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OF CRIME AND THE TREATMENT OF OFFENDERS
GENEVA 1955

OPEN INSTITUTIONS

OPEN INSTITUTIONS

Report by the Secretariat



UNITED NATIONS

OPEN INSTITUTIONS

In accordance with the tradition of past Congresses, it has been possible to secure the co-operation of certain national prison administrations for the printing of documentation for the First United Nations Congress on the prevention of crime and the treatment of offenders, which is from an historical point of view the Thirteenth International Penal and Penitentiary Congress. Thus the present report has been generously printed by the Federal Bureau of Prisons of the United States of America, in the prison printing plant at Leavenworth, Kansas.

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| | <i>Paragraphs</i> |
|--|-------------------|
| I. INTRODUCTION | |
| Origin and scope of the study of open institutions..... | 1—11 |
| II. RESULTS OF THE DELIBERATIONS OF THE REGIONAL GROUPS | |
| A. Definition | 12—17 |
| B. Administrative organization..... | 18—21 |
| C. Criterion for the selection of offenders..... | 22—32 |
| D. Point at which offenders should be committed to open institutions | 33—38 |
| E. Removal of prisoners unable to adapt themselves to the open system..... | 39—42 |
| F. Conditions of efficient operation..... | (43—58) |
| (a) Site of the open institution..... | 44—48 |
| (b) Organization of work in an open institution..... | 49—53 |
| (c) Staff of open institutions and number of prisoners..... | 54—58 |
| (d) Attitude of the public and of the community to the open institution..... | 59—61 |
| G. Advantages of the open system..... | 62—65 |
| H. Conclusions of the regional groups..... | (66—70) |
| (a) Adoption of the system of open institutions..... | 66 |
| (b) Extension of the open system..... | 67—68 |
| (c) Open institutions and short terms of imprisonment..... | 69 |
| (d) Statistics | 70 |
| III. DRAFT RECOMMENDATIONS PROPOSED BY THE SECRETARIAT..... | 71—79 |
| | I—IX |
| | <i>Page</i> |
| ANNEX I. Resolution adopted by the International Penal and Penitentiary Congress (The Hague, 14-19 August 1950) | 27 |
| ANNEX II. Resolution adopted by the Conference of the European Regional Consultative Group on the Prevention of Crime and the Treatment of Offenders (Geneva, 8-16 December 1952)..... | 30 |
| ANNEX III. Resolution adopted by the Latin American Seminar on the Prevention of Crime and the Treatment of Offenders (Rio de Janeiro, 6-19 April 1953)..... | 33 |
| ANNEX IV. Resolution adopted by the Middle East Seminar on the Prevention of Crime and the Treatment of Offenders (Cairo, 5-17 December 1953)..... | 36 |
| ANNEX V. Resolution adopted by the Asia and Far East Seminar on the Prevention of Crime and the Treatment of Offenders (Rangoon, 25 October - 6 November 1954) | 39 |

OPEN INSTITUTIONS

Report by the Secretariat

I. INTRODUCTION

Origin and scope of the study of open institutions

1. It was at the third session of the Social Commission that the study of open institutions was added to the United Nations programme of work relating to social defence, which was approved by Economic and Social Council resolution 155 (VII) of 13 August 1948.
2. At the fifth session of the Social Commission (5-19 December 1949), it was decided that this should be one of the topics which were to receive priority, and in the programmes settled at subsequent sessions it continued to rank among these topics:
3. The purpose of the projected study was to provide Governments desiring to introduce or develop the system of open institutions in their countries with information which would enable them to benefit from the experience acquired in countries where this system operates successfully, and with recommendations concerning the efficient operation of these institutions.
4. The subject had been studied previously, in particular by the International Penal and Penitentiary Commission. That Commission's twelfth and last Congress, held at The Hague in 1950, after discussing the main features of open institutions and the extent to which these can replace the traditional prison, unanimously adopted a resolution on the subject of open institutions.¹
5. This resolution served as the basis for the enquiry conducted in Europe by the Secretariat of the United Nations. The replies, from fourteen countries, have been collected and analysed by the Secretariat in a document which has been circulated to the national correspondents in Europe.
6. This document conveyed an accurate idea, not only of the actual place of open institutions in the penitentiary system

¹ See Annex I; Resolution adopted by the International Penal and Penitentiary Congress, The Hague, August 1950.

of each of the European countries considered, but also of the different categories of prisoners committed to open institutions in the various countries, the special features of the open system in each of the countries in question and the reaction of public opinion to such institutions.

7. In the light of these data and the views expressed at the Congress of The Hague, the regional groups convened pursuant to resolution 415 (V) of the General Assembly of the United Nations discussed, and made special recommendations concerning, open institutions.¹

8. These regional meetings were:

1. the Conference of the European Regional Consultative Group held at Geneva from 8 to 16 December 1952 (report: ST/SOA/SD/GEN/1);

2. the Latin American Seminar on the Prevention of Crime and the Treatment of Offenders, held at Rio de Janeiro from 6 to 19 April 1953 (report: ST/TAA/Ser.C/13);

3. the Middle East Seminar on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 5 to 17 December 1953 (report: ST/TAA/Ser.C/17);

4. the Asia and Far East Seminar on the Prevention of Crime and the Treatment of Offenders, held at Rangoon from 25 October to 6 November 1954 (report: ST/TAA/Ser.C/22).

9. The present report has been prepared by the Secretariat in accordance with the recommendations of the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders (1953).² Its purpose is to indicate the main problems arising in connexion with open institutions, to give a concise account of the discussions at the various regional meetings arranged by the United Nations and to propose a set of draft recommendations prepared on the basis of the decisions which the regional meetings adopted.

10. In addition, two special reports are laid before the Congress which were prepared by consultants at the request of

¹ See Annex II.; Resolution adopted by the Conference of the European Regional Consultative Group;

Annex III.; Resolution adopted by the Latin American Seminar;

Annex IV.; Resolution adopted by the Middle East Seminar;

Annex V.; Resolution adopted by the Asia and Far East Seminar.

* See documents E/CN.5/298 (page 7) and E/CN.5/AC.7/L.2 (page 7).

the United Nations and which deal with particular aspects of the problem of open institutions.¹

11. The United Nations Congress on the Prevention of Crime and the Treatment of Offenders will discuss the draft recommendations proposed by the Secretariat and amend them as it considers necessary for the purpose of formulating final conclusions on the subject of open institutions. These conclusions will be communicated to the Secretary-General and, if necessary, to the policy-making organs of the United Nations, as provided in General Assembly resolution 415 (V).

