



# PRISON LABOUR

UNITED NATIONS  
DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS  
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## FOREWORD

1. The question of prison labour was first recommended for inclusion in the United Nations programme of work by the first Group of Experts in the field of the prevention of crime and the treatment of offenders which was convened in August 1949. The project was then defined as "the role of prison labour in the training of the prisoner and in the economy of the institution as well as in its relationship to the national economy"<sup>1</sup> and it was placed in the deferred category of studies to be taken up upon the completion of certain priority studies. The Social Commission in considering prison labour at its 5th session in December 1949 as a suitable item for the work programme added the words, "and in relation to the maintenance of the prisoner's dependents"<sup>2</sup> and thus enlarged the scope of the inquiry. The deferred status was maintained.

2. At its 9th session in May 1953, however, the Social Commission endorsed the Secretary-General's recommendation to give high priority to prison labour. This action resulted in part from the resolution passed in 1952 by the General Assembly at its 6th session calling for a programme of practical action for the United Nations in the social field "to ensure that efforts and resources are effectively concentrated upon those social problems the early solution of which can be promoted through international action, especially in the under-developed countries, both self-governing and non-self-governing."<sup>3</sup>

3. The Ad Hoc Committee of Experts on the prevention of crime and the treatment of offenders discussed at its 3rd meeting in June 1953 the manner in which the Secretariat should examine the question of prison labour. As a result, the Committee, after consideration of a document prepared by the Secretariat, adopted an outline for the inquiry.<sup>4</sup>

4. The Ad Hoc Committee of Experts, at this meeting, also proposed that the question of prison labour should become one of the topics at the first United Nations Congress to be held in 1955 and that the report to be prepared on this subject should serve as the principal working document for the Congress discussions. These recommendations were adopted by the Secretary-General. Thus, the present report on prison labour serves two purposes: that of carrying out a high priority project called for in the work programme of the Social Commission, and that of providing a basic conference document for the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

5. On the basis of the outline adopted by the Ad Hoc Committee, which included the main aspects previously identified by the Social Commission, the following questionnaire was circulated by the United Nations:

<sup>1</sup> E/CN.5/54, para. 9.

<sup>2</sup> E/1568, para. 47.

<sup>3</sup> General Assembly resolution 535 (VI), para. 4.

<sup>4</sup> E/CN.5/298, Annex A.

## I. PURPOSE OF PRISON LABOUR

- (a) Is prison labour considered, according to existing legislation and/or administrative practices, to be a right of the prisoner and/or a duty inherent in the sentence? Is it intended as a form of punishment? Do the aims vary according to categories of prisoners?
- (b) Is prison labour required of or available to untried prisoners and, if so, how is it regulated and in what manner does it differ from the prison labour of convicted prisoners?
- (c) What are the laws, regulations and administrative practices with regard to utilizing prison labour as a device for the vocational and social training of the prisoner?

## II. ECONOMIC AND ORGANIZATIONAL ASPECTS OF PRISON LABOUR

- (a) To what extent is prison labour used in private enterprise and under what conditions?
- (b) To what extent is prison labour organized and utilized to carry forward public works (including governmental programmes of national development such as irrigation projects, resettlement projects, etc.)?
- (c) What are the principal difficulties and solutions (in law and in practice) with respect to the problem of the competition of prison labour with free labour and industry?
- (d) To what extent is prison labour organized in consideration of the occupational background of prisoners and employment opportunities upon release?
- (e) Statistics on prison employment. It is requested that statistical data on prison employment be submitted in conformity with the table and instructions in part IV of this questionnaire.

## III. SOCIAL ASPECTS OF PRISON LABOUR

- (a) How are prison wages fixed and what regulations govern the expenditure of the prisoner's income from work, with particular reference to the support of the prisoner's dependents?
- (b) What provisions are made for the prisoners to enjoy - either through special legislation or through eligibility to general legislation - social security benefits (including accident compensation) and other measures of social protection?
- (c) In what manner is a prisoner's remuneration for prison labour used to aid his readjustment upon release? [This is interpreted as referring to provisions made by the Prison Administration rather than to plans which the prisoner may make independently himself]

#### IV. AVERAGE DAILY POPULATION OF PERSONS SERVING PRISON SENTENCES BY CATEGORY OF WORK ASSIGNED

Industries <sup>1</sup>	Handicrafts <sup>2</sup>	Agriculture	Construction and Conservation <sup>3</sup>	Maintenance <sup>4</sup>	Other Employment	Not Employed	TOTAL

<sup>1</sup> Group activity, generally on a mass production basis more or less mechanized, such as soap manufacturing and printing.

<sup>2</sup> Individual skilled or semi-skilled production such as shoe repairing or cabinet making.

<sup>3</sup> Including road building, reforestation and bridge and dwelling construction.

<sup>4</sup> Including food preparation and sanitation.

Data should be compiled on the basis of the most recent calendar year on which information is available.

If averages on the annual daily population are not available, data should be given relating to specific days. In selecting the days to be reported upon, preference should be given to those which are typical for the various periods of the year. Data for two or more days should be given.

Persons who are sick or otherwise incapacitated for work should be included in the column headed "Not Employed". The same applies to persons assigned to formal educational programmes on a full time basis.

The breakdown of prison labour assignments should refer to persons who are "fully employed" i.e. who are engaged for a normal working week on a particular task. Notes of explanation should be given if persons are, for example, assigned to one category of work for half time and to another category for the rest of the time. Similarly, if prisoners are assigned for a significant portion of time to educational programmes and are thus not fully employed, note should be made of this, also.

6. The questionnaire was submitted in October 1953 to all United Nations correspondents in the field of the prevention of crime and the treatment of offenders, who have been appointed by the Secretary-General upon the nomination of their governments as well as to all correspondents of the International Labour Office.

7. This was made possible by the close cooperation received from the International Labour Office throughout the work on this project. Not only was the Office represented at the meeting of the Ad Hoc Committee of Experts when the prison labour project was under discussion at the planning stage, but it has also provided valuable comments on the draft report itself. When forwarding the questionnaire the International Labour Office, at the suggestion of the United Nations, asked its correspondents to give particular attention to the third portion entitled "Social Aspects of Prison Labour" and to cooperate wherever possible with the United Nations correspondents in the preparation of replies.

8. Information was received with respect to the following 38 countries: Argentina, Australia, Austria, Belgium, Brazil, Burma, Canada, Chile, Costa Rica, Cuba, Denmark, Egypt, Finland, France, Greece, Haiti, India, Indonesia, Israel, Ireland, Italy, Japan, Lebanon, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Syria, Turkey, United Kingdom, Uruguay, Union of South Africa, United States of America and Yugoslavia.

9. In the preparation of the report, full reliance has been placed upon the materials thus obtained; although the presentation does not, for systematic reasons, follow exactly the order of items dealt with in the questionnaire, it fully reflects all the particulars sent in reply.

10. In all cases, the information was supplied by correspondents, either directly in the form of an original reply to the questions in the questionnaires, or in the form of official publications. In the text of the report all quotations not otherwise indicated are statements of the correspondents.

11. All data in the inquiry are shown country by country according to regions. In general, replies from European countries were the most complete and therefore occupy most space in the report.

