. Among the social factors taken into account were the extent of social control, life-styles, emancipation, strength of family ties and the degree of independence of growing children, while the economic factors were income levels and the development of recreation and leisure activities. The planning information that was brought to bear on these evaluations were the level of urbanization, the range of facilities available in the community (such as shops, multiple stores, hospitals), the density of traffic and the type of developments (large-scale, small-scale, open spaces, etc.).

21. In the United Kingdom, forecasts of the crime rate, the work-load of the courts in terms of the number of offenders and the prison population and the need for probation service personnel were made as part of long-term crime prevention planning. These forecasts were largely based on projections of past trends, assuming no changes in factors affecting those trends. On the basis of available data, it had been predicted that demographic changes would increase the work-load of the criminal justice system in the 1980s, but that there would be a respite in the 1990s. However, it seemed equally likely that over a longer period, other factors such as the level of unemployment among young people would influence the crime rate. These conclusions were tentative ones since research into these effects was still in its infancy.

22. Similarly, in Canada, forecasting efforts of a somewhat experimental nature had been started in March 1979. Various projects had been initiated on the projection of crime data by individual crime categories, using different methods of projection. The applicability and reliability of these methods would then be tested in the light of actual trends; such testing would also extend to a number of socio-economic variables thought to affect crime rates, to determine their impact on the projections. These efforts may also be viewed against the background of a large number of studies conducted over the years, using a computer-simulation model developed at Carnegie-Mellon University in the United States. Also, since the Fifth Congress, the Law Reform Commission of Canada had produced a series of in-depth working papers and reports addressing important criminal justice issues. These evaluations will be examined in the following section.

23. In sum, forecasting was used in a number of countries to determine trends in the dynamics and structure of criminality and the responses and measures that were required to deal with these trends in the future. The degree of systematization in forecasting methodology and practices naturally varied among countries, but even at the higher levels of sophistication, it was generally recognized that forecasting tended to be open to high margins of error in view of the inherent unpredictability and conflicting tendencies in society and the uncertainty as to the probable effects of these tendencies on the level of criminality. Criminological forecasting had not, therefore, been developed to the level of a precise science. However, the need for evaluation and planning dictated a constant use of forecasting in spite of its admitted shortcomings, and this required a continuing effort to develop more accurate and more reliable methods.

III. CRIMINAL LEGISLATION, JUDICIAL PROCEDURE AND OTHER FORMS OF SOCIAL CONTROL IN THE PREVENTION OF CRIME

24. Under this item, the Congress focused on the need for periodic evaluation of the criminal justice system, with a view towards necessary reforms of criminal law and criminal procedure so as to adapt these to changing social needs. The Fifth Congress stressed the adoption or expansion of non-judicial forms of social control and emphasized the importance of a cross-sectoral approach to crime prevention and control, as well as the integration of criminal policy within the general social policies of Member States. Most responding States, accordingly, treated this topic as an aspect of the evaluation and planning of crime-control policies. Such evaluations were usually undertaken either within the criminal justice administration - such as by Police Departments, Public Prosecutor's Offices, or relevant Government Ministries - or by special commissions or bodies set up for that purpose.

25. Examples of such evaluative studies recently undertaken by various Member States are examined in the following paragraphs. One example of a comprehensive evaluation was the Review of Criminal Justice Policy, recently published as an official document in the United Kingdom. This review traced the development of crime-control policy and measures over the preceding decade, examined the future needs of the criminal justice system in the light of prevailing trends and recommended measures for the reduction of the prison population as a major policy objective in view of a heavy work-load for the criminal justice system and a steady increase in the prison population. The review further recommended a continuing study of the assumptions upon which the criminal justice system had been operating, such as an examination of the preventive function of the police and of the deterrent effect of the penal system - especially given the decline in confidence, in the United Kingdom in the treatment value of imprisonment. Finally, the report emphasized the need to involve other governmental departments, local government and the general public in view of the acknowledged limited capacity of criminal justice agencies in dealing with the incidence of crime.

26. In Sweden, an official report on Crime: Trends and Recent Developments had reviewed crime trends over the period from 1950 to 1978, and sought to explain these trends by reference to relevant socio-economic factors. There were analyses of such issues as female criminality - which was reported to be much lower than that among men; insurance frauds, on which a further study was proposed; the relationship between crime rates and police operations; drug trafficking, both national and international; and post office and bank robberies. This report had also identified the need for a regular system of information on social problems among children, to provide early warning signals of situations that might lead to criminality among young persons. In Spain, the National Commission for Crime Prevention had been established to deal with research, planning, formulation and co-ordination of policy and action programmes on crime prevention. But proposals for the restructuring of this Commission were currently being studied for the purpose of improving its effectiveness. It was also hoped to achieve a better co-ordination of ministerial departments concerned with crime-prevention, as well as the consideration of any further legal reforms.

27. Apart from the Australian study on Patterns and Trends of Crime referred to in the preceding section, various other official studies had been undertaken over the years by the Australian Institute of Criminology and the Criminology Research Council, on such issues as the principles of sentencing, a national employment strategy for prisoners, the management of long-term prisoners, the treatment of young offenders and evaluations of Tasmania's work order scheme and of the Western Australian prison system. Revelant studies were also undertaken by various official bodies at the State level, such as the evaluation of the New South Wales work-release scheme and statistical surveys and analyses of certain offences and of persons dealt with by the courts. Some of these studies had led to recommendations for action in a number of areas, such as security measures against armed robbery. The Australian Law Reform Commission as well as similar State-level bodies also conducted studies and made recommendations for law reform in various areas. These are examined below in the discussion of new legislation.

28. In Portugal, there had been comprehensive changes in the socio-economic and political order following the revolution of April 1974, particularly with the promulgation of the new Constitution in 1976. These changes had also been reflected in a new criminal justice system, which operated on the basis of constitutional guarantees of individual liberties and human rights. Generally, the situation with respect to crime was reported to be similar to that prevalent in other European countries. New forms of criminality also appeared in Portugal, including economic offences and white-collar crime, environmental offences, crimes connected with the tourist industry and drug offences. While it had become accepted that the elimination of criminogenic conditions could be effected through socio-economic measures and the correction of inequalities, new kinds of criminality often arose which were not always a question of mere deviance but also struck much deeper at basic assumptions and the ethical and social foundations of society. Research and evaluation, therefore, were a constant task of the criminal justice system: In this regard, the establishment of a National Institute of Criminological Policy was being considered for the purpose of coping with the increasing responsibilities involved in crime prevention and control. Comparative studies had also been conducted by existing criminological institutes to determine the applicability of various documents on criminological problems produced by the United Nations and the Council of Europe.

29. In Barbados, a Crime Prevention Panel, on which 16 organizations were represented, was established in 1978. The objectives of that Panel were to study and disseminate information on crime prevention to local organizations, industries and the general public and to serve as a liaison between the public and the police in the dissemination of crime prevention information. A Probation Service report for the years 1974-1978 had also reviewed crime trends and had paid particular attention to increased criminality among youth. In Finland, an Expert Committee appointed to prepare a general reform of the penal law completed its report in 1977. This report, which included a draft for a new penal code, examined such issues as an equitable distribution of the costs and suffering caused by crime; an emphasis on predictability and equality in the application of punishment; the de-criminalization of certain offences and new headings for criminalization in response to the general development of society, with particular attention being paid to acts with harmful consequences to society which were still outside the scope of the criminal law.

30. The Netherlands provided a list of studies of the penal system that had been undertaken by the Research and Documentation Centre of its Ministry of Justice. These studies covered 16 main topics, including general evaluations and cross-cultural studies of the criminal justice system; recorded and unrecorded criminality; delinquency prevention; diversion measures, corrections practices and alternative sanctions; various aspects of police work; the role of the judiciary; probation and after-care service; the protection of young children; criminal victimization; fear and unrest with regard to criminality; causes of criminality; and several studies of specific types of offences. Apart from these studies, an Advisory Council on Government Policy also examined criminological issues as part of its over-all examination of government policies.

31. In the United States, the Law Enforcement Assistance Administration (LEAA) and the whole federal machinery for criminal justice research and planning had undergone intensive review in recent years. Evaluations of the LEAA programme had been undertaken by a Justice Department study group, the National Academy of Sciences, as well as by a Congressional sub-committee - the latter having produced a report on The Federal Role in Crime and Justice Research, in November 1977. After an intensive and open process of evaluation, the Justice Department had come to the conclusion that comprehensive criminal justice planning had only had very limited success and had, furthermore, not been cost-effective since, in most instances, it only planned for the 3 or 4 per cent of State and local activities represented by federal expenditure. Furthermore, the funding system had been found to be too complicated and the research and development effort had not been responsive. A number of legislative proposals designed to eliminate wastage and improve the linkages between research and action programmes, among other issues, had been presented to Congress, and the future role and status of the programme was still uncertain.

32. The basic framework of the LEAA programme was designed to enable federal funding of crime prevention and control projects. The federal agency also conducted research and planning, often through outside contracts, for policy making or background information at both federal and local governmental levels. The office of Programme Evaluation undertook phased evaluations of the various LEAA grant projects, under a National Evaluation Programme. A large number of such project evaluations had been undertaken over the years in such areas as police operations (including police training programmes and liaison with the public, prosecutors, the courts and correction agencies); court-watching programmes, sentencing practices and the operation of Neighbourhood Justice Centres as alternative and supplementary dispute settlement institutions; "target-hardening" and neighbourhood-watch programmes involving specific crime-prevention efforts with the direct participation of residents in the neighbourhood; and evaluations of various corrections and diversion programmes such as probation, employment training and placement, the treatment and rehabilitation of addicted prisoners and the like.

33. In the Federal Republic of Germany, evaluation studies of the criminal justice system had been conducted for a long time. The last few years had seen a trend towards practice-oriented research. Apart from the "dark figure" studies referred to in the preceding section, there had been studies on the workload of the courts

and of innovative responses such as new treatment methods for offenders. Sanctions research had become a major focus of national research. There had also been studies on the over-representation of defendants from the lower stratum of society in criminal proceedings. The economic and social effects of criminality were likewise included in current research. Thus, the federal registration system of judgements dealing with business crimes also recorded and evaluated the material damage caused by such crimes, while various victim-oriented studies also examined the social damage caused by criminality in general.