II. RESULTS OF THE DELIBERATIONS OF THE REGIONAL GROUPS

A. Definition

12. The International Penal and Penitentiary Congress held at The Hague in 1950 defined the open institution as a prison in which security against escape is not provided by any physical means. It also expressed the view that cellular prisons without a security wall, or prisons providing open accommodation within a security wall or fence, or prisons that substitute special guards for a wall, would be better described as "prisons of medium security". The Congress added that the primary characteristic of an open institution must be that the prisoners are trusted to comply with the discipline of the prison without close and constant supervision, and that training in self-responsibility should be the foundation of the regime.²

13. The European Consultative Group endorsed part of the definition worked out by the Congress of The Hague; it defined the open institution as being characterized by the absence of physical precautions against escape (such as walls, locks, bars), as well as by a body of rules based on self-discipline and the inmate's sense of responsibility towards the group, in which he lives, which encourages him to use the freedom accorded to him without abusing it. The Group added, however, that "it is these characteristics which distinguish the open institution from other types of institutions, some of

¹ See Sir Lionel Fox's report on the place of the open institution in the penal system and in the community (A/CONF.6/C.2/L.2), and Jose Augustin Mendez' report on the selection of offenders suitable for treatment in open institutions (A/CONF.6/C.2/L.3).

² See Annex I (articles 1 and 2).

which are on the same principles without, however, realizing them to the full". Hence it did not support the idea advanced at The Hague Congress of "prisons of medium security" within which an open system could be applied. In particular, the expression "medium security" was criticized as apt to be confusing, for it usually described merely an institution which did not take elaborate precautions against escapes, and did not in the least imply that the treatment of the inmates differed from that applied in the traditional prisons of "maximum security". In the second place, it was considered illogical to give the adjective "open" different meaning according to whether it was the structure of the institution to which it referred or the system applied therein. Moreover, it was thought inconceivable that an open system could be applied anywhere but in an open institution.

14. The European Group also considered the possibility of defining open institutions by comparing them with institutions of another type. Since, however, such an approach would produce only a negative definition of "open institution", whereas a positive definition was essential and perfectly feasible, the Group eventually adopted a definition in positive terms.¹

15. The Latin American and Asia and Far East Seminars accepted the European Group's definition of the open institution, subject to the addition of "armed guards" to the list of physical precautions against escape (such as walls, locks, bars) given in the definition.²

16. The Middle East Seminar, while endorsing the European Group's definition (because it rightly stresses that the essential characteristic of an open institution is the system of trust and not the mere absence of physical precautions against escape), nevertheless added that the removal of obstacles to escape remained an indispensable condition for an "open" institution. Moreover, it said, the ease with which a prisoner could escape in the absence of physical obstacles would compel him to resist the temptation to escape, and the effort involved would strengthen his will and thus form part of his training.³

¹ See Annex II (article 1).

² See Annex III (rule 1) and Annex V (rule 1).

³ Report of Middle East Seminar (ST/TAA/Scr.C/17, paragraph 118).

17. Accordingly, all four regional groups favored a definition covering not only the objective or physical characteristics of open institutions—absence of precautions against escape—but also their subjective or moral characteristics—the system of trust applied in them. In their view, an institution does not qualify as "open" unless it possesses both these characteristics.

B. Administrative organization

18. Following the example of the Congress of The Hague, the European Group, in its recommendations, recognizes that an "open institution may be an independent establishment or may form a separate annex to a closed institution".¹ Some apprehension was expressed in this connexion on the grounds that such a provision might have the effect of encouraging the establishment of open institutions attached to closed prisons in the form of detached wings situated on farms belonging to semi-open institutions, or even to ordinary prisons. The Group noted, however, that in some countries small open institutions were attached to closed prison to facilitate the application of the progressive system, and that it would be wise to recognize the existence of that practice.

19. A proposal to the effect that a third possibility should be recognized—that of an open system in one or more sections of a closed institution—was rejected by the European Group. The Latin American and Asia and Far East Seminars, however, took the view that an open institution might be an independent establishment or might form a section or annex of another institution.²

20. The Middle East Seminar did not discuss the administrative status of open institutions in detail. It urged, however, that in countries where prisons are still exclusively of the traditional type and where local conditions do not permit the immediate establishment of open institutions, a cautious policy should be adopted and a start made with medium security institutions such as open-air labour camps, especially agricultural camps. These camps should preferably be organized as annexes to ordinary prisons. Prisoners would serve the last

¹ See Annex II (article 2).

² See Annex III (rule 3) and Annex V (rule 2).

part of their sentences there before their final or conditional release.¹ Thus, the system of open institutions would, to begin with, be introduced as part of a progressive system which included prisons of medium security and in which the open institution would be the last stage.

21. According to the Middle East Seminar this traditional phase is necessary and useful, for it would prevent the new system from being imposed too abruptly and would avoid the likelihood of public misunderstanding or disappointing results.

C. Criterion for the selection of offenders

22. The regional consultative groups attached much importance to the selection of offenders for treatment under the open system, since it is on rational selection that the success and potential development of the open institution depend. They all agreed that the decisive criterion of selection should be the actual personality of the offender as disclosed in previous observations.

23. The European Group said that a long-term sentence should not in itself preclude admission to open institutions. In discussion it stated, indeed, that in some countries² many offenders serve twenty-year or even life sentences in open institutions.

24. A proposal that certain categories of offenders who represent a danger to society should not qualify for admission to open institutions was rejected by the European Group. Among other things, it was pointed out that the exclusion of a particular category of offenders would necessitate a general review of all categories, and that would raise great difficulties. Furthermore, it was argued, it was impossible to draw up a list of categories and to disqualify, *a priori*, certain categories of offenders for admission to open institutions.

25. On the other hand, the European Group stated that the criterion of selection should be the offender's ability to benefit from the open system if his social readjustment was more likely to be achieved by such a system than by other forms of

treatment. The Group added that the selection should be made on the basis of a medico-psychological examination and a social investigation.

26. These recommendations are along the lines of those contained in the resolution of The Hague Congress.¹ In the same resolution, however, the view is expressed that unsentenced prisoners should not be sent to open institutions, and also that the preliminary observation preceding committal to an open institution should preferably be conducted at a specialized observation institution.

27. The European Group did not share the views of The Hague Congress on these last two points. With reference to the proposed exclusion of unsentenced prisoners, it was pointed out in discussion that in at least one European country accused persons whose guilt was undoubted and self-acknowledged could at their request be placed in an open institution before trial and that this method had yielded satisfactory results in the country concerned.² A comparable practice is that, employed in some countries, of placing prisoners on probation before they are found guilty by a court.³

28. The pre-selection examination of offenders at special observation centres is not, according to the European Group, an essential condition in every country in Europe. Nevertheless, in keeping with the deliberations of the Brussels seminar on the medico-psychological and social examination of offenders organized by the United Nations in December 1951,⁴ and the seminar organized in Paris by the International Society for Criminology (September-October 1952),⁵ the Group acknowledged that the offender's personality could not be analysed without previous observation. It recommended that such observation should include a medico-psychological examination and a social investigation, but it did not specify

¹ See Annex I (article 5).

² In Switzerland, in the Canton of Berne, a prisoner who has been arrested but not tried may, if he confesses, ask to be sent straight to a reformatory institution. He may, for example be sent to "Witzwil" instead of staying in district jail where he would be idle. On appearing in court, he will consequently have begun his sentence and will often be dealt with more leniently.