12. To avoid constant circumlocutions the terms "state" and/or "country" as used in this report denote both national governments and sub-divisions within national governments having legislative and administrative competence in penal and criminal affairs. In many countries (e.g., Australia, Switzerland, Canada, Pakistan and the United States of America) component governmental divisions possess authority to operate penal institutions of all grades while in some countries (e.g., Australia, the United States of America) the divisions additionally establish and enforce their own penal codes.

13. This report is not exhaustive. No attempt has been made to cover all of the great number of aspects of prison labour which have for many years occupied the attention of students of the problem.

14. International penitentiary congresses have debated the employment of prisoners since the middle of the last century;<sup>1</sup> the general economic and social changes which have taken place throughout the world since have increased rather than diminished the urgency of this question, as shown by the fact that later international congresses devoted more and more time to complaints concerning idleness and competition.<sup>2</sup> At the 12th and last International Penal and Penitentiary Commission, held at The Hague in August 1950, prison labour was dealt with within the framework of the question "How is prison labour to be organized so as to yield both moral benefit and a useful social and economic return?" Conversely, however, there are few aspects of prison administration on which specific informa-

<sup>1</sup> A summary of the earliest of these meetings has been made by Negley K. Teeters ("The First International Penitentiary Congresses, 1846, 47-57", *Prison World*, 26: 190-211, July, 1946).

<sup>2</sup> See p. 177 of the *Index analytique et des noms*, Actes des douze congrès pénitentiaires internationaux 1872-1950 (Berne 1951).

tion is less evident in standard penological reference works or official reports.<sup>3</sup>

15. This report while emphasizing those aspects of prison labour which appeared to merit the most urgent attention at this time will probably, however, suggest other areas of inquiry which call for active attention in the broad field of prison labour.

16. A bibliography has not been provided with this report for two reasons: (1) the data used were gathered almost exclusively from national correspondents; and (2) the International Review of Criminal Policy provides a comprehensive bibliography dealing with prison labour.

17. This report was prepared by Dr. Ralph England, Department of Sociology, University of Pennsylvania, United States of America, at the request of the United Nations.

<sup>3</sup> There have appeared to date two studies by international bodies dealing entirely or in part with prison labour: in 1932 the International Labour Review published a brief survey of some seventeen countries ("Prison Labour I" and "Prison Labour II", *International Labour Review*, 25:311-331 (No. 3, March, 1932) and 25:499-524 (No. 4, April, 1932); in 1935 and 1937 the International Penal and Penitentiary Commission published Special Volumes IV and VI of its Bulletin under the title *Recueil de documents en matière pénale et pénitentiaire*. Descriptions of the penal systems in twenty-nine countries are contained in these volumes and include some information on prisoner work programmes.

## CHAPTER I

### THE LEGAL AND ADMINISTRATIVE BASES OF PRISON LABOUR

1. Extent to which prison labour is obligatory. (a) Some States exclude by law certain categories of convicted prisoners from the obligation to work. Persons serving short sentences are not required to work in the European States of Austria, Luxembourg and Norway, and in the Middle Eastern and Asian countries of Lebanon, Syria, Burma and India. Political prisoners in Belgium, France and Cuba are not obliged to work. In Argentina persons sentenced either to rigorous or simple imprisonment are required to work, but only prisoners in the former category may be employed on public extra-mural work.<sup>1</sup> Finland requires work of all categories of prisoners, but short term offenders can choose their work; Yugoslavia requires "physical labour" of persons undergoing rigorous imprisonment, while prisoners serving lesser sentences perform work "identical or closely related" to their previous occupations. Japan also requires work of all prisoners but options as to type of work are granted for each sentence-category except the most severe.

2. (b) Aside from the excluded categories discussed above, the obligation to work is established either by law<sup>2</sup> or by prison regulations.<sup>3</sup> Judicial or penal authorities in thirteen States<sup>4</sup> may make work optional. The Criminal Code of Canada, which regulates provincial sentencing practices regarding work, empowers judges to add the phrase "with hard labour" to their sentences if they see fit; Israeli law provides that all imprisonment shall entail labour whenever sentencing committees so specify, although the Criminal Code Ordinance states that "light employment" may nevertheless be assigned to those sentenced without labour. In New South Wales, Australia, "...subject to the direction of the Comptroller-General, the governor of a prison may order any convicted prisoner to be set to work suitable to his physical capacity."

<sup>1</sup> Laws of this nature, providing that persons imprisoned for serious crimes can be employed on public works, are ostensibly in force in many countries at present; the origin of such laws may be traced to the Napoleonic Code of 1810 which required that serious offenders undergo arduous penal servitude (*travaux forcés*) in work-gangs outside prison confines -- the latter requirement being necessitated partly by the fact that work of sufficient difficulty was not generally available in prison.

<sup>2</sup> Argentina, Austria, Belgium, Canada (Dominion prisoners), Chile, Costa Rica, Cuba, Finland, Greece, Haiti, India, Ireland, Italy, Japan, Lebanon, Luxembourg, New Zealand, Queensland (Australia), Syria, Turkey, Union of South Africa, Uruguay and Yugoslavia.

<sup>3</sup> Tasmania (Australia), United Kingdom and the United States of America (Federal prisoners).

<sup>4</sup> All nine Canadian Provinces, Israel, and the Australian States of New South Wales, Victoria and Western Australia.

3. Prison labour as a right. That prisoners should enjoy the right as well as the obligation to work is the opinion of many penologists. In the absence of a clearly established right to be supplied work during incarceration, the prisoner is exposed to the possibility of being forced to remain idle, thereby undermining the very foundations of discipline, morale and rehabilitation. In only six of the countries included in this survey, however, are prisoners regarded as possessing a right to labour, and in but three of these, namely Denmark, Norway and Sweden does the law explicitly or implicitly grant the right to work. All prisoners have the obligation and enjoy the right to work under the Swedish Prison Act of 1945; Norwegian legislation, and administrative practices and regulations establish work as a duty and a right, although persons undergoing short sentences and long-term prisoners being disciplined do not work.

4. In France, the Netherlands and Switzerland work is an obligation inherent in the sentence, but the right to work accrues from administrative principles and practice.

5. Prison labour as a right but not an obligation. Only two countries, Indonesia and Mexico, do not regard work as a legal or administrative obligation, but they do regard it as a right. The constitution of Mexico explicitly guarantees prisoners the right to work, without making it an obligation and in this respect appears to be unique among the States supplying information on this point.

#### Prison labour as punishment

6. Legislation adopted by many countries during the eighteenth and nineteenth centuries, whereby deprivation of liberty replaced harsher forms of punishment for serious offences, included continuation of the work policies developed during the two preceding centuries in Bridewells and houses of correction for minor offenders. While the earlier legislation was more exclusively corrective in its intent, however, the later laws governing prison labour were more frankly punitive; convict work was seen not only as a device for teaching obedience, diligence and respect for honest work, but also as an additional punishment rightfully attendant upon deprivation of liberty. From this resulted the provisions for "penal servitude" and "hard labour" (and the often elaborate gradations in severity of work) which are still to be found in the legislation of many countries.