34. In Canada, recent evaluation studies of the Law Reform Commission were under active review by the Government. In addition, a National Task Force on the Administration of Justice had been established in 1976, with a view to reducing disparities of criminal justice services throughout Canada, developing a means of evaluating the impact of changes in legislation on the services, reducing duplication and generally improving the quality of services. There had also been increasing re-examination and redefinition of the objectives of criminal justice programmes. A wide range of royal commissions, working groups and task forces - at both federal and provincial levels - had also conducted studies and made recommendations for solving particular problems. The recommendations of one parliamentary sub-committee had led to reforms in penitentiary practices, and there was ongoing work on the law-enforcement and security activities of the Canadian Mounted Police as well as on a major overhaul of the federal criminal code.

35. In Japan, the Research and Training Institute of the Ministry of Justice conducted ongoing evaluations of the criminal justice system. This included some research already referred to, on socio-economic determinants of crime. The Institute had also made a yearly comparison of recidivism rates and found that during a three-year period the rates of recidivism had dropped by one half in 1975. This finding served as a warning against recent increases in the revocation of suspended sentences. In Jamaica, a special committee had completed an examination of flogging as a form of punishment and its recommendation for the abolition of flogging was currently being studied. Two other committees were also currently examining the operation of the Gun Court and of capital punishment, respectively.

36. Other studies and evaluations recently completed or currently under way in other countries included the preparation of a new penal code and code of criminal procedure by an expert committee in Chile. In Pakistan, studies of juvenile delinquency and of organized crime were conducted by the Bureau of Police Research and Development. A further study had been made in conjunction with the National Institute of Psychology on socio-psychological causes of certain offences. In Italy, annual reports had been prepared by the Attorney-General's office on crime trends in the context of socio-economic change. In the Philippines, several interdepartmental conferences had recently been held among the judiciary, public prosecutors, the military and police authorities and other bodies, from which guide-lines for the improvement of the criminal justice system had been formulated and were being implemented. In Argentina, two expert committees were working on reforms of the penal and procedural laws.

37. In Czechoslovakia, a permanent working group of various Government Ministries had been established to work out a plan of activities for the

implementation of relevant recommendations of the Fifth Congress. This had involved the dissemination of information on recommendations of the Fifth Congress to all relevant public bodies and institutions of higher learning, as well as interagency collaboration in the formulation of legislative reforms. A number of proposed reforms were to be placed before the legislative council in the first half of 1980. Similarly, in Poland, there had been a programme of public information on the proceedings of the Fifth Congress, involving the publication of a book and a series of articles as well as the translation of various documents connected with the Congress for use by people interested in crime prevention. Material from the Fifth Congress and other information from the United Nations had been included in the work programmes of scientific research centres and other State authorities in Czechoslovakia, where intensive preparations for the Sixth Congress - for which the conclusions of the European Regional Preparatory Meeting had also been used - were in progress. The permanent working group had, in particular, conducted studies of the protection of airports and planes against hijacking and the prevention of illegal trafficking in cultural artifacts and similar monuments, as well as of trafficking in narcotic drugs.

38. The point was consistently made in most of the replies that the enforcement of the criminal law was only one, although a highly important one, of various means of crime prevention and control and that a more effective crime prevention programme required a cross-sectoral approach in planning and implementation - including the involvement of such other sectors as social welfare agencies, educational institutions and voluntary and community organizations. Such a broad-based and cross-sectoral approach, which had been emphasized in the report of the Fifth Congress, was reflected in virtually all of the evaluation and policy-making activities reviewed above.

39. There was, thus, a clear distinction as well as complementarity between over-all measures of primary prevention - as reflected in general socio-economic and welfare-oriented programmes - and special prevention through the law-enforcement activities of criminal justice agencies. The distinction was also presented in some cases in terms of social prevention as against legal prevention. The issue of primary or social prevention had a two-fold aspect, inasmuch as economic and social development either contributed to criminality or reduced it by eliminating or reducing criminogenic conditions. The main objective of primary prevention was, therefore, to pay particular attention to what was sometimes described as the infrastructure of crime, conditions of unemployment, poor education, inadequate job skills, poverty, limited opportunities for advancement, lack of recreational opportunities, social injustice and the like, and to strive to eliminate these in the general process of socio-economic development.

40. It was reported by a number of socialist countries, such as the Byelorussian Soviet Socialist Republic, the German Democratic Republic, Romania and the Union of Soviet Socialist Republics, that crime prevention and the treatment of offenders were based on strict respect for socialist legality and on the broad involvement of the working masses and community organizations with the objective of bringing about the eradication of crime and of the causes and conditions conducive to it through socio-economic transformation. This, therefore, embraced social prevention which

operated across the whole fabric of the socio-economic system, which was reported to have led to a general downward trend in the incidence of crime as well as to the elimination of certain types of criminality that were characteristic of other societies, such as organized crime and professional crime. The proportion of crimes against the State was also reported to have declined sharply in these countries.

41. In the socialist countries, evaluations of the criminal justice system as well as policy-making in crime prevention were undertaken in the context of integrated planning by various State bodies, which involved the participation of ministries and departments, community organizations, labour collectives, trade unions and the general public at various levels. The decisions and measures arrived at were then incorporated into both the social development programmes of respective bodies and into comprehensive plans for crime prevention. The general aims and methods of social prevention were reported to be the liquidation or elimination of objective conditions generating delinquency and the creation of social awareness and responsibility through education and instruction. These operated in conjunction with legal prevention activities of law-enforcement agencies. The exercise of preventive influence by voluntary people's organizations, community organizations, worker's collectives and other similar groups was quite often effective in obliging a person to observe laws which reflected the interests of society.

42. Reforms of varying scope, in various areas of criminal law and procedure, had been effected in recent years in a large number of countries. These were often the result of ongoing evaluations of criminal justice systems as discussed above, and in several countries such recently initiated evaluation and reform processes had not yet been concluded. Massive information about new legislation was reported by various countries, so that it became necessary to aggregate the information around the most frequently treated topics, at the cost of more detailed examinations.

43. It was reported by Hungary that its legal system had been further developed by significant enactments directly related to several questions discussed at the Fifth Congress. A parliamentary act passed in December 1978 had superseded a 1961 legislation on the Criminal Code. Moreover, various Presidential Law Decrees for the enforcement of the Criminal Code had been issued in recent years. Among other issues that had been dealt with were new categories of crime, added in view of the recent increase in acts of terrorism and kidnapping for ransom, particularly on the international scene. The United Kingdom had also passed a Terrorism Act in 1978 (among other legislation), to give effect to the European Convention on the Suppression of Terrorism. In the Federal Republic of Germany, new statutory provisions had been enacted in 1976 making it punishable to form a terrorist organization, to support it or to make propaganda for it, or to advocate certain serious crimes or incite others to commit such crimes. In Japan, new legislation had been passed in 1978 imposing heavy penalties on kidnapping for ransom, in addition to previous legislation on the suppression of terrorism and the hijacking of aircraft; while in Chile, a clearer legal definition of terrorism was among a number of issues dealt with in recent legislation. Also, in Spain, new legislation widening police powers, under judicial control, for the surveillance and investigation of terrorist groups, as well as for protecting urban safety and security, were passed in 1978 and 1979 respectively (along with other new laws).

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44. Economic crimes had also been the subject of legislation in a number of countries, in view of recent increased perception of the phenomenon within the international community. In the Federal Republic of Germany, the First Act to Combat Economic Crimes had entered into force in 1976. It sought to eliminate certain shortcomings of previous laws by defining new criteria for offences such as credit and subsidy fraud, fraudulent bankruptcy, usury, computer crimes and embezzlement of wages. New provision had also been made for increased protection against misleading advertising, manipulation of tenders for goods and services, deceptive offers of capital investment and other dishonest practices. Similarly, in Australia stringent responsibilities were imposed on directors of corporations in respect of breaches of the Companies Act. Furthermore, provisions of the criminal law applicable to directors, corporations and members of the public prohibit secret commissions and fraudulent inducement to invest, among other crimes. Securities legislation also prohibit false trading, market rigging and the making of false statements about securities, while legislation on trade practices prohibit a wide range of conduct detrimental to the consumer.

45. In Finland, the uncovering of tax fraud and other economic crimes through increased control had become a high priority task in recent years; Chile also reported new legislation on economic crimes which had made possible the prosecution of many individuals involved in "gilded criminality", while in the Philippines, recent items of legislation included presidential decrees on the control of graft and corruption, theft by employees or at workplaces, anti-piracy and anti-robbery, anti-cattle rustling and the like.

46. New provisions punishing damage to the environment and nature, as well as more severe penalties for the theft, wilful damage, smuggling and receipt of stolen museum pieces were included in the new Criminal Code of Hungary, while the Federal Republic of Germany and Chile reported that new measures were being taken against environmental pollution, and Brazil reported the establishment of a special Department for Environmental Protection.

47. There had also been new legislation or amendments of existing ones on narcotic drugs (or such laws were in the process of being finalized) in Australia, Brazil, the Federal Republic of Germany, Hungary (more severe penalties in the new Criminal Code), and the Philippines. In Australia, a recent amendment of customs legislation at the federal level provided for the forfeiture of money and goods acquired from drug trafficking. The courts could impose pecuniary penalties equivalent to the benefit gained by the accused from drug trafficking, as well as "freeze" the assets of such persons during court proceedings. Jail penalties up to a maximum of life imprisonment could be imposed where "commercial" quantities were involved, while lesser penalties were provided for in respect of "traffickable" quantities.

48. In the United Kingdom, the new Criminal Law Act of 1977 reformed the substantive law on conspiracy and criminal trespass; the procedure with regard to criminal trials including the trial of young offenders; the system of fines for a number of offences, as well as the system of compensation for victims. There had also been a number of miscellaneous amendments with respect, among other

illegalities, to road traffic offences, bomb scares or hoaxes, drug abuse and obscene publications. With regard to conspiracy, the previous law was simplified and limited to an agreement by two or more people to commit a criminal offence, with the penalty being limited to the maximum for the completed offence. Two old features of the previous law were thereby abolished, the first being the previous offence of conspiracy in cases where the object of the conspiracy itself was not a criminal offence but was considered to be unlawful and the second being the imposition of penalties which could substantially exceed the maximum penalty for the offence itself. Other provisions on criminal procedure, bail and penalties are examined below.