³ Report to the European Regional Consultative Group by the Working Group on Open Institutions, which met in London in October 1952 (MCPC/8/52, page 6).

⁴ See International Review of Criminal Policy, No. 3 (ST/SOA/Ser.M/3, January 1953).

⁵ L'examen medico-psychologique et social des delinquants, lectures published by Georges Heuyer and Jean Pinatel.

¹ See Annex IV (article 2, paragraph b).

² In Belgium's only open institution in the strict sense of the term—Marneffe—many prisoners serve twenty-year or even life sentences. In the open institutions in the United Kingdom, there are many prisoners serving life sentences and also many short-term prisoners (Summary record of the eighth meeting of the Conference of the European Regional Consultative Group, ST/SOA/SD/GEN/SR.1/8, pages 4 and 5).

where and under what conditions the examination should be conducted.¹

29. Except for certain differences in drafting, the recommendations of the Asia and Far East Seminar concerning the criterion for the selection of offenders for treatment in open institutions scarcely differ from those of the European Group.² The Latin American Seminar in its own recommendations added a provision to the effect that in countries where the resources allow, an institute or agency responsible for the classification and selection of offenders eligible for admission to open institutions should be established.³

30. The Middle East Seminar approved the criterion adopted by the Hague Congress and the European Group, because it is very flexible and leaves to the legislators in each country enough latitude to determine the special conditions which are to govern the selection of prisoners, which would depend partly on the results of practical experience. The Seminar considered, however, that short-term prisoners and those whose offences did not indicate that they were hardened criminals should be given preference in the selection.

31. In view of the nature and purpose of the open institution, the Middle East Seminar, following the example of the European Group, also recommended that in each case a social investigation and a medico-psychological examination should precede committal to an open institution.⁴

32. With reference to the admission of untried prisoners to open institutions, the Middle East Seminar Group approved the opinion expressed by the European Group that this question should be left for each country to deal with in accordance with local conditions.

D. Point at which offenders should be committed to open institutions⁵

33. The regional groups considered whether prisoners should be admitted to open institutions at the beginning of their

¹ See Annex II (article 4).

² See Annex V (rule 4).

³ See Annex III (rule 5).

⁴ See Annex IV (article 2, paragraph g).

⁵ This subject is also discussed in the papers submitted by Sir Lionel Fox (A/CONF.6/C.2/L.2) and Jose A. Mendez (A/CONF.6/C.2/L.3).

sentences, or after serving part of their sentences in an institution of a different type.

34. Divergent and even conflicting views were expressed. Some maintained that it was psychologically harmful to send the prisoner first to a traditional institution, and that to do so jeopardized the chances of successful treatment later.¹ Others contended that, before being sent to an open institution, prisoners should pass through a prison for observation purposes, and that it was salutary for them to get acquainted with the traditional type of prison before being sent to an open institution, for then they could compare the two systems.

35. As opinion was divided, the Middle East Seminar preferred not to make any recommendation on this point.²

36. On the other hand, the European, Latin American and Asia and Far East regional groups considered that it would be wise to leave countries sufficient latitude to determine, according to each country's own criteria, whether offenders should be sent to an open institution at the beginning of their sentence or only after they had served part of it in an institution of a different type.

37. These groups also considered that the point at which admission to open institutions should occur should likewise depend on the category of the offender. Some offenders may, without disadvantage, be sent to an open institution immediately upon detention; others are not ready for such treatment, but will become so under a progressive system.³

38. These conclusions are consequential upon the terms of article 6 of the resolution adopted by the International Penal and Penitentiary Congress at The Hague, which suggests that no uniform rule can be recommended as regards the point at which offenders should be admitted to open institutions; prisoners might be assigned to this type of institution, either directly, after due observation, or after serving some part of their sentence in a closed prison or in an open institu-

¹ In Sweden, prisoners are sent straight to open institutions without preliminary observation and it is rarely necessary to return a prisoner to a closed prison (Summary record of the meeting of the Working Group of the European Regional Conference, document MCPC/18/52).

² Report of the Middle East Seminar (ST/TAA/Ser.C/17, paragraph 122).

³ See Annex II (article 3);

Annex III (rule 4);

Annex V (rule 8).

tion connected with a closed prison as part of a progressive system.¹

E. Removal of prisoners unable to adapt themselves to the open system²

39. The regional consultative groups approved the Hague recommendation³ that it should be possible to remove to another type of institution any prisoners who are found unable to adapt themselves to a regime based on trust or self-responsibility, or whose conduct adversely affects the operation of the prison or the behaviour of other prisoners.⁴

40. The European Group considered a proposed amendment providing that escape from an open institution should be more severely punished than an escape from a closed institution, or punished with equal severity.

41. The sponsor of the proposal pointed out that a rule of this kind existed in some Scandinavian countries and he thought such a recommendation would be psychologically easy to defend, both to the prisoners, who would willingly admit that this was fair play, and to the public, which would certainly find that this made it easier to accept the risk of escape inherent in the open system.

42. The European Group considered, however, that attempts to escape from open institutions should not be punishable by law. Such a provision would be contrary to the very purpose of the system and any coercive legal measure would vitiate the spirit of trust on which it was based.

F. Conditions of efficient operation

43. The main result of the regional groups' discussions of the conditions governing the efficient operation of open institutions was a series of recommendations relating to site, the organization of work, and the necessity for qualified staff and for the effective co-operation of the surrounding community. The Middle East Seminar emphasizes, however, that countries having their first experience with open institutions should re-

¹ See Annex I (article 6).

² This question is also discussed by Sir Lionel Fox (A/CONF.6/C.2/L.2) and Jose A. Mendez (A/CONF.6/C.2/L.8).

³ See Annex I (article 3, paragraph f).

⁴ See Annex II (article 5), Annex III (rule 6), Annex V (rule 5), and the Report of the Middle East Seminar, ST/TAA/Ser.C/17, para. 127.

frain from laying down detailed and rigid regulations in advance for the operation of such institutions. It adds that during the experimental period, they should be guided by the methods of organization and procedure already found to be effective in the actual experience of other countries; and in applying the system of open institutions each country should take into account its particular social, economic and cultural conditions.¹

(a) Site of the open institution²

44. The Congress of The Hague recommended in its resolution that the institution should be situated in the country, not in an isolated or unfavorable location, but "sufficiently close to an urban centre to provide necessary amenities for the staff and contacts with educational and social organizations desirable for the training of the prisoners".³

45. The enquiry undertaken by the United Nations in Europe showed, however:

1. that well organized open institutions exist on the outskirts of and even in towns;
2. that, on the other hand, a large number of open institutions, particularly agricultural colonies, are located in isolated spots (often islands), their success not being in any way jeopardized by their isolation.