7. Present-day administrative practices in respect to prison labour, however, have largely abandoned the concept of prison work as a punitive device. It is not possible, on the basis of the information made available, to state with certainty which countries have rejected, by law, the penal aspect of prison labour. The Latin American States of Chile, Cuba, Mexico and Uruguay have repudiated either in their constitutions<sup>1</sup> or in their criminal codes<sup>2</sup> the principle that prison labour should be for the purpose of punishment; a Danish Royal Order of 10 May 1947 and Section 24 of the Swedish Act of 21 December 1945 strongly imply such denial. Some countries still include in their legislation provisions for gradation in severity of work, together with such phrases as "hard labour" and "penal servitude",

and some take no definite position on the matter. However, in no States is prison labour viewed administratively as punishment. This does not mean, of course, that repressive work under hard conditions is not being performed by prisoners in any of the countries from which information was received, but it does suggest the extent to which the purpose of prison labour is being redefined throughout the world.

#### WORK FOR UNTRIED PRISONERS

8. Although the systems and conditions under which convicted persons serve their terms are varied, this is vastly more true of those under which untried persons are detained. There is, throughout the world, a very great number of institutions holding untried prisoners, operated by staffs representing extreme ranges in principles and practical skills, who carry out their functions under equally diverse physical circumstances. Consequently, definitive statements on work for the untried cannot be made with confidence. At most, the information presented below should be viewed as indications of general legal and administrative tendencies rather than as exact descriptions of actual conditions.

(a) Among countries for which data were supplied for this report, work is mandatory for untried prisoners only in Uruguay.

(b) In some countries untried prisoners are not permitted to work; this is the case in Queensland (Australia), and in Yugoslavia under the Code of Penal Procedure, 1 January 1954, untried persons may not do work other than necessary housekeeping duties.

(c) Untried prisoners may not work in fourteen States either because no work programmes exist even for tried prisoners or because no option in this respect is granted to the untried. The Canadian Provinces of British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Quebec have no work available for these persons; the same is true in the Australian States of New South Wales, Victoria and Western Australia, although Victoria is planning work for the untried; Cuba, Haiti, Indonesia and New Zealand have no provisions for work by the untried.

(d) In the majority of States work is optional for the untried; in some, work by untried prisoners is identical with that of those under sentence, but differs in others.

9. 1) In twenty-two States identical work for both categories of inmate is permitted.<sup>1</sup> Among the countries or subdivisions listed in footnote 1, nine apparently allow untried persons to work in association with tried prisoners.<sup>2</sup> Greece and Israel merely prohibit extra-mural work for the untried, although they may work in the prison shops; on the other hand, untried prisoners in Lebanon may work in shops both within and without the prison; Luxembourg permits untried persons to work either in their cells or in the regular shops; the Federal District Penitentiary of Mexico, housing both tried and untried, permits the latter inmates to be employed in privately-managed shops within the institution.

<sup>1</sup> Alberta (Canada), Argentina, Austria, Costa Rica, Denmark, Greece, India, Ireland, Israel, Italy, Lebanon, Luxembourg, Mexico (Federal District), Newfoundland, Norway, Saskatchewan (Canada), Syria, Tasmania (Australia), Turkey, United Kingdom, United States of America and the Union of South Africa.

<sup>2</sup> Austria, Costa Rica, Greece, India, Israel, Lebanon, Luxembourg, Mexico and Syria.

<sup>1</sup> Mexico and Uruguay.

<sup>2</sup> Chile and Cuba.

10. 2) In the remaining States providing work for untried prisoners<sup>1</sup>, the work differs from that of regular inmates mainly because the two categories of prisoners must be separated. Information from Belgium, Finland, Ireland, Japan, Netherlands, Sweden and the United Kingdom indicate that separation is the rule. Untried persons are detained in cells in Belgium, Finland, Japan, Netherlands and Sweden, and the type of their work must be adaptable to cellular confinement. In Burma work for the untried may differ from that of the tried when the former are allowed to carry on their own trade. In the Swiss Canton of Tessin and in Lugano prison the untried can likewise pursue their trades even to the extent (in Lugano) of permitting artisans to maintain contact with their customers. Untried persons imprisoned in the Cantons of Berne and Neuchatel have the option, if justice is moving slowly and they are reasonably certain of being sentenced to imprisonment, of requesting their transfer to a prison where work may be more readily available.

#### PURPOSES OF PRISON LABOUR

11. What are the aims of prison labour of the various prison administrations or the laws or regulations under which work programmes are carried out? The Standard Minimum Rules for the Treatment of Prisoners prepared by the International Penal and Penitentiary Commission<sup>2</sup> embody the principles that prison labour should:

- (a) so far as possible maintain or increase the prisoner's ability to earn an honest living upon release;
- (b) provide vocational training in useful trades, especially for young prisoners.

How closely do avowed aims correspond to these standards? Presented below are data received relevant to this question.

##### Europe

12. The Belgian Prison Administration considers that labour should train prisoners in habits of industriousness and provide them with at least some opportunities for the acquisition of skills learned on the job. The Administration acknowledges practical difficulties in the complete organization of rehabilitative work: prison work must be productive and must be limited to goods which can find a ready market; this limits somewhat the range of work. Special attention is given, however, to the training of youthful prisoners; along with their regular work, they receive theoretical instruction in allied trades.

<sup>1</sup> Belgium, Burma, Finland, Japan, Netherlands, Sweden, Switzerland, and France (although the maisons d'arrêts in the latter country house mostly untried persons).

<sup>2</sup> Geneva: 6 July 1951. These principles embodied in the Standard Minimum Rules have also been endorsed by the United Nations European Regional Consultative group in the field of the prevention of crime and the treatment of offenders, Geneva, December 1952, as well as by the United Nations Regional Seminars on the prevention of crime and the treatment of offenders for Latin America, the Middle East and Asia and the Far East which were held respectively in Rio de Janeiro, Brazil, in April 1953, in Cairo, Egypt, in December 1953 and in Rangoon, Burma, in October 1954.

13. Denmark maintains closed, semi-open and open institutions, and the aims of labour vary somewhat according to the limitations found in each. The inmates of closed prisons are engaged in more or less mechanized activities such as printing, textile manufacturing, metal work, tailoring, etc. To a limited extent at the closed and to a predominant extent at semi-open and open prisons the work is in the open air in agriculture, gardening and soil improvement. Within the given framework efforts are made at trade-training. Inmates of the Borstal Institution receive regular vocational instruction; otherwise existing work is utilized for other types of training in practical work which will better enable prisoners to find employment after release. While the aim of all labour for offenders and internees in Denmark is to prepare them for earning their livelihoods, the labour of untried prisoners is intended merely to relieve the "oppressive boredom" of incarceration.

14. Finnish law and practice is directed toward trade-training and maintenance of skill; to further this aim, prisoners are engaged at work suitable to their capacities and future employment.

15. The French Prison Administration organizes prison work in accordance with its belief that productivity and revenue should play a less conspicuous role in institutional regimens than they have in the past. It regards work as only one of several elements important in the rehabilitation of offenders; consequently, prisoner-classification procedures have, since the creation in 1950 of a Selection Centre at Fresnes (Centre national d'orientation de Fresnes), considered factors other than training or work aptitudes, although these are still vital factors in classification. Furthermore, three "apprenticeship centres" have been established recently where the young of both sexes between the ages of 18 to 22 receive training identical with that of free apprentices; some training is, in fact, given outside the establishment in the company of young persons who are not prisoners.

16. In Greece prison labour is organized by law for the "physical and moral improvement" of the prisoner, the teaching of trades and productivity. Extra-mural work, principally agricultural, is emphasized.