49. In Australia, a variety of new laws had been passed and others were in the process of being passed at both the federal and state levels. Apart from legislation on economic offences and drug-trafficking referred to above, legislation had been introduced at the federal level for the establishment of a Human Rights Commission, and the decriminalization of certain types of conduct had occurred or was under consideration in various state jurisdictions. New South Wales had abolished the offences of drunkenness, vagrancy, soliciting for purposes of prostitution, begging alms and certain "victimless" offences. On the other hand, although the state of Victoria retained the offences of drunk and disorderly conduct as well as vagrancy, the number of prison sentences for these offences had decreased drastically in recent years, while treatment procedures had been introduced for drug-related offences. Similar programmes were also applied in New South Wales for drunk-driving and drug offences, while in Tasmania there were prescribed courses of instruction for first-year drivers convicted of drunk-driving. On the other hand, South Australia had introduced a new offence of rape in marriage, and the juvenile justice sector was under intensive review in almost every jurisdiction.

50. In Canada, a new gun-control law designed to reduce the number of firearms incidents had been passed as part of the federal Government's "Peace and Security" programme. The Philippines also reported a ban on firearms among recent items of legislation.

51. In Cuba, a broad programme of crime prevention operated with a continuous emphasis on social prevention through balanced and harmonious development, but also through such legislation as the new Penal Code, new Criminal Procedure Code, new Act of Civil, Administrative and Labour Procedure, the Children and Youth Code and the Family Code. These new laws, as well as the elimination of maltreatment or torture and other degrading practices of pre-revolutionary society were an expression of the new order reflecting the rising level of economic and social development, as well as an endorsement of the recommendations of the Fifth Congress. The new Penal Code had eliminated certain offences which had become obsolete in that they applied essentially to pre-revolutionary society - such as fraudulent bankruptcy, insolvency and non-payment of debts. Other outstanding features of the new Penal Code were the possibility of reduced sentences for offenders under 20 years old; a reduction of maximum sentences of imprisonment; rules governing conditional commutation of sentences; probation; and more severe sentences for serious offences and for recidivists. No less important were new provisions on the

social control of ex-convicts by effective care following imprisonment, either after the full term or under the benefits of probation.

52. In Yugoslavia, there had been substantive adjustments in criminal law and procedure to conform with the constitutional changes of 1974. The amendments reflected the prevailing level of socio-economic development and were too numerous to discuss in detail. But the most essential element was the reduced scope of criminal-legal coercion to those areas where it was absolutely necessary in order to protect the basic values of the self-managing socialist society. A number of research projects had also been carried out since the Fifth Congress, on such topics as the etiology of crime in specific regions as well as on their effects, for the purpose of determining effective crime-prevention measures.

53. In Iraq, the National Centre for Social and Criminal Research was conducting an ongoing study on crime trends, and a research paper on crime trends for 1962-1972 had already been published in the Centre's journal. With regard to legislation, an act for the reform of the legal system, promulgated in 1977, had emphasized some crime-prevention and corrections principles agreed upon at the Fifth Congress and, in particular, indicated that penal policy must be based on a full awareness of the socio-economic determinants of criminality, on the specific consideration of the circumstances surrounding an offence in the determination of the personal responsibility of the offender and on the deterrent and rehabilitative purpose of criminal sanctions. In the event of recidivism, a study must be made of the factors which impeded the rehabilitation and social integration of the offender to enable corrective measures to be taken in future cases. This act also required the review of all criminal legislation in Iraq in accordance with these principles as well as on principles established by the national socialist revolution of 1968.

54. The treatment of juvenile offenders had been dealt with in a number of countries either through specific legislation on juveniles or on the welfare of children or as part of other new legislation on criminal proceedings. These will be considered in section V below, together with other information on corrections. The various approaches to the problem of juvenile delinquency embraced both preventive and curative or treatment measures - which, while differing in terms of detail, at the same time showed remarkable similarity in concept, design and objectives, in all countries addressing the issue. The emphasis was invariably on the diversion and rehabilitation of delinquent youth, either in a home environment or in special youth centres and institutions - the various diversion measures being mostly of an educational and vocational nature.

55. There was a marked tendency in many countries towards decriminalization and the use of alternative sanctions in a variety of areas, as well as towards the simplification and rationalization of trial procedures and systems and the use of custody during trial. In a few instances new or improved provision had also been made for the compensation of victims of crimes and for wrongfully detained persons. The decriminalization of minor offences was still under consideration in several countries. Examples of decriminalization already effected were in such areas as homosexuality between consenting adults, bestiality, drunkenness in public and abortion, in Finland, and certain "victimless" crimes in the

Philippines. Fines in place of custodial sentences for relatively minor offences had been provided for in several countries, for example, in the United Kingdom, the abolition of imprisonment for drunk and disorderly conduct; in Italy, the substitution of administrative penalties for all offences previously subject to fines only, except in a few cases such as offences relating to labour relations, alimony, water pollution; and in the Soviet Union, the waiver of criminal liability and sanctions in favour of administrative and social measures for offences which posed no grave danger to society and in respect of which the offender could be reformed and rehabilitated without the imposition of criminal sanctions. In Spain, the age of consent with regard to crimes against decency had been reduced to 18 years, and the manufacture, sale and advertising of contraceptives had been depenalized.

56. A variety of new statutes or amendments to existing legislation dealing with trial procedures had been passed in various countries. These new provisions fell into three major categories: first, those designed to accelerate the trial process by reducing the number and categories of trials and appeals or by simplifying trial procedures; second, those dealing with compensation for victims of offences or for judicial error and unlawful imprisonment; and third, those dealing with conditions for bail or for custody pending or during trial. The first category of provisions often dealt with the investigative phase as well as the trial and appeal phases. Several countries had streamlined police activities at the investigative phase by laying down formal rules for interrogations and by requiring prompt reporting to the prosecuting authorities. In some countries, preliminary hearings were required within specified time-limits to determine whether an accused person ought to be committed to trial or released. However, in a few other countries such preliminary proceedings had been abolished as part of the streamlining of the trial process and direct trials were required in all cases. A few countries had also increased the number of their prosecution and judicial personnel and in some cases, the number of criminal courts.

57. A number of countries, such as Austria, Australia, the Federal Republic of Germany and the United Kingdom reported that their criminal procedure laws provided for the payment of compensation to victims of crimes (in the case of the Federal Republic of Germany, to victims of violent crime and their dependants). In addition, Italy and El Salvador reported the adoption of new provisions requiring the payment of compensation to victims of judicial error and Italy, for unlawful imprisonment. In Austria, the courts could arrange an advance payment of compensation to a victim if the offender could not pay such compensation because of a prison sentence or the payment of a fine.

58. A variety of new provisions on the granting or refusal of bail pending trial or prior to final judgement was also reported by a number of countries. Several countries required bail or provisional release to be granted to accused persons as a matter of right, except in certain specified situations mostly having to do with the gravity of the offence, the integrity of the trial process and the safety as well as the previous criminal record of the defendant. In some countries, money bail had been abolished. Bail could thus be granted only on conditions other than the payment of money. The various bail provisions also indicated a tendency towards decreased use of remand or detention pending trial. The non-penal nature of remand or custody prior to the passing of judgement was emphasized by several countries. The status of a person under remand was thus that of a defendant in criminal proceedings rather than that of a prisoner, and this entailed the preservation of all procedural rights while the person was still subject to the rules of the penitentiary or place of detention.

IV. THE EMERGING ROLES OF THE POLICE AND OTHER LAW-ENFORCEMENT AGENCIES

59. Under this agenda item, the Fifth Congress made a number of recommendations on the following major issues: police professionalism and accountability; the need for high standards in the selection, training and performance of police officers; the need for necessary adaptation in police activities in response to changing forms of criminality; the importance of healthy police-community relations; public involvement and co-operation in crime prevention and control; the supplementary role of private security agencies in crime prevention and control and the legal regulation of such agencies; the role of the police in the formulation of legislation; and international police co-operation in the investigation of transnational crimes and the extradition of fugitive offenders.

60. The information supplied by Member States for purposes of this report dealt mainly with issues pertaining to domestic police activities and their general law-enforcement function and, in some cases, with international police co-operation as well. In the international arena, the recommendation of the Fifth Congress with regard to an international code of police ethics has been fulfilled in the adoption of a code of conduct for law enforcement officials by the General Assembly at its thirty-fourth session (General Assembly resolution 34/169 of 17 December 1969).

61. All of the national responses dealt with the normal functions of the police with regard to the protection of the socio-economic and political order, of life and property, the preservation of peace and the prevention and detection of crime. It was noted by several countries, however, that police activities were not restricted to the enforcement of the criminal law but also included a broad range of social services and welfare-oriented functions. In fact, a number of countries maintained separate police forces for the enforcement of the criminal law and the maintenance of public order, respectively. Accumulated research in the United States had shown that the crime-fighting and paramilitary model was not an adequate description of police activities; the perpetuation of that image resulted in a situation in which the police were trained to address only about 20 per cent of their task fairly well (crime fighting) and the other 80 per cent only poorly (social service). Although in some countries (such as Australia) there had been efforts to remove "extraneous duties" from the area of police responsibility to enable them to concentrate on their primary law-enforcement function, there was still a general acceptance of a broader scope for police functions and for the maintenance of a wide access to the public through a wide range of activities.

62. With regard to recruitment and training, all responding States sought to achieve and maintain high standards both in the level of entry qualifications and in the quality of training - although considerable difficulty was often encountered, particularly in the developing countries, in attracting better-qualified personnel into the service. The broader social role of the police and their crime-prevention function itself necessitated the broadening of training programmes to include the study of social science and behavioral subjects, and a large number of countries reported innovations in this respect. Recent

anti-discrimination legislation in several countries sought to ensure equal treatment for men and women in police recruitment. All countries mentioning this subject did provide equal conditions of service and equal pay for male and female officers.

63. Most responding States engaged in continuing and specialized training in order to upgrade the capabilities of police personnel and to develop appropriate responses to an increased incidence or new forms of criminality such as drug-trafficking and white-collar crimes. The improvement of police professionalism also involved ongoing evaluations of police productivity and efficiency, such evaluations having been undertaken in several countries in such areas as patrol activities and responses to public calls for service, the success rate in the investigation of criminal cases and adequate documentation of vital evidentiary facts in such investigations. There was also an increasing resort to technological aids, such as the computerization of records, advanced radio communications and radar equipment, although a number of developing countries reported that their general programmes of police modernization and expansion were often handicapped by limited resources.