46. Basing themselves on these considerations, the European, Latin American, and Asia and Far East groups did not state so categorically as the Hague resolution had done that an open institution should be in the country and near an urban centre. On the other hand, all three groups considered that everything depended on the type of institution and that, whereas an institution intended mainly for teaching and vocational training, such as prison school, admittedly had to rely on outside help which could scarcely be found elsewhere than in an urban centre, yet an agricultural settlement could perfectly well be established in an isolated place. They stressed, however, that the institution should not be so isolated as to cause serious inconvenience to the staff or obstruct the pur-

¹ See Annex IV (article 2, paragraph a).

² See A/CONF.6/C.2/L.3.

³ See Annex I (article 3, paragraph a).

pose of the institution;¹ the unfavourable locations which were rightly discountenanced by the resolution of The Hague are therefore automatically ruled out.

47. The Middle East Seminar did not discuss this question in detail. However, it agreed with the Congress of The Hague that an open institution should not be isolated.²

48. The conclusion of all four regional groups is, therefore, that the location of an open institution should not add to the difficulties inherent in any penal institution any other obstacles, such as an isolated location, which might seriously interfere with the efficient operation of an institution of this type.

(b) Organization of work in an open institution

49. The Middle East Seminar emphasized the value of agricultural work, and its particular usefulness in countries, like those of the Middle East, where most of the population was engaged in agriculture. The European, Latin American, and Asia and Far East groups added, however, that while the provision of agricultural work was an advantage, it was desirable also to provide workshops for industrial and vocational training.³

50. This view is consistent with the Hague recommendation on this point,⁴ the judiciousness of which was confirmed by the United Nations enquiry in Europe.

51. A proposal for a clause allowing the outside employment of prisoners in open institutions was rejected by the Latin American group on the grounds that the frequent contacts and consequent relationship of trust between the staff and the prisoners were a fundamental factor in this type of institution.

52. The Middle East Seminar noted, however, that the countries in the region with which it was concerned were passing through a period of economic development and were faced with the need to carry out large-scale construction projects in the general interest. In its view, it was therefore fitting to

¹ See Annex II (article 6, paragraph a), Annex III (rule 7, paragraph a), and Annex V (rule 6, paragraph a).

² See Report of the Middle East Seminar (ST/TAA/Ser.C/17, para. 124).

³ See Annex II (article 6, paragraph b), Annex III (rule 7, paragraph b) and Annex V (rule 6, paragraph b).

⁴ See Annex I (article 3, paragraph b).

make a recommendation allowing these countries to employ the inmates of open institutions on such projects. The Seminar recognized that such a recommendation was not completely in accord with the general principles governing the system of open institutions, but it wished to be realistic and, by leaving that course open to the Governments of the Middle East countries, to encourage them to adopt the system of open institutions.

53. The Seminar attached a qualification: it specified that long-term prisoners could be employed on such projects during part of their period of detention only and must in due course receive vocational training in a trade or occupation that would enable them to earn an honest living after their release. Short-term prisoners would accordingly be taken first for such projects, because they would not in any case be given vocational training during the short period of their terms.¹

(c) Staff of open institutions and the number of prisoners

54. The question of the recruitment and training of staff is really part of the general problem of the penal system, but the regional groups studied it from the point of view of open institutions because the influence of members of the staff and their personal knowledge of the character of each individual are of much greater importance in an open than in a closed institution.

55. Following the example of the Hague Congress, the regional consultative groups emphasized that the staff must be of the highest quality and capable of influencing each prisoner, and consequently that the number of inmates should not be so large as to make it virtually impossible for the senior officers to become acquainted with the personality of each prisoner.²

56. The regional groups did not feel that any maximum or optimum figure should be proposed. The United Nations enquiry in Europe shows that the number of prisoners may vary from twenty or thirty or so to about a hundred without inter-

¹ Report of the Middle East Seminar (ST/TAA/Ser.C/3, para. 138).

² See Annex II (article 6, paragraphs c and d), Annex III (rule 7, paragraphs c and d), Annex V (rule 6, paragraphs c and d), and the Report of the Middle East Seminar (ST/TAA/Ser.C/3, para. 126).

fering with the efficient operation of the open institutions. On the other hand, the groups underlined that the number of inmates should be kept within reasonable bounds and be proportionate to the number of staff. Although these rules apply equally to all types of institutions, the groups considered it desirable to restate them in connexion with open institutions.

57. In its resolution, the Latin American Seminar included a recommendation that the staff of open institutions should receive special technical training, but the European and Asia and Far East groups rejected a similar proposal. It should be noted that the United Nations enquiry in Europe suggests that the staff of European open institutions do not receive any special training.

58. Still, all the regional consultative groups agreed that the quality of the staff, whose influence on the prisoners replaces the physical restraints of the closed prison, is an essential factor in the success of the open system.

(d) Attitude of the public and of the community to the open institution¹

59. The Middle East Seminar noted very pertinently that the economic advantages which the inhabitants of the surrounding area might derive from the establishment of an open institution should also make for a favourable attitude towards the institution.² Nevertheless, the absence of walls and other physical means of security may also give rise to unpleasant incidents, if there is an escape, for instance.

60. The regional consultative groups emphasized how desirable it was to enlighten the public, and particularly the public of the immediate neighbourhood, about the purposes and methods of these institutions, with a view to avoiding, in such cases, hostile reactions that might prejudice the success of the institutions. The European, Latin American and Asia and Far East groups said that it might prove very valuable to enlist the co-operation of the local and national press.³ The Middle East Seminar recommended in addition lectures, radio broadcasts and sports matches between the prisoners

¹ See document A/CONF.6/C.2/L.2.

² Report of the Middle East Seminar (ST/TAA/Ser.C/17, para. 129).

³ Annex II (article 6, para. e), Annex III (rule 7, para. e), Annex V (rule 6, para. c).

and outside teams. It also considered that the public should be gradually prepared to accept the open system and, through positive practical results and tangible examples, be convinced of the social value and the success of such institutions.¹

61. Earlier, the Congress of The Hague had emphasized that it was important to make the public conversant with the purposes and methods of open institutions,² and this view was confirmed by the United Nations enquiry in Europe.

G. Advantages of the open system

62. Following the example of the International Penal and Penitentiary Congress of The Hague, the regional groups considered the principal advantages of open institutions as compared with other types. They agreed with the Congress³ that the open system improved both the physical and the mental health of the prisoners; that one of its essential factors was a moral influence propitious both to discipline and to social readjustment, and that, under such a system, it was possible to offset the disadvantages of prison life, particularly with regard to family ties.⁴

63. Nevertheless, the European, Latin American, and Asia and Far East groups had considered the statement in the Hague resolution that "open institutions are economical both with regard to construction and staff" to be questionable. The maintenance costs are actually higher in certain open institutions than in other types of institution. On the other hand, it is true that the same amount of liberty costs less in an open institution. These groups therefore adopted a paragraph recognizing that the same measure is less costly if applied in an open institution than in an institution of another type, in particular because of lower building costs and, in the case of an agricultural institution, the higher yield obtained from cultivation.⁵

64. At the Conference of the European Group it was proposed that the resolution on open institutions should mention their disadvantages as well, namely, increased chances of escape and misuse of contacts with the outside world.