17. In Ireland the labour of all prisoners is intended to be as productive as possible and the trades and industries taught and carried on are required if practicable to be such as may fit the prisoner to earn his livelihood on release.

18. By an administrative order of 31 January 1950 (articles 10, 11, and 13), persons sentenced to more than three months imprisonment in Luxembourg are subjected to an examination assessing vocational aptitudes; work is assigned in accord with the findings, with a view to providing trade instruction and facilitating social adjustment.

19. Prison labour in the Netherlands is required by the Dutch criminal code of 1943, "wherever possible" to be "subservient to the maintenance, improvement or acquisition of ability". While these requirements cannot be fully met at present, attempts are made to train prisoners to lead industrious lives upon release; in one prison for youthful offenders the whole day is -- experimentally -- devoted to a special programme of vocational training. In certain other institutions training is given as part



of the normal work-process. Particular attention is given to correspondence courses by which theoretical trade knowledge can be acquired. Trainees also have opportunities to take examinations outside the institutions.

20. Norwegian law requires that due consideration be given as far as possible to the faculties, skill and future position of the prisoner as well as his previous employment. Under special provisions offenders between 18 and 23 years of age sentenced to a vocational training school are given vocational training corresponding as closely as possible to that in the ordinary vocational training schools.

21. The Prisons Act of 1945 of Sweden (para.52) requires that the work of the prisoner "should be calculated to give him vocational training or in other ways promote his chances of earning his own livelihood upon release. His interests and attitudes should be taken into account in the choice of his work." Persons sentenced to a youth prison are to be provided with "theoretical and practical training in industrial work, a manual trade, agriculture, domestic work, or other trade that will promote his chances of [future livelihood]".

22. The Swiss penal code establishes variations in the aims of prison labour according to type of sentence: work for short-term offenders (arrêts) is simply to avoid idleness; prisoners are sent to institutions for training and education to enable them to learn a trade and thus keep them from recidivism; ordinary long-term sentences (reclusion and emprisonnement) involve work which will assist in the prisoner's self-support upon release.

23. The Prison Rules of 1949 of the United Kingdom provide in Rule 154 that "the training in a regional prison of prisoners so sentenced shall be designed to carry out the purposes specified in Rule 6, and shall include the provision of work which will so far as practicable help to fit [prisoners] to earn their living after release, with technical training in skilled trades for suitable prisoners." This rule applies only to those sentenced to corrective training, but administrative practice ensures that its terms apply to all prisoners under any form of sentence subject to the length of their sentences and their mental and physical suitability.

#### North America

24. In addition to extensive "on the job" training opportunities in connection with the maintenance of the institutions which exist in Canadian Dominion prisons, four full-time trade training courses in selected building and mechanical trades are offered to most first offenders and above all to younger offenders. About ten months of intensive trade training is given to men carefully selected for their mental capacity and mechanical aptitude. The above programmes are based on administrative policies, since the Penitentiary Regulations contain no reference to the purposes of prison labour. The aims of prison labour are not mentioned in the laws or regulations of any of the Canadian Provinces. There are training possibilities in Manitoba, Newfoundland, Ontario and Saskatchewan.

25. In the United States of America (Federal) the vocational and social training of prisoners is a major objective and is required by statute.

Regulations and administrative practices are designed to utilize the prison labour programme to the maximum extent necessary to meet the needs of all types of prisoners.

#### Latin America

26. The reformation of the prisoners and teaching habits of order and discipline are the aims of the prison authorities in Argentina who are required by law to carry out a programme of moral education and practical training. The prisoner is helped to develop his social personality by means of technical trade instruction consonant with his circumstances, with a view to post-release employment. Those not undergoing formal training are required to do work according to their aptitudes and needs.

27. By law, the main purpose of prison labour in Cuba is the "modification of the prisoner's morbid or antisocial tendencies or predispositions which led to his offence", (Article 50, Ley de Ejecución de Sanciones) and the development of aptitudes and capacities to enable him to learn a trade by which he can earn his living.

In Uruguay a prisoner is trained in a trade or craft according to his aptitudes and physical and mental capacities.

#### Middle East

28. The prison rules of Israel have little to say about the purpose of prison work. Discretion in work assignments is left to administrators, with the stipulation that males shall be employed "so far as possible" at their own trades. Female prisoners are to work on the care and repair of clothing or to perform other work as directed. In practice, attempts are being made to assign males to semi-skilled occupations so as to increase the possibilities of on-the-job training. Plans are presently being made for the establishment of special facilities for youths of 16 to 21 years of age, which will provide systematic training under the supervision of the Ministry of Labour.

29. Work programmes in Lebanese and Syrian prisons are extremely limited. Labour in the only workshop of Sablons Prison in Beirut is intended to further rehabilitation by training in trades; in the absence of instructors, skilled prisoners sometimes undertake to teach other inmates. In Turkey, apprenticeship and courses in trades are organized in the prison workshops.<sup>1</sup>

#### Africa

30. Administrative practice in the Union of South Africa is to employ inmates in skilled-trades work under "expert" instructors in order that they may qualify for those occupations upon release. The remaining inmates ("mainly non-Europeans") are engaged in agricultural work for the purposes both of training and the inculcation of habits of industry.

<sup>1</sup> For geographical reasons, Turkey is grouped in this report with the countries of the Middle East. It will be recalled, however, that as regards activities in the field of the prevention of crime and the treatment of offenders, Turkey is a member of the United Nations European Regional Consultative Group.

## Asia and the Far East

31. Prison industries in India are presently being re-organized with the aim of providing systematic vocational training to prisoners under technical staffs who will conduct and supervise prison industries. Burmese prisons are reported to train new inmates before assigning them to work. The Japanese law and administrative practice takes cognizance of the rehabilitative aim of prison labour. Work opportunities and training are organized for the needs of a free society; in assigning work and training, consideration is paid to sentence, health, skill, previous occupation and future mode of life.

## Oceania

32. Prison labour in the Australian States is not, so far as the aims of prison work are concerned, governed by law or regulation. It is an administrative practice in all the States to provide some opportunities for training in a trade or specialized work, such as stock-breeding. New South Wales attempts to inculcate "ordered habits of industry" and to provide instruction in the use of tools; Queensland undertakes to teach selected trades to unskilled men.

33. In New Zealand, younger prisoners and those serving long sentences receive training in a trade.

34. It appears from the foregoing that the desirability of using prison labour for positive rehabilitation is nearly unanimous. The earlier traditional purposes of deterrence, punishment and productivity are no longer the motives for putting prisoners to work. The extent, however, to which progressive aims are voiced in legislation, or are at least the subject of regulations, varies widely. The following lists contain those States whose prison-labour aims are based respectively upon law, regulations, or simply upon administrative practices:

<u>Law</u>	<u>Regulations</u>	<u>Practices</u>
Argentina	Chile	Australian States
Austria	Denmark	Belgium
Burma	Ireland	Canada (Dominion)
Costa Rica	Israel	Canadian Provinces
Cuba	United Kingdom	France
Finland	Uruguay	India
Greece		Lebanon
Indonesia		New Zealand
Italy		Syria
Japan		Turkey
Luxembourg		Union of South Africa
Mexico		
Netherlands		
Norway		
Sweden		
Switzerland		
United States of America		
Yugoslavia		

35. There appears to be some tendency for continental European and Latin American countries to incorporate their aims primarily in legislation, and for English-speaking and Middle Eastern States to indicate theirs by regulations and administrative practices.