64. In addition to efforts to achieve high standards of performance, a number of countries also reported measures in the area of police accountability. In several cases, police powers with respect to arrest, searches (particularly body-searches and searches of persons in custody) had been reviewed and clarified, but the accountability issue was dealt with most often by the establishment of disciplinary bodies, complaint procedures, the promulgation of codes of conduct for law-enforcement officials, public education on citizen's rights and the investigation of illegal conduct by outside bodies, such as an ombudsman.

65. Most countries reported the use of specialized police squads or divisions to combat particular types of crime. Thus, new specialist squads were often formed as the need to deal with special situations arose. Examples of such specialist squads cited by various countries were the flying squads in Chile, as well as special units dealing with sexual, drug and juvenile offences. In Kenya, such special units had been formed to deal with exchange control offences, poaching of wildlife in game reserves, cattle raids, smuggling of coffee and other commodities, fraud, armed robberies and other unlawful acts. In the Seychelles, a special patrol group had been formed in 1979 to conduct "saturation policing" of high crime areas. In the United Kingdom, there were specialist squads dealing with fraud, burglary, car theft and other ordinary crimes as well as specialist training programmes developed to combat sophisticated computer crime. In the Netherlands, special units had been formed to deal with organized crime and with international trafficking in illegal drugs. In Botswana, the creation of new police districts was contemplated in response to the opening of new diamond mines in certain parts of the country.

66. Specialist units were used not only to combat particular types of crime but also to conduct crime-prevention campaigns and to cultivate police-community co-operation. In the Federal Republic of Germany, special police units were used in the fight against terrorism, economic crimes and drug trafficking as well as in pilot projects on juvenile delinquency involving special "youth officers". In

Japan, an annual nation-wide crime-prevention campaign was conducted involving such civic activities as the organization of meetings with local residents, public education, police patrols with citizen participation and home visits. In 1979, a "model areas" project was initiated to strengthen these activities and evaluate their effectiveness. There had also been special programmes to combat theft from homes, occupational crime and international terrorism. In the United States, various neighborhood-watch programmes, combining changes in environmental design as well as citizen participation, were conducted in selected communities, often resulting in dramatic reductions of the crime rate in those areas. Similarly, in Canada, the police conducted community-based crime-prevention campaigns and also used citizen-advisory councils and the media in these efforts. In Jamaica, the police used their involvement in the running of Youth Clubs and other community-oriented activities to build up healthy police-community relations. In Australia, Community Affairs Sections had been established to play a co-ordinating role in the social involvement of operational police and in the conduct of crime-prevention campaigns; cadet training also involved community work to emphasize community involvement.

67. In Finland, neighbourhood police-activity had been initiated on an experimental basis, while juvenile work in high-problem residential areas was based on voluntary police work. In Sweden, particular emphasis was placed on the relationship of the police with the public and on its crime-prevention work among youth. Similarly, in Austria, the police stressed the services rendered to the population rather than their law and order function only. There were "contact officers" at certain police centres to assist as consultants. Crime-prevention measures within neighbourhoods, particularly with regard to the protection of property, were conducted with the support and participation of the public. In the United Kingdom, the Police Act of 1976 introduced a new element of accountability into the relations of the police with the rest of the community, by providing for prompt official response to public complaints of police misconduct or illegality. Furthermore, crime prevention panels had been established in many areas consisting of representatives of the police and of local organizations. "Community constables" and liaison officers had been used to patrol given areas and to cultivate healthy relations with particular communities. Various crime prevention campaigns had been conducted with neighbourhood participation, and a variety of community projects, such as "inner-city partnerships", summer play schemes and camps and community centres, provided means of building up police-community co-operation as well as serving to control crime.

68. In the Byelorussian Soviet Socialist Republic, as well as in the Soviet Union as a whole, voluntary people's associations operated in co-operation with the public law-enforcement agencies and stations in specific crime-prevention activities, such as the maintenance of public order in the streets, stadiums, parks, squares and other public places. In addition, such voluntary bodies as well as community organizations and workers' collectives also performed crime-prevention functions as discussed previously in the broad context of social prevention of delinquency. Several other socialist countries, such as Romania and the German Democratic Republic, involved working people in the development and application of law-enforcement measures as part of the systematic, co-ordinated activity of state agencies and people's associations.

69. A number of responding States, such as Australia, Finland, the Netherlands, Pakistan, the Philippines, Portugal and Sweden, reported actual or proposed changes in the organizational structure of their police services. In the Philippines, the integration of a large number of municipal and city police departments into the Integrated National Police was reported to have transformed the police forces into a more functional and dynamic tool for the preservation of law and order and further facilitated the formulation of nation-wide crime-prevention programmes. In the Netherlands, plans to reorganize the police force were connected with proposals to change the system of regional governments, and it was envisaged that the preparation of necessary legislation for this purpose would take a number of years. In Portugal, the police system had been reorganized in various divisions - such as the Judicial Police and the Administrative Police with its sub-divisions - and emphasis was being placed on the education of a new generation of police officers free from the image of the old political police. In Finland, certain police functions had been centralized from local district level to the level of co-operative districts, while criminal investigation was centralized at the province level. In Sweden, a special committee had recently proposed the decentralization of decision-making processes, involving greater autonomy for local police boards. In Pakistan, the recommendations of a Police Commission had been approved for implementation, these being the separation of the "watch and ward" police from the detective police, the transfer of prosecution work from the police to a separate agency and the establishment of a Police Academy for senior officers. Finally, the Australian Capital Territory and Commonwealth Police forces had been merged into a new Federal Police Force, and a Commonwealth State Ministerial Police Advisory Council had been formed to stimulate co-operation between the Federal and State police forces, particularly in light of the increased incidence and complexity of crimes of violence, terrorism and white-collar crimes.

70. With regard to international police co-operation, Chile reported that it had been able to take action against certain types of transnational crime through the use of inter-police agreements. The United Kingdom emphasized the value which it had always attached to international police co-operation and its continuing commitment to the International Police Organization. In 1979, the Commissioner of Police had taken the initiative in convening a conference at London on "Capital Policing Europe 1979", which afforded a valuable opportunity for Chiefs of Police from many European countries to discuss common problems. In Japan, an International Criminal Affairs Division had been established in 1975 in view of recent increases in transnational crimes. This unit co-operated with foreign investigative agencies and had initiated biannual seminars on international criminal investigations with the participation of police officers from other countries and also with organizations such as INTERPOL. Canadian officials actively co-operated with other Member States in the development of effective strategies to combat international terrorism and in the development and testing of police equipment and technological aids to criminal investigation. In Morocco, the criminal justice authorities engaged in international and regional co-operation with various foreign police forces and other agencies, such as with United Nations institutions and commissions, the International Criminal Police Organization, the Arab Organization for Social Defence, the International Society of Criminology and the International Society for Social Defence.

71. A number of countries reported that their police services also played active roles in the legislative process. It was the practice in the United Kingdom to involve the police in proposed amendments of the criminal law and criminal justice system or to give serious consideration to initiatives of the police in legislation. In the Federal Republic of Germany, the police participated in the planning, debate and implementation of legislative measures in criminal law and crime prevention and in Canada, there had been increasing police involvement in the formulation of legislation at federal, provincial and municipal levels, major examples being police participation in the Law Reform Commission's "Police Powers Project" and police initiatives in amendments to building codes to improve safety standards in both residential and commercial buildings.

72. The role of private security agencies (private police) in crime-prevention was also addressed in a number of responses. It was pointed out by the United States and the Federal Republic of Germany, that such agencies performed a vital role in the policing of private property and business enterprises, but that the public police took over all criminal investigations and the apprehension of offenders. There thus had to be a certain degree of co-operation between the private and public police. In Canada, various official studies had been conducted on the operations of the private security industry. Likewise, in the United Kingdom, the question of regulation had been studied by the Government, following public expressions of concern, and was currently under public debate.

73. Several countries also dealt with the question of extradition. The Suppression of Terrorism Act passed by the Parliament of the United Kingdom in 1978 sought to eliminate or restrict the possibility of terrorists evading extradition by pleading that their crimes were political offences. Since 1975, Canada had entered into extradition agreements with the Federal Republic of Germany, France (ratification pending), Sweden (1975), and with the United States (1976, amending an earlier agreement). In Japan, the extradition law had been amended in 1978 to promote greater international co-operation in the extradition of fugitive offenders. This enabled extradition to be effected even in the absence of a treaty between Japan and a requesting State, provided that reciprocal assurances were given by that State. The extradition treaty with the United States had also been reviewed in 1978 to enlarge the scope of extraditable offences as a countermeasure to the increase in transnational crimes.

74. It may be seen from the foregoing that all responding States attached great importance to the performance of their police organizations; this was caused as much by the importance of their law-enforcement function as by their symbolic role as the personification of the law. This concern was reflected in the adoption of innovative approaches in recruitment and training, particularly in continuing specialist training of serving officers, in the modernization of police equipment and increasing application of technological aids and in the general improvement of police efficiency and police-community co-operation. The adoption of the Code of Conduct for Law Enforcement Officials by the General Assembly at its thirty-fourth session (General Assembly resolution 34/169) was a major development in the direction of improving standards of performance for police officers and other law-enforcement officials in all countries. A number of responding States also emphasized the role of international police co-operation in their efforts to combat an increased incidence of transnational crimes; further, international co-operation in the extradition of offenders and the facilitation of extradition between a larger number of countries may be seen as an important major objective of recent measures taken in several countries.

V. THE TREATMENT OF OFFENDERS, IN CUSTODY OR IN THE COMMUNITY,
WITH SPECIAL REFERENCE TO THE IMPLEMENTATION OF THE STANDARD
MINIMUM RULES FOR THE TREATMENT OF PRISONERS ADOPTED BY THE
UNITED NATIONS

75. Four main topics were dealt with by the Fifth Congress under this agenda item, these being: alternatives to imprisonment; factors in correctional reforms; the Standard Minimum Rules in the climate of change; and the protection of all persons against torture and other inhuman or degrading treatment or punishment - on which a Declaration proposed by the Congress was unanimously adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975. The monitoring of the implementation of this particular Declaration has since been undertaken by the Secretariat under the mandate of General Assembly resolutions 32/63 of 8 December 1977 and 33/178 of 20 December 1978, and national replies submitted in this respect have already been published as reports of the Secretary-General (A/33/196 and Add.1-3, and A/34/144); this precludes detailed examination of the issue in the present report.