¹ Annex IV (article 2, para. j).

² Annex I (article 3, para. e).

³ Annex I (article 4).

⁴ Annex II (article 7), Annex III (rule 8), and Annex V (rule 7).

⁵ Annex II (article 7), Annex III (rule 8), and Annex V (rule 7).

65. The sponsors of this proposal expressed the view that it was the duty of a consultative group to be an impartial and objective judge of the questions submitted to it; moreover, in the long run, to admit their disadvantages frankly would tend to promote, rather than to hamper, the development of open institutions, and finally there was no reason why it should not be stated that the disadvantages were far outweighed by the advantages of the system. With a few reservations, the group adopted this proposal and decided that the resolution should mention the disadvantages of open institutions, but in a judicious manner accurately reflecting the views expressed. The Latin American and Asia and Far East groups endorsed the European group's views on this point.

H. Conclusions of the regional consultative groups

(a) Adoption of the system of open institutions¹

66. The Middle East Seminar noted in its resolution the very encouraging results obtained in Turkey, the only country in that region to have adopted the system of open institutions, and addressed a special recommendation to countries participating in the Seminar or others with similar conditions, urging them to introduce the open system with all possible speed.²

(b) Extension of the open system

67. The European, Latin American and Asia and Far East groups recommended the extension of the open system to the largest possible number of prisoners.³ A proposal to the effect that this system would be particularly suitable for certain categories of offenders, such as young adults and women, was rejected on the grounds that the mention of particular categories might be interpreted as implying that the open system was suitable only or principally for those categories. Moreover, such a provision was thought to some extent to conflict with the recommendations regarding the criterion of selection which the groups had adopted earlier. It will be recalled that they had recommended that the selection of prisoners for treatment in open institutions should depend, not on the particular penal or correctional category to which the offender

¹ See document A/CONF.6/C.2/L.2.

² See Annex IV (article 2).

³ See Annex II (article 8, paragraph a), Annex III (rule 9, paragraph a) and Annex V (rule 8, paragraph a).

belongs or on the length of his sentence, but on his suitability for admission to such an institution and the likelihood of its expediting his readjustment.

68. The Middle East Seminar, however, felt that preference should be given to short-term prisoners and those whose offences showed that they were not hardened criminals.¹

(c) Open institutions and short terms of imprisonment

69. In their conclusions the European, the Latin American and Asia and Far East groups stated that the system of the open institutions could help to solve the problem of short-term imprisonment. Nevertheless, a proposed provision stating that the open system could give a social value to short terms of imprisonment was rejected on the grounds that such a statement might give the impression that courts should be encouraged to pass sentences of short-term imprisonment.

(d) Statistics

70. Realizing how difficult it would be to draw up comparative statistics relating to the results obtained, on the one hand, by the open system and, on the other, by the closed system, the European, Latin American and Asia and Far East groups included in their conclusions a provision recommending the compilation of statistics which, though not comparative, would permit an evaluation of recidivism and social rehabilitation in open institutions.

III. DRAFT RECOMMENDATIONS PROPOSED BY THE SECRETARIAT

71. These draft recommendations are based on the recommendations of the Regional Groups. Each draft recommendation is followed by an explanatory note indicating the source and, where the draft departs from the original, the reasons for the change.

¹ Furthermore, the Middle East Seminar considered that, as regards long-term prisoners, there should not be too great a difference between the treatment accorded to those placed in an open institution and that accorded to those in a closed prison, in order to preserve the serious character of the penalty imposed. The Seminar therefore felt that the open institutions to which long-term prisoners were sent should, if possible, be colonies annexed to ordinary prisons, and that in any case the open institutions for long-term prisoners should be quite separate from those for short-term prisoners or prisoners convicted of minor offences (Report of the Middle East Seminar: SP/TAA/Ser.C/17, paragraph 137).

72. The United Nations Congress on the Prevention of Crime and the Treatment of Offenders will discuss these draft recommendations and amend them as it considers necessary for the purpose of formulating final conclusions.

* * *

(I) An open institution is characterized by the absence of material or physical precautions against escape (such as walls, locks, bars, armed guards), and by a system based on self-discipline and the inmate's sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from other types of institutions, some of which are run on the same principles, without, however, realizing them to the full.

This recommendation is based on the definition of the open institution as formulated by the four regional groups. The definition stresses, first, the objective characteristics—the absence of material and physical precautions against escape—and secondly the subjective characteristics—the system of trust which is applied in open institutions. The draft recommendation retains the expression “armed guards” which the Latin American Seminar added to the list of precautions against escape, because by definition the open institution is likely to offer a permanent temptation to escape, and the presence of armed guards would certainly alter that situation.

(II) The open institution ought, in principle, to be an independent establishment; it may, however, where necessary, form a separate annex to an institution of another type.

The main idea of this draft recommendation is that, in view of their special nature and characteristics, open institutions should as a rule be separate and genuinely independent units. Experience has shown that where this condition is fulfilled open institutions are much more likely to achieve their purposes. They may, however, be attached to an insti-

tution of a different type if it is not possible to make them entirely separate.

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

According to the recommendations of the European, Latin American and Asia and Far East Groups, each country should decide, in accordance with its own conceptions and with reference to the category of the particular offender, whether a prisoner should be sent to an open institution at the very beginning of his sentence or not until after he has served part of the sentence in an institution of another type. The Secretariat prefers the expression “prison system” to the less explicit “own conceptions” used in the original texts. In addition, it thought it unnecessary to retain the restrictive phrase “category of offenders”, since it is relevant to the next clause which deals with the criterion of selection.

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

According to the European, Latin American and Asia and Far East Groups, selection should be based on the aptitude of the offender for adjusting himself to and benefiting from the open system, regardless of the duration of his sentence and the nature of the offence he has committed. The Secretariat's draft contains the European Group's provision stating that selection should, “as far as possible” be made on the basis of a medico-psychological examination and a social investigation. Like the European Group's text, the Secretariat's draft does not pre-

scribe where and how this examination should take place, nor does it reproduce the Latin American Seminar's recommendation that in countries where the resources allow, an agency responsible for the classification and selection of offenders eligible for admission to open institutions should be established. The Secretariat also felt unable to endorse the suggestion made by the Middle East Seminar that those placed in open institutions should preferably be short-term prisoners or first offenders who have committed an offence the circumstances or nature of which does not indicate deeply-rooted criminal tendencies, for this suggestion is hardly compatible with the basic principles of the open system.

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

This draft recommendation appears in the conclusions of the European, Latin American and Asia and Far East groups. The expression "adversely affects" has, however, been replaced by the expression "is seriously detrimental to", because the Secretariat believes that the open institution should be capable of sustaining certain adverse experiences so long as they are not likely to affect the operation of the institution seriously.