## SUMMARY

36. Work is mandatory for all categories of convicted prisoners in most of the States included in the present Report. With the exception of Israel it is only in English-speaking countries that the judicial or penal authorities have the option of making work obligatory. Work is required by law virtually everywhere else. The prisoners' right to work, however, is not generally recognized in law or administrative practice.

37. Although only two States forbid work by untried prisoners, work is unavailable to them in fourteen States, ten of which are English-speaking. Only one country requires the untried to work. The most common practice throughout the world is to allow the untried to work at their own option.

38. There apparently is general abandonment of the principle that prison labour should serve punitive ends. By either law or administrative practice, prison work is widely viewed as properly serving the purpose of providing at least a modicum of occupational training and/or experience to facilitate adjustment after release, although it appears likely that thorough vocational or trade training is available only to a very small minority of prisoners.

39. In addition, other aims currently exist: Belgium, Argentina, the Union of South Africa, and New South Wales reportedly seek also to inculcate good work habits; Belgium, Greece and Ireland include productivity among their aims; Finland and the Netherlands try to provide opportunities for the maintenance of skills.

40. In less than half the States the aims of prison labour based upon law, a condition found most typically in Latin America and continental European countries.

## CHAPTER II

### SYSTEMS OF ORGANIZING PRISON LABOUR

41. There exists no universally accepted classification of prison labour organization schemes. Definitions offered by writers treating this subject may have many points in common, although none encompasses completely the several varieties of systems in actual use. The listing presented here is a synthesis based upon North American, British, and French writings, and upon material published by the International Labour Office;<sup>1</sup> consequently, it does not correspond exactly to any currently in use. Under each heading some indication is given of the advantages and disadvantages each system of labour is believed to possess.

42. Two broad categories of prison labour systems exist: those in which private enterprise plays a role, and those in which it does not. Within the former, the three systems defined below are arranged in an order indicative of the prominence of the entrepreneurial role, from greatest to least; no particular ordering is intended within the second category.

#### A. Systems in which private interests participate

43. (1) Lease (affermage). The basic features of the system of lease are that maintenance, guarding and work supervision of prisoners are more or less completely in the hands of private entrepreneurs who reimburse the State at a fixed rate per man per unit of time, and who customarily employ the prisoners on non-prison premises. Two varieties of this system exist, one being that in which the convicts return at night to prison confines, the other in which they remain at all times under the control of the lessee. The advantages of the system to both the State and the lessee are considerable; public expenses for prisoner-care are reduced to a minimum, while the entrepreneur obtains a source of labour at a price usually far below that prevailing in the free labour market. Because the lease system has been, in the past, frequently characterized by an almost unrestricted private exploitation of prisoners under extremely unsavoury conditions, and because its wide-scale use has often simply reflected the indifference of States to the welfare of their convicts, it has few defenders among present-day penologists.

44. (2) Contract (entreprise). A system leading to less abuse of prisoners is the contract, wherein all the inmates of an institution are hired out to a private entrepreneur who furnishes -- within prison confines -- tools,

<sup>1</sup> Valuable information on the present condition of British and North American prison labour systems is contained in New Horizons in Criminology (Harry E. Barnes and Negley K. Teeters, New York: 1945); an extended evaluation of various systems has been published by the International Labour Office ("Prison Labour I", International Labour Review, Volume XXV, No. 3, March 1932, pp. 311-331, and "Prison Labour II", ibid., No. 4, April 1932, pp. 499-524); Max Grünhut (Penal Reform, A Comparative Study, Oxford: 1948) considers systems currently in use in the United Kingdom and in continental European countries; Nurullah Kunter's Le travail pénal (Paris: 1940) is particularly useful in distinguishing French and English Terminology.

machinery and raw materials, and who supervises the work of the prisoners through the persons of his own foremen. He may also undertake the feeding of his workers, but the task of guarding them remains a responsibility of the State. A modified form of this system is that of the Special Contract (système des confectionnaires) in which only part of the inmate labour is contracted for, enabling the prison administration to exercise its own choice in selecting inmates for contract work; this permits at least some assignments in terms of the prisoners' aptitudes, past experience, and future employment prospects, and often means that the types of work available are more varied and specialized in contrast to the unskilled and monotonous work typically found under full-contract operations. Again, the advantages of either system to both entrepreneur and State are appreciable: the former obtains a source of cheap labour, while the latter realizes a monetary return without bearing the business risks and expenses necessarily attendant upon productive activity, although it is considerably more costly to the State than is the system of lease. For the inmates, the principal value is the avoidance of idleness, but the pendulum has too often swung in the direction of unremitting work under conditions of harsh supervision.

45. (3) Piece-price (travail à la pièce). Often regarded as being mid-way between private and public systems of prison labour,<sup>1</sup> the piece-price represents the minimum intrusion of private interests into prison work programmes. It is essentially a system wherein the State executes orders for private contractors who agree to pay a fixed rate for each article satisfactorily produced. Usually, only raw materials are supplied by the contractor; all other necessary equipment is State-owned and the State is responsible for supervising the work. Thus, the prisoners have no personal contacts with the entrepreneur or his agents. To the prisoner, the piece-price system has sometimes meant the advantage of tutelage from civilian instructors whose hiring is made necessary by the State's wish to minimize losses from incompetent work, but this advantage is likely to be offset by long periods of idleness when the State is unable to obtain contracts, and, when work is available, by being forced to work under pressure to produce as many finished items as possible. The contractor gains by obtaining goods at prices permitting him to undercut the free market, while the prison administration can often realize a profit and yet retain complete control over its prisoners.

#### B. Systems in which private interest play no role (régie)

46. (4) Public account or state account (système au compte de l'Etat). Under the system of public account prison-made goods are sold on the open market either through state-operated stores specializing in such products or through wholesalers and retailers who simply add such goods to their regular stocks. The principal disadvantage of this system is that marketing as well as production becomes a responsibility of the State, and -- in view of the peculiar economics of prison labour -- goods requiring relatively simple productive processes must be specialized in if the State is to realize a worthwhile return, thus restricting the variety of skills which can be utilized and/or taught within the prison.

<sup>1</sup> Kunter, op. cit., p. 128.

47. (5) State Use (système pour les besoins de l'Etat). Perhaps representing less a system of prison labour resulting from advanced penological thought than a point to which prison administrations have been driven by outcries against "unfair" competition, state use denotes the supplying of prison-made goods to public institutions and agencies. The production of office furnishings and supplies, bedding and clothing, automobile license tags, road signs and the like are envisaged under this system. Its main advantage is that it presumably requires diverse skills and productive facilities to a degree found under no other system, with consequent greater latitude of choice for inmate work and training. In addition, prison industries can be coordinated with continuing supply-needs of the State, thereby minimizing the effects of changing market conditions. On the other hand, diversification on the relatively small scale of prison industries is somewhat anomalous in highly industrialized countries.

48. (6) Public Works and Ways (système des travaux publics). This system employs prisoners under State supervision on the construction and improvement of public roads, bridges, dams, buildings and parks, the draining and clearing of land and the preservation of forests. Such programmes can have the result not only of providing healthful outdoor employment for prisoners, but of utilizing prison labour for the public well-being.