76. It must be noted, though, that all responding States reported that torture and all other human rights violations were already prohibited by their domestic laws, including constitutional provisions as well as human rights statutes and Police and Prison Regulations and also by international conventions applicable in these countries. Most countries also reported that violations of the legal prohibitions against torture were subject to penal sanctions against the law enforcement or public officials who perpetrated or aided in such acts against prisoners or accused persons, and a complaints procedure was usually available for initiating investigation of such cases and for instituting prosecutions or disciplinary action where appropriate. Several countries (France, Italy, Japan and Sweden) also reported that special provisions were available for awarding compensation, reparations or damages in favour of victims of such violations, and liability for paying such compensation was either borne by the State or by the public official responsible for the violation. Further, most responding States reported that any evidence or confession obtained as a result of torture, violence or other act of coercion or undue pressure was not to be admitted against the accused person in court and could not, therefore, be used as the sole basis of a conviction. The exclusion of such evidence was discretionary in some countries.

77. One significant feature of a number of replies, such as those of Chile, Finland, the Philippines, and the United Kingdom, was a reported erosion in confidence in the deterrent value of imprisonment. There was, in any case, a general tendency in most countries towards the deinstitutionalization of corrections practices, that is, a decreasing use of imprisonment and shorter terms of imprisonment and an increasing use of alternative sanctions. The various alternative sanctions included fines, community-service or work orders, mandatory reporting to law-enforcement agencies at given points in time, compulsory curing or detoxification of offenders with drug or drinking habits, probation and suspended sentences coupled with supervision.

78. Alternative sanctions were applied either in a specifically rehabilitative framework, a deterrent framework or simply as a movement away from custodial sentences, even in countries which did not specify the underlying philosophy of their corrections system. The debate on whether the primary goal of sentencing should be retribution, deterrence, rehabilitation or some other goal, was raging anew in some countries but the purpose of corrections, where specified, was invariably reported to be either deterrence or rehabilitation, with emphasis tending towards the former in a number of countries, but with a combination of both in most countries. There was unanimity as to the general deterrent purpose of corrections, but not necessarily on the deterrent effect of particular sanctions. But there was considerable, though not unanimous, support for the rehabilitative function of corrections.

79. It had become accepted among crime-control experts in Finland, for instance, that the stronger the measures which society directed against an offender, the greater the probability that the offender would later on become a recidivist. On the other hand, it had also been observed that institutional measures could not be expected to have any general decreasing effect on recidivism, and, indeed, an expert committee on the reform of the penal system had recently recommended the rejection of the notion that criminals could be effectively "treated" in penal institutions. This committee had consequently called for a general reduction in the use of prison sentences in favour of fines, warnings, short-term detention and various non-custodial measures. It was believed, furthermore, that the differences between forms of punishment had only a very slight effect on the level of criminality in general. Therefore, Finland was trying to create new alternatives which would have as much general deterrent effect as imprisonment, but would result in less suffering to the offender in addition to being more economical to the State.

80. The use of alternative sanctions in Finland antedated the recommendations of the expert committee on penal reform in 1977. A 1975 statute on the treatment of prisoners had required that the essence of punishment could be nothing more than the deprivation of liberty. This law, thus, required that prison conditions should approximate the conditions prevailing in free society as closely as possible. Imprisonment in a penitentiary, bread-and-water sentences and confinement to cells with hard beds were all abolished, as was confinement in chains except as an extreme and short-term measure only to prevent escape during transportation or to curb violence. The use of indeterminate sentences had been considerably curtailed since 1971, and an act which came into force in 1977 provided for uniform sentencing practice and narrowed down the discretion of the courts in this respect. Capital punishment was entirely abolished from the system of sanctions in 1972, and before then, the last sentence of capital punishment enforced in Finland in times of peace was in 1824.

81. Furthermore, quite apart from a number of decriminalizations in Finland, already referred to in section III above, the use of fines as an alternative to imprisonment had been increased, particularly in respect of theft offences. In fact, fines were regarded as the most important alternative to imprisonment, and constituted over 90 per cent of all sentences passed by the courts. The day-fine system had been in effect since the 1920s and had been amended in 1976 to make it a more severe sanction for wealthy people.

82. In the Federal Republic of Germany, new legislation in force from 1975 emphasized the rehabilitation of offenders and their reintegration into society. This was particularly so in the case of juvenile offenders. The minimum prison sentence had been set at one month, on the realization that shorter terms of imprisonment left no room for meaningful treatment of offenders. Similarly, in Hungary, the minimum prison sentence had been raised from one month to three months since the previous sentence was considered too short for the punishment to achieve its purpose. The new legislation in the Federal Republic of Germany also made it possible for shorter prison sentences to be replaced with fines, which may be assessed by reference to the income and assets of the offender. Since 1974, there had been a continuous decrease in the proportion of prison sentences and an increase in the proportion of fines - which reached 83.1 per cent of all sentences in 1977. Besides, prison conditions were to approximate general living conditions as much as possible.

83. In Canada, the general themes of various Parliamentary and Law Reform reports were very much in harmony with conclusions of the Fifth Congress with regard to the protection of the rights of offenders, the reform of corrections policy and practices and the importance of establishing or maintaining close working relations between corrections and national health and social welfare services. In recent years, several provinces had introduced such new sentencing programmes as community service orders, restitution to victims and fine-option programmes entailing the performance of some form of work in lieu of payment of a fine. Legislation had previously been proposed to provide similar community-based alternatives at the federal level, and it was likely that this effort would be renewed. Also, at the federal level, research and demonstration projects continued on the development of diversion services. Legislative proposals published recently promoted the adoption of a wide range of non-custodial alternatives for juvenile offenders. Capital punishment had already been abolished, in 1976, and minimum mandatory sentences had been established with regard to the use of firearms in the commission of an indictable offence. A number of significant changes had been introduced in the federal penitentiary system following the report of a parliamentary sub-committee in 1977, including new inmate grievance procedures, the establishment of citizens advisory committees and improved penitentiary staff training. On the whole, 51 of the sub-committee's 65 recommendations had either been fully implemented or were in the process of being implemented, and 9 more were under review.

84. The constitution of Venezuela contained guarantees against torture and other forms of cruel, inhuman or degrading treatment or punishment and also penalized persons who committed such acts. These guarantees were embodied in prison legislation and were strictly enforced by the courts. There had also been two recent enactments dealing with penitentiary matters. The Act on the Registration of Criminal Records, enacted in November 1975, effected reforms in the previous system of registration which had applied not only to persons convicted of an offence but also to those who had been investigated as suspects or accomplices. This act sought to eliminate the social stigma previously attached to individuals as a result of the registration system, which had been an obstacle in their reintegration into free society. It restricted registration to only those cases

Significant innovations introduced by Law No. 354 were with respect to remunerative work for prisoners, leaves of absence, parole under the control of the social service, the régime of partial freedom and early release from prison. The régime of partial freedom consisted in granting a convict permission to spend part of the day outside the penal institution in order to engage in work, educational activities or other activities useful to his re-entry into society. One or more leaves of absence, with a total of 45 days per year, may also be granted to a prisoner who had been approved for the régime of partial freedom. Finally, early release may be granted to prisoners who had demonstrated particular involvement in the rehabilitation process. This benefit consisted of a reduction of 20 days for every semester of time served.

92. In addition a new draft law dealing with the penal and procedural laws in Italy had proposed, among other things, the substitution of short-term prison sentences with part-time detention, freedom under surveillance, and fines. Part-time detention entailed the obligation to spend at least 10 hours daily in penal institutions. A violation of any of the obligations or prohibitions connected with part-time detention or freedom under surveillance automatically converted the remainder of the sentence into a prison term.

93. In the Philippines, new approaches and different corrections measures other than imprisonment had been developed in the face of mounting evidence against the deterrent capacity of imprisonment and to ease over-population in penal institutions. These measures emphasized the expansion of community-based programmes for the rehabilitation of offenders and sought to satisfy the need for less costly and less stigmatizing non-institutional measures. An adult probation system as an alternative to institutionalization for certain types of offenders had been put into effect with the promulgation of the Probation Law of 1976. Another measure involved the diversion of certain types of offenders to other community service agencies considered more capable of handling their problems. There were such community service agencies as Halfway Houses, Youth Residence, Friendship Homes, Rehabilitation Centres for Drug Addicts and Boys and Girls Protectories, the services of which were often used by criminal justice agencies as another alternative towards the decongestion of prisons as well as to meet the growing clamour for more humane treatment of offenders.

94. In Sweden, the Penal Code of 1965 was a first step towards the greater use of non-institutional corrections in lieu of imprisonment. This had reversed the continuous increase in the prison population, which then steadily declined up to and including 1976, after which there had been a slight increase. Criminological research had also shown that imprisonment was an inefficient means of correction as seen from the point of view of crime prevention. Two committees had thus been established by the Government in 1979 - dealing with imprisonment and non-institutional corrections, respectively - the specific terms of reference of which include a review of existing scales of punishment to bring them in line with present-day criminal policy; the introduction of more precise rules concerning the choice of penalty and the meting out of punishment; a revision of current provisions on parole and the use of probation; and the introduction of alternative penalties such as intensive supervision, semi-detention, periodic detention, community service and civil commitment.

95. Moreover, a new law entering into force in January 1980 had restricted the special penalty of imprisonment for juveniles (between 18 and 21 years old) to only those situations where there were special reasons for depriving a young person of his or her liberty. The age-limit for sentencing youthful offenders to life imprisonment had been raised from 18 to 21 years, and a previous provision allowing milder punishment for any offence committed by a person under 18 years of age had also been amended raising the minimum age to 21 years. Finally, a 1979 report of the Swedish Ministry of Justice had reviewed the use of internment - a penalty of indeterminate detention intended for recidivists who could not be deterred from continued grave criminal activity by any less radical measure - and come to the conclusion that it did not serve the stated objectives of providing treatment and preventing recidivists from committing further crimes. It was thus recommended that the penalty of internment should be abolished with effect from July 1980. The recommendations embodied in this report were being examined by various authorities and institutions.