(VI) The success of an open institution depends on the fulfilment of the following conditions in particular:

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

(b) with a view to their social rehabilitation, prisoners should be employed in work which will prepare them for useful and remunerative employment after release. The work should be organized in a rational manner, in keeping with local and regional economic conditions. The prisoners should receive remuneration and, so far as pos-

sible, should be entitled to the benefit of the rights and prerogatives to which persons employed in freedom in similar employment are entitled outside the institution;

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

(d) if the process of social readjustment is to take place in an atmosphere of trust, it is essential that the members of the staff should be acquainted with and understand the character and special needs of each prisoner and that they should be capable of exerting a wholesome moral influence. The recruitment of the staff should be governed by these considerations;

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

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

The resolutions adopted by the European, Latin American and Asia and Far East groups list the above conditions under a heading which mentions the "proper functioning" of open institutions. In the Secretariat's view they should more aptly be described as the conditions governing the "success" of the open institution.

The Secretariat has made a number of other amendments, which are more particularly dealt with below:

In paragraph (a) the Secretariat's draft states that the institution should not be so isolated as to cause "excessive" inconvenience to the staff. The adjective "excessive" was employed to forestall any

interpretation not consonant with the general tenor of this provision. Paragraph (b), which deals with work in the open institution, is new. Because living conditions in such institutions should as much as possible reproduce those of life in freedom, it is perfectly natural to consider employment the very basis of a system of treatment intended to reduce the prisoner's passivity to the greatest possible extent. Nevertheless the work should be so organized as to be, not an additional penalty, but an opportunity facilitating the future rehabilitation of prisoners. For that reason the Secretariat's draft specifies that prisoners should be treated, so far as possible, as are persons employed in freedom in the same occupation outside the institution.

The Secretariat could not endorse the recommendations in which the Middle East Seminars differentiates between the treatment of short-term prisoners and that of long-term prisoners, nor could it endorse that Seminar's recommendation concerning the possible employment of prisoners of open institutions on large-scale construction projects in the general interest. The Seminar in question had itself admitted that such a recommendation was not in keeping with the general principles governing the open system and that the proposal had been made for purely practical reasons.

In paragraph (d), the term "re-education" has been replaced by the expression "social readjustment" which is more in keeping with the general language of the draft. The Secretariat could not accept the Latin American Seminar's recommendation regarding the need for a special technical training for the staff of open institutions. While in agreement with the European Group that such staff should be of the highest quality, the Secretariat avoids the term "qualification", which might be interpreted as implying a purely academic education, and emphasizes that members of the staff should be capable of

exerting a wholesome moral influence on the prisoners.

In paragraph (f) the Secretariat elaborates on the implications of the provision, explaining why the public and the surrounding community should be informed of the aims and methods of the open institution.

(VII) In applying the system of open institutions each country, with due regard for its particular social, economic and cultural conditions, should be guided by the following observations:

(a) countries which are experimenting with the open system for the first time should refrain from laying down rigid and detailed regulations in advance for the operation of open institutions;

(b) during the experimental stage they should be guided by the methods of organization and the procedure already found to be effective in countries which are more advanced in this respect.

This provision is based on the first three clauses of article 2 of the resolution of the Middle East Seminar. The Secretariat has not, however, reproduced all the clauses recommended by that Seminar, nor could it endorse the recommendations in which the Seminar suggests that countries where prisons are still exclusively of the traditional type, and where local conditions do not permit the immediate establishment of open institutions, should make a start with open-air labour camps, especially agricultural camps, as annexes to closed prisons. The principle underlying the open system is so distinctive that the organization of agricultural camps can probably not be considered as a step towards the application of that system.

(VIII) While in the open institution the risk of escape and the danger that the inmate may make improper use of his contacts with the outside world are admittedly greater than in other types of penal institutions, these disadvantages are

amply outweighed by the following advantages, which make the open institution superior to the other types of institution:

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

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

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

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

The above provisions are based on the conclusions of the European, Latin American and Asia and Far East groups. The Secretariat has, however, introduced certain changes, especially in paragraphs (a) and (d). Paragraph (a) has been redrafted to emphasize that the open institution is superior to the other types of institution because it helps the social readjustment of the prisoner and *at the same time* is more conducive to his physical and mental health.

The cogent reason for this alteration is that if open institutions were described as having only the merit of being conducive to the physical and mental health

of the prisoners, the implication would be that these institutions had a curative function whereas, although this is an important function, it is not their principal one. In paragraph (d), some more specific provisions were added to make the meaning clearer.

(IX) In conclusion, the United Nations Congress on the Prevention of Crime and the Treatment of Offenders

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

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

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

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

Paragraph (a) is based on the first article of the Middle East Seminar's resolution. The Secretariat considered it advisable to add the more specific words "with a view to social readjustment". Paragraph (b) reproduces provisions which occur in the conclusions of the European, Latin American and Asia and Far East groups, subject to the addition of a more explicit phrase stating that the open system may help to solve the problem of "the serving" of short-term sentences of imprisonment, as distinct from the basic problem of short-term sentences. Paragraph (c) reproduces the Latin American Seminar's amendment to the European group's text, recommending the extension of the open system to the largest possible number of prisoners, subject to the fulfilment not only of the conditions set forth in rule

IV (concerning the selection of prisoners) but also of those of rule VI, paragraph (d) (concerning the recruitment of staff), the latter being a vital condition. Paragraph (d) reproduces the substance of a recommendation made by the European, Latin American and Asia and Far East groups.

ANNEX I

INTERNATIONAL PENAL AND PENITENTIARY CONGRESS

(The Hague, 14-19 August 1950)

Resolution on open institutions

1. a) For the purposes of this discussion we have considered the term 'open institution' to mean a prison in which security against escape is not provided by any physical means, such as walls, locks, bars, or additional guards.
b) We consider that cellular prisons without a security wall, or prisons providing open accommodation within a security wall or fence, or prisons that substitute special guards for a wall, would be better described as prisons of medium security.
2. It follows that the primary characteristic of an open institution must be that the prisoners are trusted to comply with the discipline of the prison without close and constant supervision, and that training in self-responsibility should be the foundation of the regime.
3. An open institution ought so far as possible to possess the following features:
 - a) It should be situated in the country, but not in any isolated or unfavourable location. It should be sufficiently close to an urban centre to provide necessary amenities for the staff and contacts with educational and social organizations desirable for the training of the prisoners.
 - b) While the provision of agricultural work is an advantage, it is desirable also to provide for industrial and vocational training in workshops.
 - c) Since the training of the prisoners on a basis of trust must depend on the personal influence of members of the staff, these should be of the highest quality.
 - d) For the same reason the number of prisoners should not be high, since personal knowledge by the staff of the special character and needs of each individual is essential.
 - e) It is important that the surrounding community should

understand the purposes and methods of the institution. This may require a certain amount of propaganda and the enlistment of the interest of the press.

f) The prisoners sent to an open institution should be carefully selected, and it should be possible to remove to another type of institution any who are found to be unable or unwilling to co-operate in a regime based on trust and self responsibility, or whose conduct in any way affects adversely the proper control of the prison or the behaviour of other prisoners.