49. (7) Private Pre-Release. There is some reason for contending that a seventh system of prison labour is emerging (although some penologists might contend that it is actually a severely regulated form of lease). Under this system since the end of World War II in Denmark, France, the Netherlands, Norway, Sweden and the United Kingdom, prisoners nearing the end of their term are permitted to work for private entrepreneurs under conditions closely approximating those of complete freedom. Unlike the traditional lease system, however, the element of conscienceless exploitation is explicitly disallowed, for economic motives play no direct role; the rehabilitative purpose of accustoming prisoners to regular work under "free" conditions and of providing opportunities for assessing the prisoners' readiness for an eventual return to society are foremost. Almost without exception in these six pioneer countries, the programmes require that prisoners' wages (whether turned over directly to the prisoners or to the authorities) and working conditions be the equivalent of those of free employees doing similar work. As nearly as possible, domiciliary accommodation and movements to and from work are those of free men; in some cases prisoners are housed in facilities entirely separated from those provided for regular inmates. Direct surveillance is reduced to a minimum.<sup>1</sup>

<sup>1</sup> An extended description of this system as it operates in the six countries will be found in paragraphs 79-94.

TABLE I  
DISTRIBUTION OF PRISON LABOUR SYSTEMS, BY COUNTRY

Country	Prison Labour System						
	Lease	Contract	Piece-Price	Public Account	State Use	Public Works	Private pre-Release
<u>Europe</u>							
Austria	x <sup>a/</sup>			x	x		
Belgium		x	x		x		
Denmark	x <sup>c/</sup>			x	x	x	x
Finland		x	x		x	x	
France	x	x	x	x	x		x
Greece <sup>2/</sup>				x	x		
Ireland					x		
Italy				x	x	x	
Luxembourg <sup>1/</sup>					x		
Netherlands <sup>2/</sup>	x <sup>b/</sup>				x		x
Norway		x		x	x		x
Sweden <sup>2/</sup>				x	x	x	x
Switzerland				x	x		
United Kingdom	x		x		x	x	x
Yugoslavia <sup>1/</sup>				x			
<u>North America</u>							
Canada					x		
U. S. A.					x	x	
<u>Latin America</u>							
Argentina				x	x		
Chile	x				x	x	
Costa Rica					x	x	
Cuba				x	x		
Haiti					x		
Mexico				x	x		
Uruguay <sup>3/</sup>				x			
<u>Middle East</u>							
Lebanon <sup>4/</sup>							
Israel			x	x	x		
Syria						x <sup>c/</sup>	
Turkey <sup>5/</sup>						x	

TABLE I (cont'd)

Country	Prison Labour System						
	Lease	Contract	Piece-Price	Public Account	State Use	Public Works	Private pre-Release
<u>Africa</u>							
Union of South Africa	x				x	x	
<u>Asia and Far East</u>							
Burma				x	x		
India <sup>5/</sup>						x	
Indonesia					x		
Japan	x	x				x	
<u>Oceania</u>							
Australia:							
New South Wales					x	x	
Queensland					x		
Tasmania					x		
Victoria					x	x	
Western Australia				x	x		
New Zealand	x <sup>a/</sup>				x	x	

1/ Prisoners used in public works only under exceptional circumstances.

2/ Either contract or piece-price is also used.

3/ Public Account is used in Uruguay, but information on other systems is not available.

4/ Either contract or piece-price used; prisoners are employed on public works only on special order of Ministry of Interior.

5/ Prisoners are used in public works, but information not available on other systems.

-----

a/ Agricultural gang-work on daily basis.

b/ Political prisoners working in coal mines.

c/ Rarely used.

\* \* \* \* \*

50. Distribution of the seven systems. With the results summarized in Table I, an attempt was made to determine the distribution throughout the world of the several extant prison labour systems. Because type-names were not often used in the data available for this Report, it was necessary in most cases to deduce which systems prevailed in the respective states. Although the first six systems are based in general on European and North American practices, they are sufficiently comprehensive to permit prison labour systems in other parts of the world to be classified within them. Only in the case of the pre-release experiments did an additional category seem necessary.

51. The state use system, whether prison-made goods are sold to other public institutions and agencies or used only within the prisons themselves, is found in nearly all the countries from which information was obtained. Among the larger States, only Japan does not use it. The wide adoption of this system does not necessarily mean its acceptance as the "best" or most progressive. Particularly in Canada, the United States of America and the Australian States, prison administrations have been driven to state use by complaints of competition from free labour and industry. In many other areas of the world (Burma, the Middle Eastern States with the possible exceptions of Israel and Turkey, and in much of Latin America), although the state use system is ostensibly in operation, the meagre volume of industrial output, resulting in part from the lack of machinery and tools within prisons, limits production to simple objects used only within the institutions themselves.

52. The public account system, wherein goods are produced entirely under state auspices and sold on the open market, is found primarily in Europe. It is either forbidden by law or carefully avoided by administrative practice in most of the United States of America, in the Canadian Provinces, and in the Australian States.<sup>1</sup> The extent of its use in Cuba, the Federal District of Mexico, Burma and Israel cannot be determined on the basis of available data, although indications are that it involves only a small number of prisoners in those countries.

53. In the absence of productive facilities within their correctional institutions, the possibility exists in the less-developed countries of utilizing prisoners in public works programmes of internal improvement; indeed, such countries are regarded by many experts as being highly suitable for such programmes. However, prisoner public works systems do not exist at all in Burma, Cuba, Haiti, Indonesia, Israel or Lebanon; its use in the Indian States and in Syria is apparently very limited; in Costa Rica only about one hundred prisoners are currently employed in public works. In the more developed countries, public works programmes using prison labour are generally modest in extent, often being remnants of older punitive "road work" thinking, or else entailing the employment of prisoners on public land in isolated regions where minimum security conditions can prevail for rehabilitative rather than economic reasons.

<sup>1</sup> Except for Western Australia, where cattle, pigs, wool and dairy products from Pardelup Prison Farm are sold on the free market. However, only about a score of prisoners operate this farm, so output is probably very limited.

## EXTENT OF THE USE OF PRISON LABOUR IN CONJUNCTION WITH PRIVATE ENTERPRISE

54. The operation of prison labour systems in which private interests play a role (lease, contract, piece-price) has, when considered on a country-by-country count, largely given way to programmes run completely by public authorities.<sup>1</sup> Among countries on which data is available, France is the only one now using all three forms, and its use of the lease apparently bears little resemblance to the manner in which it once operated in the southern United States, or to the manner in which it still operates in parts of Africa and the Far East.

55. That prison labour can, or should be, so organized as to contribute to the gain of private interests is a notion strongly rejected by many present-day penologists. Flagrant abuses existing in the past, notably in connexion with the lease and contract systems, together with a shift in thinking away from an emphasis upon the punitive aspects and toward the rehabilitative and training possibilities of prison work have prompted this rejection. There is a wide-spread feeling among experts that the intrusion of the profit motive (a factor present even in the public account system) with respect to correctional work must almost invariably have a detrimental effect: prison work programmes at best become geared to the market vagaries and limitation of free society, making difficult the planning and executing of meaningful work and training programmes; at worst, inmates are heartlessly exploited under conditions which contribute nothing to their reformation and which may lead instead to a hardening of their anti-social attitudes.