96. In Mexico, social rehabilitation had replaced the punitive objective of corrections. This had resulted in new legislation and policies in all jurisdictions and in the creation of new institutions such as the Department of (Crime) Prevention and Social Rehabilitation, which co-ordinates the work of Social Rehabilitation Centres at local and federal levels and Women's Rehabilitation Centres, Guardianship Councils for juvenile offenders. There had also been improvements and renovations of prison premises and the construction of new detention centres. Sentencing reform had involved the replacement of short prison sentences with fines, shorter prison sentences for property offences and certain offences involving narcotics and increased penalties for organized crime. The scope for provisional release had been expanded, making such release possible after three fifths of a sentence, rather than two thirds, had been served. Interdisciplinary technical councils comprising prison officials, educationists and medical officers (among others) had been established to perform certain tasks pertaining to the individualization of sentences and corrections practices to suit the personality of individual offenders. Two amnesty acts, promulgated in May 1976 and October 1978, had benefited about 244 prisoners, and two prisoner-exchange treaties entered into with the United States of America (November 1976) and Canada (November 1977) had resulted in the exchange of a large number of prisoners to serve their sentences in their countries of origin.

97. In Kenya, institutional treatment was used more often than community-based treatment such as probation. For instance, in 1977 a total of 65,669 offenders were sentenced to various terms of imprisonment, compared with 3,400 placed on probation. The corresponding figures for 1978 were 57,136 and 3,982 respectively. As a result, the need to extend the probation services was recognized. Although imprisonment was a punishment in itself, punishment was not considered as the most efficient method of crime prevention. An offender was thus placed in custody as a punishment but not for punishment. Prison in Kenya was, therefore, primarily a place for the rehabilitation and treatment of offenders. The reform of social conditions which promoted criminality was considered an ancillary function carried out by other governmental and social agencies, and while in prison, offenders were inculcated with the work ethic and trained in such fields as agriculture, the building trades,

industry, and in general education - depending on the particular needs of individual inmates. Although the expansion of such training facilities had not kept pace with increases in the prison population, constant efforts were being made in that direction.

98. The Probation Service in Kenya enabled certain offenders to remain in open society, with the provision of assistance to equip them to lead useful and productive lives. Probation had the added advantage of being much less expensive than institutional treatment. Each case was given individual diagnosis and treatment, and such programmes often involved the participation of family members. The proportion of offenders put on probation was considered to be too low, as may be observed from the figures given above, and it was hoped that the increased use of probation as well as of alternative sanctions such as fines, week-end programmes and an instalment system for the payment of fines, would provide the means for considerable reductions in the prison population - particularly since the bulk of prison sentences was for short terms of six months or less.

99. In Chile, there had been increasing awareness of the limited results that could be achieved by imprisonment. A number of projects had thus been devised aimed at broadening existing alternatives to imprisonment and widening the scope of alternative measures such as community work, night-time and week-end imprisonment, probation, new forms of conditional release, one week of "honour leave" every three months for prisoners at penal colonies set up as education and work centres and an expansion of the system of unsupervised leave, covering approximately 20 per cent of all prisoners. The Standard Minimum Rules for the Treatment of Prisoners had been incorporated into Chile's national legislation since 1965.

100. In the United States, sentencing objectives and policies continued to generate much controversy, reflecting disillusion with virtually every kind of sentencing practice or measure. Although it had long been established by the Supreme Court that retribution was no longer the dominant objective of the criminal law and that the rehabilitation of offenders was an important goal of corrections practice, none of the several rehabilitation programmes that had been evaluated over the years had been found to reduce recidivism in any significant respect. But while support for the goal of rehabilitation had slackened substantially, remnants of rehabilitation as a policy goal still persisted. The use of indeterminate sentences with consequent wide disparities and a large degree of uncertainty and arbitrariness in the administration of rehabilitation programmes continued to be the subjects of attack.

101. Efforts had been made, in various jurisdictions in the United States, to structure the exercise of sentencing discretion, such as by the use of fixed sentences, sentencing panels, appellate review and sentencing guide-lines, although none of these had been found to provide totally satisfactory solutions. In the drafting of a new federal criminal code, which has seen various versions, a Senate draft made provision for the establishment of a sentencing commission - which would formulate guide-lines intended to greatly reduce current sentencing disparities. These guide-lines would utilize established federal offence categories and the offender's prior criminal history. In view of the fact that the history of

sentencing reform in the United States had seen broad swings in both sentencing goals and practices, the commission model appeared to be the most attractive alternative presently in sight, although whether it could stand the test of time remained to be seen.

102. In Australia, sentencing policies and practices varied from one state or local jurisdiction to another; the daily national average number of prisoners fell from 10,581 in 1972-1973 to 8,718 in December 1977, these figures respectively representing imprisonment rates of 80.8 and 62.3 per 100,000 of population. The overall imprisonment rate rose to 69.5 (per 100,000), in June 1979. This reflected the increasing use of imprisonment for certain categories of offences in a number of jurisdictions, for example, for serious driving offences, drug-related offences, armed robbery, homicide and assault. But recent statistics also showed that there were approximately twice as many offenders under probation supervision as there were in prison and approximately one half as many offenders on parole compared with the number in prison. In absolute terms, various state jurisdictions showed a decreasing use of imprisonment and an increasing use of fines and probation orders. Finally, in the various jurisdictions, provision had been made or proposed for an increased resort to community-service or work orders, particularly to replace imprisonment for non-payment of a fine.

103. In Hungary, the new Criminal Code of 1978 and Law Decree No. 11 of 1979 on the Execution of Penalties had reformed the penal system in significant respects. The new code had given wider scope to the use of parole, introduced the day-fine system with which other countries had had favourable experiences and considerably widened the scope of supplementary or alternative penalties. The day-fine system took into account the gravity of the crime, the culpability of the offender, as well as the size of the offender's income in determining the amount of the fine. Supplementary penalties may be substituted for principal penalties in respect of crimes punishable with not more than two years imprisonment. Previously, probation or the suspension of penalties for a probationary period had been applicable to minors only. This had now been extended to adults other than recidivists. Further, in view of the close relationship between alcoholism and delinquency, emphasis had been placed on effective criminal-law means of suppressing alcoholism, including the compulsory curing of alcohol addicts who committed crimes.

104. Hungary also used supervision to assist in the control and orientation of offenders and in their reintegration into society. This was applied to offenders who had been placed on probation, those who had been given suspended sentences or those released on parole. Such supervision was mandatory in cases of provisional release from severe confinement. Finally, the suspension of the execution of punishment was regulated in a new way. A sentence of imprisonment not exceeding one year or a fine may be suspended for a probationary period if, in consideration of the offender's personal circumstances, it was considered that the purpose of the punishment could be achieved without its execution. Such suspended execution of sentence may also be applied in deserving cases where the sentence of imprisonment was over one year but less than two years. The execution of a principal penalty may be replaced by one year of probation in case of a fine, or by one to five years of probation in case of imprisonment for a misdemeanour. However, these alternative measures were not available for recidivists, who were subject to imprisonment at a more severe grade and also forfeited any rights to probation or suspended sentencing.

105. In Romania, Decree No. 218 of 1977 had established important measures for punishment and the re-education of offenders within the community. Thus, work-penalties without deprivation of liberty could be substituted for penalties involving less than five years' imprisonment, taking into account the gravity of the offence, the circumstances in which it was committed and the general conduct of the offender. Further, juvenile offenders between 14 and 18 years of age were to be handed over to the community within which they studied or worked, upon trial by special trial councils at the unit or community level and were to be subjected to prescribed rules of discipline and conduct to be followed under the supervision of the community and family. A study of the number of persons convicted in the year before and after the adoption of this legislation showed that the proportion of offenders sentenced to various terms of imprisonment had dropped from 66.3 per cent in 1976 to 32.5 per cent in 1978 and 29.4 per cent in the first three months of 1979, while the corresponding proportion of those sentenced to work penalties had risen from 5.2 per cent in 1976 to 39.7 per cent in 1978 and 41.6 per cent in the first three months of 1979.

106. In the German Democratic Republic, two new statutes had been passed in 1977, dealing with the execution of sentences of imprisonment and the reintegration of ex-convicts respectively. These laws were based on the prevailing level of social development and took account, in particular, of society's increased ability to re-educate prisoners and reintegrate offenders into social life. The main emphasis was on further development of proven principles and methods of education and self-education, in particular by differentiating the execution of sentences, securing the participation of prisoners in the production process, enlisting the co-operation of social forces and organizations and encouraging the prisoners' desire to prove their worth by providing general and vocational education - especially to youths and young adults. Local authorities in whose jurisdiction the offenders lived, as well as managers of enterprises or institutions where they worked, were involved in preparing and effecting their reintegration into society.

107. In the Union of Soviet Socialist Republics, there had been a trend towards narrowing the field of application of criminal sanctions, primarily with regard to offences which did not involve great public danger and expanding the scope of application of administrative sanctions and community-based treatment. The emphasis was on the correction and re-education of offenders by avoiding, as far as possible, the deprivation of their freedom. Union-wide legislation allowing alternatives to criminal punishment provide for the institution of administrative proceedings or the transfer of the case to comrades' courts or to the custody of social organizations or workers' collectives or, in the case of minors, to appropriate juvenile affairs committees. The application of such alternative measures had led to a reduction in the use of short-term imprisonment for petty crime. Offenders who had been exempted from criminal liability may be obliged to pay fines or to perform corrective labour at their place of work for a period of one to two months.

108. Furthermore, the grounds for the deferment of the execution of a criminal sentence had been broadened with regard to minors and also with regard to women who were pregnant at the time of the sentence or to convicted mothers of infants under 3 years of age. The rules for conditional release from imprisonment and for conditional conviction with mandatory employment had also been codified. The

law stressed that conditional conviction without deprivation of freedom should not isolate the convicted person from society and also provided for the supervision of such convicts in a production collective for a determined period.

109. In Yugoslavia, the various socialist republics and autonomous provinces had recently adopted their own laws on the enforcement of criminal sanctions, in the context of the overall deterrent purpose of punishment as provided for in the criminal law of the Socialist Federal Republic. Criminal sanctions were executed either in freedom under supervision or in penal institutions. With regard to the former, amendments to the criminal law made in 1976 had introduced suspended sentences and protective supervision, in addition to judicial admonition, all of which can be used in substitution for imprisonment. With regard to the latter, United Nations standards on the treatment of prisoners had long been incorporated into Yugoslav law, with some improvements as well. There was, for instance, emphasis on the individualization of corrections to suit the personality of the offender, in order to achieve a more successful reintegration of the offender into the community. Depending on the effect of corrections in particular cases, conditional release was often used, thus enabling considerable portions of sentences to be waived.