4. The principal advantages of a system of this type appear to be the following:

a) The physical and mental health of the prisoners are equally improved.

b) The conditions of imprisonment can approximate more closely to the pattern of normal life than those of a closed institution.

c) The tensions of normal prison life are relaxed, discipline is more easy to maintain, and punishment is rarely required.

d) The absence of the physical apparatus of repression and confinement, and the relations of greater confidence between prisoner and staff, are likely to affect the anti-social outlook of the prisoners, and to furnish conditions propitious to a genuine desire for reform.

e) Open institutions are economical both with regard to construction and staff.

5. a) We consider that unsentenced prisoners should not be sent to open institutions, but otherwise we consider that the criterion should not be whether the prisoner belongs to any legal or administrative category, but whether treatment in an open institution is more likely to effect his rehabilitation than treatment in other forms of custody, which must of course include the consideration whether he is personally suitable for treatment under open conditions.

b) It follows that assignment to an open institution should

be preceded by observation, preferably in a specialized observation institution.

6. It appears that open institutions may be either

a) separate institutions to which prisoners are directly assigned after due observation, or after serving some part of their sentence in a closed prison, or

b) connected with a closed prison so that prisoners may pass to them as part of a progressive system.

7. We conclude that the system of open institutions has been established in a number of countries long enough, and with sufficient success, to demonstrate its advantages, and that while it cannot completely replace the prisons of maximum and medium security, its extension for the largest number of prisoners on the lines we suggest may make a valuable contribution to the prevention of crime.

The rules and regulations obtaining in open institutions should be framed in accordance with the spirit of point 4 above.

ANNEX II

CONFERENCE OF THE EUROPEAN REGIONAL CONSULTATIVE GROUP ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

(Geneva, 8-16 December 1952)

Resolution on open institutions

1. An open institution is characterized by the absence of physical precautions against escape (such as walls, locks, bars), as well as by a body of rules based on self-discipline and the inmate's sense of responsibility towards the group in which he lives, which encourages him to use the freedom accorded to him without abusing it.

It is these characteristics which distinguish the open institution from other types of institutions, some of which are run on the same principles without, however, realizing them to the full.

2. The open institution may be an independent establishment or may form a separate annex to a closed institution.

3. Depending on each country's own conceptions and the category of offenders eligible for admission to open institutions, prisoners may be sent to such an institution either at the beginning of their sentence or after they have served part of it in another type of institution.

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

5. Any inmate found incapable of adapting himself to treatment in an open institution, or whose conduct adversely affects the proper control of the institution or the behaviour of other inmates, should be transferred to another type of institution.

6. The proper functioning of an open institution depends on the following conditions:

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

b) While the provision of agricultural work is an advantage, it is desirable also to provide workshops for industrial and vocational training;

c) Since the training of inmates on a basis of trust must depend on the influence of members of the staff and on their personal knowledge of the special character and needs of each individual, the staff must be of the highest quality;

d) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to acquire such knowledge;

e) The public in general and the surrounding community in particular should be informed of the aims and methods of each open institution. It may prove very valuable in this connection to enlist the collaboration of the local and national press.

7. Doubtless, an open institution implies greater facilities for absconding and for making undesirable contacts with the outside world; but the open institution offers advantages over other types of institutions for the following reasons:

a) The open institution is more conducive to the physical and mental health of the inmates;

b) The flexibility inherent in the open system finds concrete expression in the mitigation of regulations. It relieves the tensions of prison life and thus leads to an improvement in discipline. Moreover, the absence of material and physical constraint and the relations of greater confidence between inmates and staff tend to create an atmosphere propitious to a genuine desire for social re-adjustment;

c) The conditions of life in open institutions approximate more closely to those of normal life. Desirable contacts with the outer world can be more easily arranged, thus bringing the inmate to realize that he has not severed all links with society. The following arrangements might for example be

considered in this connection: group walks, sporting events with outside teams and even individual leave of absence, particularly for the purpose of preserving family ties;

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

It is important that the public should realize that such a regime exacts from the prisoner considerable moral effort.

8. a) In conclusion, the European Regional Consultative Group recommends the extension of the open system to the largest possible number of prisoners under the conditions set forth in article 4 above;

b) It considers further that the system of open institutions may help to solve the problem of short-term imprisonment;

c) Finally, it recommends the compilation of statistics which would permit an evaluation of recidivism and social rehabilitation in open institutions.

ANNEX III

LATIN AMERICAN SEMINAR ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

(Rio de Janeiro, 6-19 April 1963)

Resolution on open institutions

1. An open institution is characterized by a system of self-discipline, by the inmate's sense of responsibility towards the group in which he lives and by the absence of physical precautions against escape (such as armed guards, walls, bars, locks, etc.), a system which encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from those run on the same principles without, however, realizing them to the full.

2. The life of the inmates of open institutions should resemble normal life as closely as possible.

3. The open institution may be an independent establishment or may form a section or annex to another institution.

4. Depending on each country's own criteria and the category of offenders eligible for admission to open institutions, prisoners may be sent to such an institution either at the beginning of their sentence or after they have served part of it in another type of institution.

5. The criteria governing the selection of offenders for admission to an open institution should be their aptitude for adapting themselves to the system of the institution and the advantage that the social re-adjustment of the inmates is more likely to be achieved by this system than by any treatment inherent in other forms of detention.

The sole criterion of selection should therefore not be the particular penal or correctional category to which the offender belongs, nor the length of the sentence.

The selection should be made on the basis of a medico-psychological examination and a social investigation. In countries where the resources allow, it is recommended that an

institute or agency responsible for the classification and selection of offenders eligible for admission to open institutions should be established.

6. Any inmate found incapable of adapting himself to treatment in an open institution, or whose conduct adversely affects the proper control of the institution or the behaviour of other inmates, should be transferred to another type of institution or, where it exists, to the institution mentioned in the preceding rule.

7. The proper functioning of an open institution depends on the following conditions:

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

(b) While the provision of agricultural work is an advantage, it is desirable also to provide workshops for industrial and vocational training;

(c) Since the training of inmates on a basis of trust must depend on the influence of members of the staff and on their personal knowledge of the special character and needs of each individual, the staff must have received special technical training;

(d) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to acquire such knowledge;

(e) The public in general and the surrounding community in particular should be informed of the aims and methods of each open institution. It may prove very valuable in this connexion to enlist the collaboration of the press, especially of the local press.

8. While an open institution implies greater facilities for absconding and for making undesirable contacts with the outside world, it offers advantages over other types of institutions for the following reasons:

(a) The open institution is more conducive to the physical and mental health of the inmate;

(b) The flexibility inherent in the open system finds concrete expression in the mitigation of regulations. It relieves

the tensions of prison life and thus leads to an improvement in discipline. Moreover, the absence of material and physical constraint and the relations of greater confidence between inmates and staff tend to create an atmosphere propitious to a genuine desire for social re-adjustment;

(c) The conditions of life in open institutions approximate more closely than those in any other to conditions of normal life. Contacts with the outside world can be arranged more easily so that the inmate realizes that he has not severed all links with society. The following arrangements might for example be made in this connexion: group walks, sporting events with outside teams and even individual leave of absence, particularly for the purpose of preserving family ties;

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

It is important that the public should realize that such a regime requires a considerable moral effort on the part of the prisoner.