56. On the other hand, there are responsible penologists who feel that private interests can play a constructive part in prison labour programmes, provided that regulations protecting the interests of prisoners are enforced under enlightened administration, and that rehabilitation rather than profit is the primary aim of such programmes.

57. The following states do not use prisoners in conjunction with private interests: Argentina, Burma, Canada (including Dominion and provincial prisons), Costa Rica, Cuba, Ireland, Haiti, Indonesia, Lebanon, Luxembourg, Switzerland, Syria, Yugoslavia, the United States of America (Federal Prison System), and the Australian States. Eleven states, however, do relate their prison work programmes to private entrepreneurial interests. Detailed descriptions of the extent and conditions of such programmes are presented below, based upon statements contained in official publications or communications.

58. In Europe, nine countries organize prison labour in terms of lease, contract or piece-price: Austria, Belgium, Denmark, Finland, France, the Netherlands, Norway, Sweden and the United Kingdom.

59. Austria (contract, lease). In 1952, of 1,332,942 work-days, 309,402 (21.4 per cent) were performed under private enterprise. Labour costs paid

<sup>1</sup> Information is not generally available on the proportions of prisoners employed in conjunction with private interests.

by entrepreneurs to the Prison Administration are determined on the basis of current prices, or, where this is not feasible, on the basis of prevailing wage-scales for similar types of work. However, a 20 per cent reduction is automatically granted the contractor to defray intangible expenses arising from the use of prison labour: inefficient work, breakage and destruction of tools and materials, etc. Where prisoners are employed extra-murally (usually in agricultural work), special agreements determine whether the prisoners will be fed by the contractor, and the amounts which will be deducted from payments where such feeding is agreed upon. All work for entrepreneurs is subject to written contracts prescribing the mutual rights and obligations of the contracting parties, as well as regulating the conditions of work.

60. Belgium (contract, piece-price). During 1952, of the prisoners assigned to productive work about 70 per cent worked under private enterprise. A wide variety of industrial and hand-work was performed, including mat-making, bookbinding, the assembling of electrical appliances, production of wire and of fishing equipment, paper bag gluing, etc. Raw materials and tools were furnished by the contractors. The Prison Administration concluded that the simpler occupations contributed little from the standpoint of trade-training, but were useful for certain categories of inmates: short-term prisoners, those in cellular confinement, those lacking sufficient capacity to learn a trade, and prisoners who, for physical or mental reasons, could not perform other work. Many of the simpler jobs, however, were paid on a piece basis, and prisoners who applied themselves seriously to their work could earn small but significant sums.

61. Denmark (lease). Ordinarily, prison labour in Denmark is not let to private employers; however, in cases where labour shortages have made it difficult for farmers to get urgent farm work done, the Prison Administration, in consultation with appropriate labour authorities, have made groups of inmates available under supervision of a prison employee. Such private employers pay the Administration full wages stipulated in collective labour-management agreements. Prisoners are paid a portion of such wages by the Administration.

62. Finland (contract, piece-price). In addition to prison industries organized under contract and piece-price, there exist in Finland three (of fifteen) open State Labour Colonies established in co-operation with private interests, with a total inmate population (1 April 1954) of 74. The prison Administration provides the workers with food and lodging, and undertakes their discipline, while the contractors supply raw materials and control the work. The colonies are usually located in forests and the work consists mainly of the production of firewood and pulp.

63. France (lease, contract, piece-price). The role of private enterprise in the French prison labour programme is an important one. Nearly half of the 12,800 prisoners assigned to work on 1 January 1954 were working in connexion with private interests. The greatest number (about 3,200 in short-term and 1,400 in long-term institutions) were employed at jobs requiring no training and demanding little in the way of physical and intellectual capacities. The labour was performed in restricted work-spaces and with limited tools and equipment. Consequently such jobs, similar to

those carried on in cottage-industries (travail à domicile), result in very little pay, but they provide employment to a considerable number of prisoners who, often very limited physically or mentally, would otherwise be idle because of their unfitness for regular industrial work.

64. About 500 inmates are employed in industrial and agricultural work outside prison confines. Whether they work in gangs, guarded by prison officers, or individually under semi-free circumstances, their wages and working conditions are identical or comparable to those of free workers. Prisoners working in town return each night to their institutions, while those employed at farming or quarrying sometimes sleep at their place of work, returning to the prisons on week-ends. About 1,000 prisoners are employed by entrepreneurs at work of more strictly industrial types; scarcely ten shops, however, employ more than 50 prisoners each, and of those only four employ more than 100.

65. Throughout the nineteenth century, France made wide use of a contract system wherein the contractor paid the entire costs of maintaining the prisoners and received in turn all the products of their labour, which the entrepreneur administered as he saw fit. Since 1927, however, maintenance has been taken over by the State under a policy in which -- through detailed contracts -- the Prison Administration supplies manpower and the private interests supply work. Discipline and care and feeding of the prisoners is undertaken by the Administration, as is remuneration for work; the contractor supplies equipment and raw materials, together with foremen who superintend the shop operations. Marketing finished products is a responsibility of the entrepreneur, who pays the Administration a contracted price for the labour used. It is felt in France that contract work is at present one means -- practically the only one -- of avoiding idleness for large numbers of prisoners who could not do industrial work; and work in semi-freedom almost necessitates recourse to the contract system, which, in fact, presents enough advantages to justify its continued use.

66. The Netherlands (lease, and either contract or piece-price). Based upon the average daily population during 1953, 972 untried prisoners and short-term offenders (of a total prison population of 3,345) were employed within institutional confines under arrangements involving private interests. The work was of simple unskilled types, and was limited to the above-mentioned categories of prisoners. Only two groups of inmates were engaged in extra-mural work under private auspices: a number of political offenders (collaborateurs) working in coal mines, and youthful offenders employed by private craftsmen as part of a trade-training programme.

67. Norway (contract). Less than 1 per cent of prisoner-days in Norwegian institutions are occupied under private enterprise, and are limited to agricultural and forestry work. The central prison for men in Oslo operates a farming and road-building camp for about 100 prisoners, located about 50 km. from the city. In addition, there are two forestry camps with about ten and twenty prisoners, respectively (the larger of the two is a branch of the main penitentiary; the smaller represents the remainder of a number of such camps organized during and after 1945 in connexion with the prosecution of traitors and war-criminals). The Director of the penitentiary, in consultation with the council of the institution, selects prisoners for the agricultural camp from among the inmates of the prison, while the officer

in charge of the camp divides the prisoners between the main camp and the forestry camp. Prisoners volunteer for the latter, although men having more than six months to serve before parole or expiration of sentence can be so transferred only with the consent of the Penitentiary Administration in the Ministry of Justice; this rule also applies to prisoners sentenced to preventive detention or security measures appended to fixed sentences. Former escapees from any penal institution are seldom assigned to forestry work. Physical capacity (as certified by a physician), conduct, and the need to support dependents (since full wages are paid by the forestry owners to the Administration) are taken into consideration before transfers are made. Public reaction to the forestry programme has been favourable in view of the shortage of such workers; this reaction, plus a feeling on the part of the Administration that inmates benefit from the programme, have led to consideration of plans to expand the system.