110. In Poland, sentencing figures for 1978 showed the following breakdown of penalties: imprisonment (32.6 per cent); suspended sentences (35.3 per cent); curtailment of liberty (14.9 per cent); and fines (17 per cent). Capital punishment may be imposed for acts aimed at undermining the security, defence and economy of the Republic and for murder, armed robbery or robbery with dangerous weapons. However, even in those cases, there was always the possibility of imprisonment as an alternative and stringent safeguards with regard to possibilities for reprieve and the exhaustion of all possible appeals and reviews. Various efforts had been made to improve prison conditions after the Fifth Congress, and emphasis was placed on the rehabilitation of offenders for their reintegration into society. Among relevant practices in the rehabilitation framework were individualized corrections, early release of reformed offenders, special programmes for juveniles, women, those convicted of involuntary offences, recidivists and those requiring special educational or medical treatment such as detoxification of alcoholics. There were also expanded programmes for cultural, educational and sporting activities, family contacts and post-release supervision and also a number of open prisons where prisoners worked without surveillance.

111. In Argentina, the policy of rehabilitation was expressed in constitutional and statutory provisions and was implemented through individualized treatment of offenders for the purpose of effecting their reintegration into society. These programmes usually culminated in conditional or early release, depending on the circumstances of each case, accompanied by post-release supervision with the participation of discharged prisoners' aid societies and similar organizations. Similarly, in El Salvador, constitutional provisions prescribing the education and social rehabilitation of offenders as a basic objective of corrections and crime-prevention was elaborated upon by the Penal Code, Code of Penal Procedure and legislation on the administration of penal and rehabilitation centres. In providing for specific measures of a curative, educational and preventive nature, the provisions of these laws sought to incorporate modern trends in crime-

prevention and corrections policy, with due regard to local traditions and conditions. The support of the community was also sought in the implementation of crime-prevention and corrections programmes, particularly pursuant to article 73 of the act governing penal and rehabilitation centres and the role of prisoners' aid societies.

112. In Spain, constitutional provisions on the deprivation of liberty and the confinement of offenders were oriented towards rehabilitation and social reintegration. Various other constitutional guarantees of human rights and individual liberties were incorporated into the penal legislation, including the General Prison Law. Capital punishment had been abolished except for war crimes under military law. Custody measures were to exclude the use of forced labour. Convicts serving prison sentences still enjoyed their fundamental rights except those rights expressly limited by the conviction verdict, and they enjoyed the right to a salaried job and corresponding benefits. The fundamental basis for the treatment of prisoners had been determined in the prison law, and there was provision for a range of alternative sanctions such as fines, week-end detention, suspended sentences and conditional remission of penalties. To facilitate the social reintegration of released prisoners, a social assistance commission with representatives from various social groups and sectors was to be established to provide necessary assistance to released convicts.

113. In Morocco, penal legislation and the prison administration were reported to be modern and adequate, and the Directorate of Rehabilitation and Penal Reform effected the rehabilitation of prisoners and their reintegration into society through the vocational training provided at its establishments. The response of the United Republic of Cameroon placed great emphasis on the prevention and treatment of juvenile delinquency, through the application of preventive and therapeutic measures at three main levels - these being the primary level, involving mainly educational, social, cultural and health measures; the secondary level involving early detection of deviant tendencies and the application of diversion measures; and the tertiary or post-cure level involving the application of measures to combat recidivism among youthful offenders. In Iraq, there had been increasing use of penalties other than imprisonment. Over the period 1962-1972, there had been a consistent increase in the number of fines imposed, in the number of suspended sentences, as well as in the number of persons released against an undertaking of future good conduct. As indicated in section III above, the main purpose of corrections policy was rehabilitation and the social reintegration of offenders. Recidivists were more likely to receive prison sentences than first offenders; fines were used more often on the basis of the seriousness of the offence and instalment payment was often allowed in order to avoid imprisonment for non-payment; prescribed penalties may be reduced by the court, for stated reasons, if the circumstances of the case and the personal situation of the accused made this necessary; finally, suspended sentences were mandatory for certain crimes in specific circumstances, mainly with respect to crimes which posed no threat to the community and which were largely motivated by personal circumstances.

114. Further, Iraq had promulgated a number of acts in 1978 and 1979 providing for amnesty for a large number of prisoners who had served at least half of their sentences, and efforts were made to reinstate the released prisoners in their former jobs or occupations to help towards their reintegration into society.

The sentences of other prisoners who had not been granted amnesty were also reduced by half. The Standard Minimum Rules for the Treatment of Prisoners were being applied in Iraq, with particular regard to the keeping of accurate records on prisoners; the application of self-management programmes giving inmates some degree of responsibility in the organization and implementation of work, educational and rehabilitation programmes; and the involvement of social workers to counsel inmates and serve as intermediaries between them and the prison administration. Male and female prisoners were completely segregated and young prisoners were also kept in special institutions suited to their reform and rehabilitation needs and separated from adult prisoners.

115. In Cuba, the treatment of prisoners, ex-prisoners and their families were undertaken in the broader context of social prevention of delinquency, which was primarily a combination of Government action, educational measures and social action by mass organizations. Rehabilitation and social reintegration were, consequently, the cardinal principles of the corrections system. Young offenders accused of lesser crimes could not be subjected to preventive detention in Juvenile Re-education Centres for more than 90 days, and for persons charged with major crimes, the term of preventive detention could not exceed the minimum prescribed for the crime in question. Centres for the Evaluation and Classification of Prisoners had been established in various provinces, and centres for post-institutional treatment had also been organized in all provinces with the task of guaranteeing the placement of both ex-prisoners and those on probation on the labour market; also there was more effective supervision of ex-prisoners for the purpose of preventing recidivism. The Standard Minimum Rules were reflected in the prison regime, and there had been substantial and continuing improvements in the quality of prison installations.

116. In Brazil, important modifications of the execution of punishment and of preventive detention had been effected by a new law, passed in May 1977. A special committee to examine and to make recommendations regarding the prison system had been established in 1979, together with a committee on crime and the socio-economic environment. According to the 1977 law, pre-trial detention was to be used only when necessary for justice, social security and public order, and sentences involving deprivation of liberty were to be used only for the most serious crimes. There was individualization of treatment depending on the seriousness of the crime and the personality of the offender. Prisons were divided into maximum-security, medium-security and open-institutions, and prisoners could be granted the right to return to the community, work outside the prison, visit their families and participate in other activities designed to facilitate their reintegration into society. Community assistance to prisoners and ex-prisoners and their families was being expanded to involve regional and local authorities as well as a number of public and private organizations. In particular, a pilot project had been initiated with the participation of the Ministry of Works, Ministry of Justice and local authorities, for work-training for prisoners, involving over 20,000 prisoners during the year 1978-1979.

117. The most prominent feature of the information on corrections was obviously a general tendency towards increasing use of non-custodial sanctions in a large number of countries, as a result of widespread and increasing disillusionment

with the "treatment" function of imprisonment and a desire to adopt more humane and more effective corrections measures. General deterrence continued to be a constant objective of punishment; however, in spite of considerable disillusionment with "treatment" in a custodial setting, rehabilitation continued to be a major objective of corrections practices in most countries, but with an increasing emphasis on the application of diversion and rehabilitation measures in a community setting.

VI. ECONOMIC AND SOCIAL CONSEQUENCES OF CRIME: NEW CHALLENGES
FOR RESEARCH AND PLANNING

118. Under this agenda item, the Fifth Congress had examined such issues as the identification and assessment of the consequences and costs of crime and the use of interdisciplinary research in the integrated planning of crime-control policies, the need for socio-economic planning for the purpose of minimizing and redistributing the costs of crime and the use of interdisciplinary research in the integrated planning of crime-prevention as part of the over-all socio-economic policies of Member States. With regard to questions of evaluation and planning activities of crime-prevention agencies, the view was expressed in the reply of the United Kingdom that evaluation, forecasting and planning were essentially interconnected parts of a rational approach to policy-making for the future and more balanced and coherent results could be obtained by dealing with these issues jointly. Similarly, the responses of most other Member States dealt with issues of research, evaluation and planning, jointly. Information provided in this regard has already been reviewed in sections II and III, above.

119. The present section will, therefore, be devoted mainly to research on the economic and social consequences of crime. The information provided on this issue indicated a large degree of uncertainty in this area. For instance, it was stated in the reply of Italy that "as far as research on the cost of criminality is concerned, no such studies are in progress at present, nor are they being envisaged, since both the literature available in this field and the efforts made so far seem to indicate that it is impossible to achieve unambiguous results". In addition, the available information was entirely too divergent in scope, level of analysis and orientation to allow for its practical use.

120. On this item, Sweden reported that efforts were being made to develop theoretical models for more rational and systematic planning and evaluation of the criminal justice system. A number of models had been developed in different countries, but there was an evident lack of documentation and information on practical applications and on the real impact of these models and systems, at least at policy and programme planning levels. A quantitative computer-based planning model for the criminal justice system, called SVEJUS, was being developed at the Ministry of Justice in Stockholm, based partly on a model created at the Carnegie Mellon University in the United States. Canada had also used this model for background reports on the criminal justice system, but it had been found there that more detailed models were needed at the planning level.

121. The Swedish (SVEJUS) system had been used for describing and evaluating the criminal justice system as well as for the study of probable effects of proposed modifications within the system and anticipated changes in the environment. It had also proved useful at an early stage of the law-making process in identifying solutions which were realistic from a purely economic point of view. Also, it had been found useful at the implementation stage when the creation of an administrative set-up was discussed. It was pointed out that although legal structures and judicial organizations varied as between countries, it was possible

to transfer planning instruments and general ideas and to implement them in a new context. The Swedish Ministry of Justice had fruitful co-operation in this respect with agencies and other organizations in Canada, Finland, the Federal Republic of Germany, and the United States.