9. In conclusion, the Latin American Seminar considers that:

(a) The application of the open system to the largest possible number of prisoners should conform to the conditions set forth in *rule 5* and those relating to staff set forth in *rule 7 (c)*;

(b) The system of open institutions may help to solve the problem of short-term imprisonment;

(c) The compilation of statistics would permit an evaluation of recidivism and social rehabilitation in open institutions.

ANNEX IV

MIDDLE EAST SEMINAR ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

(Cairo, 5-17 December 1953)

Resolution on open institutions

1. The "open institution" represents an important step in the development of modern prison systems and constitutes one of the most successful applications of the principle relating to the individualization of penalties.

The Seminar approves the system of open institutions as defined by the Hague Congress of 1950 and the Geneva Conference of 1952.

2. In view of the encouraging results obtained in various countries, particularly Turkey, the adoption of that system by the Middle East countries is recommended.

In applying the system of open institutions, however, each country should take into account its particular social, economic and cultural situation and be guided by the following observations:

(a) Countries having their first experience with open institutions should refrain from laying down rigid and detailed regulations in advance for the operation of such institutions.

During the experimental stage they should be guided by the methods of organization and the procedure already found to be effective in countries which are more advanced in this regard.

Open institutions could serve as a proving ground for the introduction of desirable reforms in the penal system as a whole.

(b) In view of the nature and purpose of the open institution, only those prisoners should be admitted there who, as the result of a social investigation and psychological examination, appear to be suitable and likely to benefit from the treatment in re-adapting themselves to society.

(c) The open institution is characterized by the absence of physical means of security and, in particular, of physical obstacles to escape.

The open system does not, however, entail the removal of all restrictions on the liberty of the prisoner and is not in contradiction with the punitive function of the penalty.

The difference between the open system and the closed system is that instead of passively submitting to regulations imposed upon them the prisoners voluntarily accept a discipline which is relaxed only to the extent demanded by the purpose in view. As this purpose is the social re-adjustment of the prisoner, the regime of the open institution naturally allows him sufficient latitude to prove that he is capable of controlling his actions, of resisting temptation and of behaving in an honest and straightforward fashion.

(d) In countries where prisons are still exclusively of the traditional type and where local conditions do not permit the immediate establishment of open institutions, a cautious policy should be adopted and a start made with medium security institutions such as open-air labour camps, especially agricultural camps.

These camps should preferably be organized as annexes to ordinary prisons. Prisoners would serve the last part of their sentences there before their final or conditional release. The open institution would thus seem to be a necessary first step towards a more progressive system.

(e) When it becomes possible to establish an independent open system, the prisoners placed there should preferably be short-term prisoners or first offenders who have committed an offence the circumstances or nature of which does not indicate deeply-rooted criminal tendencies.

Within these two categories, the selection should be made in accordance with the results of the social investigation and the medico-psychological examination.

(f) If long-term prisoners or persons convicted of a serious offence are regarded as likely to benefit from the open system, the open institutions in such case should be annexed to closed prisons in which convicts of the same class are held.

(g) If in exceptional circumstances the prisoners referred to in the preceding paragraph are placed in an open institution not annexed to a closed prison, the open institution should be reserved exclusively for prisoners of that class and should be kept separate from institutions intended for short-term prisoners or persons convicted of a minor offence.

(h) Prisoners in open institutions should be given vocational training and be employed on types of work that will help to fit them for a useful and profitable trade after their release.

(i) If the national interest so requires, the inmates of open institutions may be assigned to large-scale industrial or agricultural development projects undertaken in the public interest.

The persons so assigned should preferably be short-term prisoners.

If long-term prisoners are so assigned, they should be taken off this type of work in time to ensure that the last part of their sentence may be devoted to vocational training and to instruction in a trade that will be of benefit to them after their release.

(j) The public should be gradually prepared to accept the open system and, through positive practical results and tangible examples, be convinced of the social value and the success of such institutions.

ANNEX V

ASIA AND FAR EAST SEMINAR ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

(Rangoon, 25 October to 6 November 1954)

Resolution on open institutions

1. An open institution is characterized by a system of self-discipline, by the inmate's sense of responsibility towards the group in which he lives and by the absence of physical precautions against escape (such as armed guards, walls, bars, locks, etc.), a system which encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institutions from those run on the same principles but which do not realize them to the full.

2. The open institution may be an independent establishment or may form a section of, or annex to, another institution.

3. Depending on each country's own criteria and the category of offenders eligible for admission to open institutions, prisoners may be sent to such an institution either at the beginning of their sentence or after they have served part of it in another type of institution.

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

5. Any inmate found incapable of adapting himself to treatment in an open institution, or whose conduct adversely affects the proper control of the institution or the behaviour of other inmates, should be transferred to another type of institution.

6 The proper functioning of an open institution depends on the following conditions:

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

(b) While the provision of agricultural work is an advantage, it is desirable also to provide workshops for industrial and vocational training;

(c) Since the training of inmates on a basis of trust must depend on the influence of members of the staff and on their personal knowledge of the special character and needs of each individual, the staff must be selected accordingly;

(d) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to acquire such knowledge;

(e) The public in general and the surrounding community in particular should be informed of the aims and methods of each open institution. It may prove very valuable in this connexion to enlist the collaboration of the press, especially of the local press.

7. While an open institution implies greater facilities for absconding and for making undesirable contacts with the outside world, it offers advantages over other types of institutions for the following reasons:

(a) The open institution is more conducive to the physical and mental health of the inmate;

(b) The flexibility inherent in the open system finds concrete expression in the mitigation of regulations. It relieves the tensions of prison life and thus leads to an improvement in discipline. Moreover, the absence of material and physical constraint and the relations of greater confidence between inmates and staff tend to create an atmosphere propitious to a genuine desire for social re-adjustment;

(c) The conditions of life in open institutions approximate more closely than those in any others, the conditions of normal life. Desirable contacts with the outside world can be arranged more easily so that the inmate realizes that he has not severed all links with society. The following arrangements might for example be made in this connexion: group walks, sporting events with outside teams and in-

dividual leave of absence, particularly for the purpose of preserving family ties.

(d) The correctional treatment is less costly if applied in an open institution than in an institution of another type, in particular because of lower building costs and, in the case of an agricultural institution, the higher yield obtained from cultivation.

It is important that the public should realize that such a regime requires a considerable moral effort on the part of the prisoner.

8. In conclusion, the Asia and Far East Seminar considers that:

(a) The application of the open system to the largest possible number of prisoners should conform to the conditions set forth in *rule 4* and those relating to staff set forth in *rule 6 (c)*;

(b) The system of open institutions may help to solve the problem of short-term imprisonment;

(c) The compilation of statistics will assist in making an evaluation of recidivism and social rehabilitation in open institutions.

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.