122. In the Netherlands, increasing attention was being paid to the assessment of various financial and economic consequences of crime. The basic problem here was reported to be a lack of input and output analyses and accompanying quantification of the material, personal, social, fiscal and psychic harm caused by crime. Some initial action had been taken by the Inter-ministerial Committee for Cost/Benefit Analyses (COBA) and the Bijsterveld Committee (on the financial consequences of tax fraud), as well as in the form of victimology studies by the Ministry of Justice. These studies showed that the material cost of petty crime in the Netherlands amounted to 500 million guilders per annum. Efforts were being made to obtain an impression of costs and benefits by using a simulated market model, in which the loss or damage caused by burglary and theft offences was compared with the cost of prevention and of legal proceedings. But the impressions gained from such efforts indicated that the whole problem of public order could not be so easily described in terms of the quantities of an econometric model.

123. In Japan, the Research and Training Institute of the Ministry of Justice conducted research in various areas, especially on crime-prevention measures and on the effects of crime on victims and others. It had been demonstrated through such research that the consolidation of the social defence scheme, such as increased budgets for police activities, contributed significantly to the suppression of crime, and also that the effects produced by offences against life and against the person were extremely serious.

124. The United States in its reply devoted much attention to various methods of assessing the socio-economic costs of crime and crime control. Sophisticated analytical tools to assess these costs had only recently begun to be developed and applied by economists and other researchers. These showed that the costs of crime could be seen in terms of the material economic costs of the criminal act itself, the quantifiable psychic costs of criminality observable within the community and the resource costs of crime-prevention activities, including both private costs, such as property-protection devices, and the resource costs of law-enforcement agencies. Because the goal of crime-control is to minimize the sum of all costs associated with crime, it was important to balance the costs of crime-control against the social costs of crime itself, since it was uneconomical and inefficient for the former to exceed the latter, as was often the case.

125. However, practical questions such as the manner in which such social costs were to be minimized, the mode of budget allocation among the police, the courts and correctional institutions, the costs and deterrent effects of various forms of punishment, were very complex questions which could not be answered without detailed empirical knowledge. A number of empirical studies had been undertaken by various social scientists, but these were usually devoted to particular crimes or particular neighbourhoods, examples being estimates of the costs of reported cases of burglary, robbery and larceny over the period 1968-1977 and estimates

of the effects of crime on property values in Chicago, San Mateo County, California, Rochester, New York and in other major cities. With regard to the costs of law-enforcement, studies of four municipal police departments in California had shown that their costs had been between 15 per cent and 100 per cent above their efficient level. This had been attributed to a tendency to utilize too many police officers relative to civilian labour and capital equipment. It could thus be stated tentatively that the expenditures of law enforcement agencies tended to exceed the costs necessary to provide the corresponding levels of crime control.

126. In the Federal Republic of Germany, the assessment of the economic and social effects of criminality was a major area of criminological research. Similarly, in Canada the major development in this area has been a programme of victimization research designed to provide data for the evaluation of the impact and cost-effectiveness of criminal justice policies and programmes. Victimization surveys in Canada were aimed at gathering information not only on the frequency and distribution of selected crimes which could be contrasted with official crime statistics, but also on the impact of these crimes on victims in terms of financial loss, physical and psychological injury, level of fear and the factors associated with the risk of being victimized.

127. With regard to the economic costs of criminal justice intervention, research had been undertaken in Canada, on the patterns of criminal justice expenditures. Preliminary results from this research indicated substantial escalations in crime-control spending by the Federal Government. These increments did not appear to be unique or disproportionate when viewed in the broader national or international framework, but were probably best viewed as indicators of general expansion, fuelled by inflation, in public sector activities. There was also ongoing research on the social costs of the intervention by the criminal justice system. Such research was aimed at establishing an inventory of the range of social costs attributable to criminal justice operations, in order to inform policy-makers on such issues as decriminalization, alternatives to imprisonment and diversion.

VII. CONCLUSIONS

128. Certain conclusions have already been indicated in the main body of this report on the information supplied by Member States with regard to recent developments in their criminal justice systems. These will be summarized here. In addition, a number of observations may be made with regard to the modalities for reporting on the implementation of the recommendations of the Fifth Congress, for the benefit of future monitoring activities.

129. It is quite apparent that all responding States continued to attach great importance to crime prevention policies and measures. The importance of crime-prevention was by no means diminished in countries where criminality was considered to be fairly stabilized or even declining, but was emphasized even further in countries where the crime rate and the workload of the criminal justice system had increased greatly. Great emphasis was thus being placed in all responding States, on crime prevention and corrections practices and the evaluation of the performance of criminal justice systems as well as on new legislation.

130. In this respect, the majority of countries seemed to adopt an innovative or dynamic approach in their criminal justice policies and measures, although the basic objectives of crime-prevention and control remained the same. Most countries reported adaptations and innovations in existing policies in accordance with perceived changes in crime trends and in the underlying socio-economic conditions, although there was invariably a time-lag of several years between the recognition of a problem and the formulation and adoption of measures to deal with it.

131. The reform of policies and practices thus tended to be more in reaction to changing circumstances than in anticipation of such change. The use of anticipatory forecasting in policy-making was still very limited in scope, even in the relatively small number of countries which used criminological forecasting to any extent. Constant efforts were being made in many countries to refine forecasting methods and to increase their reliability in order to ensure their usefulness in policy-making and planning.

132. Crime-prevention and control were also viewed in a broader socio-economic context as part of the general drive for the improvement of socio-economic conditions. The improvement of socio-economic conditions, quite apart from being an end in itself, was seen as one way of eliminating or minimizing crime. This view thus entailed the involvement of the whole community in actual crime-prevention activities, either in terms of public co-operation in police activities and crime-prevention campaigns, or in terms of the involvement of other public agencies in the formulation and adoption of crime-prevention policies.

133. There seemed to be a tendency in a large number of countries toward the decriminalization of what were considered to be relatively minor offences, so as to allow greater attention to be paid to the control of more serious offences.

Quite significantly, the evaluation of the performance of criminal justice systems often included continuing study of the decriminalization option. It may reasonably be expected that the trend towards decriminalization and an increasing use of non-penal measures will spread to a greater number of countries, at least in so far as minor offences and certain "victimless" crimes are concerned. This would seem to be one way of devoting limited crime-prevention resources to the most urgent and serious areas of criminality.

134. A great deal of new legislation had been passed in various countries in order to deal with new forms of criminality, including terrorism, environmental and economic offences. This, too, may be seen as a trend. In addition, more onerous penalties were often imposed for crimes considered to pose increased public danger, such as drug trafficking and terrorism. A large number of new laws was also reported in the area of criminal procedure, with a certain common trend, namely a general desire to accelerate the system of trials by eliminating cumbersome procedures and by streamlining the trial process. There also seemed to be a tendency in a number of countries towards ameliorating the harsh effects of the use of pre-trial custody.

135. There was a definite trend towards the decreasing use of imprisonment and the increasing use of alternative, non-custodial sanctions in a large number of countries. This indicated a growing reassessment of the supposed deterrent function of imprisonment, as well as greater concern for human rights considerations. Nevertheless, deterrence continued to be a major objective of most criminal justice systems. A number of countries had also lost faith in the treatment function of imprisonment, although most penal systems continued to place their primary emphasis on the rehabilitation of offenders, either in a prison environment or in community-based programmes.

136. A wide range of alternative sanctions were being used increasingly in place of imprisonment, in the majority of responding countries. Most of these countries did not give any precise indication of the extent to which their corrections systems were being deinstitutionalized, in terms of proportions of custodial as against non-custodial sentences. A few national responses, however, clearly indicated that prison sentences constituted a small minority of sentences passed by the courts. A tendency towards that end could be expected in other countries as well, as a result of recent reforms. Much emphasis was placed on the use of suspended sentences and on partial suspension of sentences and on the use of probation, during which time offenders usually participated in rehabilitation programmes. Such other sanctions as fines, usually for relatively minor offences, community service, work orders and mandatory reporting, were being used increasingly in place of imprisonment.

137. A number of countries reported that the Standard Minimum Rules for the Treatment of Prisoners had been embodied in local legislation or that their prison conditions as far as possible approximated conditions generally available in open society. The use of torture was reported to be prohibited in all responding States, although it did seem that the practice of actually prosecuting public officials who violated such prohibitions could be given greater emphasis.

138. With regard to the utilization of research information in crime-prevention planning and policy-making, a number of distinctions must be made. Most countries made use of special commissions or "think-tanks" for the purpose of examining policy changes or new legislation in specific areas. In addition, a large number of countries reported the existence of institutionalized systems for evaluating the performance of the criminal justice system or for studying certain functions of the system. These may be distinguished from the use of specialized social science research projects at high levels of sophistication, either as an integral or additional resource in crime-prevention planning. This latter type of research input seemed to be used in only a relatively small number of countries, and even in these, not nearly to the full extent. The level of sophistication in research data that were being utilized as direct inputs in the formulation of criminal justice policies thus varied considerably as between countries. This may indicate a pressing need to bridge a communications gap between researchers and policy-makers.

139. It did appear that a reasonably large number of responding States did not rely on criminological research to any appreciable extent in policy-making and crime-prevention planning. In most cases, this was a result of the scarcity of trained personnel and of an urgent need to meet more basic demands, but in other cases it would appear that academic institutions could be more actively involved in such needed research. A number of developing countries, including Botswana, Jamaica, Kenya, Morocco and Seychelles, requested the provision of international assistance in the development of their own staff and material resources for such research activities and for the strengthening of regional training institutes and the establishment of new ones under the auspices of the United Nations in order to provide much-needed training for personnel in all spheres of crime-prevention and control. Increased international co-operation at the global level was also considered necessary for this purpose.

140. With regard to the actual reporting activities, it would seem that the utilization of a wider base of information would be more useful. This could be attained through the establishment of a regular system of reporting by Member States to the Secretariat on the implementation of recommendations and resolutions adopted by the Congress, as well as by the involvement of other United Nations agencies and of intergovernmental, regional and non-governmental organizations. It may also be said that, while the co-operation of the 46 responding States had made possible the preparation of the present report, the question of future reporting activities may be examined with a view towards increasing the rate of national responses in such reporting, in a manner calculated to maximize the usefulness of resolutions adopted by the congress in the efforts of States to deal with their crime problems. The implications of a number of national responses would appear to be that such impact evaluation must become part of the regular activities of the Secretariat.