68. Sweden (contract or piece-price). While most Swedish prison production operates under state use, a small amount of work is undertaken for private firms. Tools, raw materials, machinery, and work supervision are all supplied by the State.

69. United Kingdom (lease, contract). Except in Northern Ireland, prison labour may be used in private enterprise both within and without institutional confines. All schemes for employing prisoners privately on an extra-mural basis must be arranged through and approved by the Ministry of Labour and National Service. The Ministry is responsible for seeing that such programmes do not conflict with the interests of free labour, and for obtaining agreement with the Trade Unions concerned. The main conditions are: (a) the employment of prisoners will not replace other labour; (b) the payment by the employer to the prison authorities of the current wage rate payable to other labour for similar work, plus a surcharge of 4 per cent representing approximately the employer's contribution towards National Insurance; (c) the supplying by the contractor of tools, machinery, and raw materials; prisoners may be debarred from work with machines which are likely to be dangerous if operated by unskilled labour. Prisoners volunteer for private extra-mural work, and are employed for the most part in agriculture, but they are also used in quarrying and in unskilled work for contractors engaged in housing and utility enterprises.

70. Intra-mural private work involves but a small proportion (perhaps 2 per cent) of inmates assigned to industrial activities, and is generally of simple, unskilled types not requiring machinery. Work is supervised by the prison staff. Occasionally, machinery is supplied by the contractor, in which case he may also provide technical advice and guidance, but the prison staff remains responsible for the general supervision and discipline of the prisoners. In all cases the contractor pays the prison authorities for the products at agreed rates; the inmates are paid under the regular prison wage scheme.

71. In Latin America, private enterprise plays but a small part in such prison labour programmes as exist.

72. Chile (contract). Penitentiary work is carried on almost entirely within prison confines, with part of the prisoners engaged in labour under



the contract system. Entrepreneurs wishing to utilize prison labour must present detailed proposals to the Prison Administration (Dirección General de Prisiones), which subjects them to careful study; they are accepted only if they comply with regulations governing private contracts. The Administration takes no part in the industrial operations of workshops under contract, nor in the sale of goods produced -- these are entirely the responsibility of the contractor; the State's role is limited to seeing that the terms of the contracts are fulfilled.

73. Contract labour in Chile is regulated primarily by Decree No.2140 (1911). Article 85 of this law limits the duration of any one contract to five years; Article 87 requires that contractors pay the government for its convict labour on a per capita basis, the amounts to be specified in the contract; Article 89 stipulates that contract work be so organized that simple mechanical operations are avoided so that inmates can learn to perform complete tasks; Article 90 orders that current free wages be paid the prisoners. A more recent law (Decreto Supremo No.1548, 17 April 1944) requires that contracts be obtained by public bidding, with the purpose of granting concessions to entrepreneurs who will employ the greatest number of inmates, pay the highest wages, and offer the most to the State for use of the prison facilities. Footwear, rope, belts and baskets are the principal goods produced under this system.

74. Mexico. Private interests may play some part in shop operations in the Federal District Penitentiary, although, on the basis of available information, it is evidently an obscure one. Not all the prison shops are under the supervision of the Prison Administration or even of the Department of Social Prevention (the agency charged with executing sentences); free workers are sometimes employed in the shops, "earning wages based in part upon prisoner labour-power, while the inmates are paid much less. This results, with very few exceptions, in exploitation of the working inmates."

75. Only one Middle Eastern State dealt with in this survey reportedly uses prison labour in conjunction with private enterprise. Under the Israelite Prison Rules of 1925 (codified in the Laws of Palestine) prison superintendents can, with the approval of the Inspector-General, "carry out work for private persons on payment" when government orders are not forthcoming. Work done in connexion with private firms is performed within prison confines, and at present involves the manufacture of toys, needles for Primus stoves, paper cement bags, net shopping bags and chains to support neon lights. Some parts-assembling is also done. The proportion of time devoted to such private work is small.

## Africa

### 76. Union of South Africa (lease).<sup>1</sup>

"Because public works have not offered sufficient scope to provide employment for all convicts, particularly because of long distance and dispersed populations, some convict labour has therefore been hired out to approved private employers, with suitable safeguards. A mining concern has, for example, regularly employed long-term convicts as labourers on surface work under an agreement with the Prisons Department. Convicts are also permitted under a special scheme to engage themselves at agricultural labour for the period of their sentences. Before a convict can enter such employment a contract has to be entered into before the magistrate of the district or the superintendent in charge of the gaol where the prisoner is detained. There is no question of compelling a prisoner to become a party to such a contract; it is only at his express wish that he can be so employed and a clause stipulating this is included in the standard contract. Furthermore, a daily wage is paid to convicts so employed.

"During the last war little money was available to the erection of new prisons and gaols with the result that facilities in the large centres with their rapidly increasing populations became inadequate for the proper custody of the prison population. The Union authorities were consequently forced to relieve the congestion in the prisons and gaols in these areas by transferring prisoners to the smaller gaols in the country. As the problem of overcrowding could not be entirely solved in this way a wider system of decentralization was introduced. Several farm prison outstations, administered by the Prisons Department under the provisions of the Prisons Act and Regulations were established. Prison labour was made available from these outstations to employers in the surrounding areas at the same tariff and on the same conditions as applicable to prison labour in the urban areas. Apart from helping to solve the accommodation problem the scheme helped to provide suitable employment for convicts who might otherwise have been compelled to remain idle during imprisonment to the detriment of their morale. Recently the situation has changed and there is no longer serious overcrowding. No further outstations are, therefore, being established.

<sup>1</sup> Information on the lease system submitted by the Union of South Africa for the present Report is reproduced here verbatim. Underscoring is the Government's. The results of an exhaustive and critical inquiry into the Union's correctional programmes and policies were published by the Government in 1947 as the Report of Penal and Prison Reform Commission (Government Printer, Pretoria: 1947). See particularly Chapter XVII, "The Use of Convict Labour by Private Persons and Authorities Other Than Government."

For a discussion of the relationship between certain penal laws of the Union of South Africa and the development of an available force of Negro labour for private farmers and other entrepreneurs, see Report of the Ad Hoc Committee on Forced Labour, United Nations and International Labour Office, Geneva, 1953, paras. 361-375.



"Opportunities for employing convict labour on public works are also increasing and the Union Government is exploring every possible avenue for diverting prison labour from mining, industrial and commercial concerns to state employment. ...Furthermore, the Prisons Department proposes to cancel its agreement with the mining concern mentioned above and will no longer make any labour available to commercial and industrial concerns in urban areas. As far as rural areas are concerned, every endeavour is being made to divert prison labour from private to State employment as far as possible. As there are not yet sufficient public works to absorb all prison labour and as it is the Government's belief that idleness is detrimental to a prisoner's health and morale, labour will continue to be hired out to private employers in these areas unless it can be used on public works."

#### Asia and the Far East

77. Japan (lease, contract). During 1953, over half (54 per cent on an un-stated date of that year) of the working inmates in Japanese prisons were employed in conjunction with private interests. Sixteen per cent of the working prisoners were assigned to the processing and repairing of goods (woodworking, printing, and dressmaking) under private contracts requiring the contractors to provide materials, while "all other works" were carried out under the direction and supervision of prison authorities. Thirty-eight per cent of all working prisoners were employed outside prison confines for "power development, land reclamation and other general civil engineering" activities under private auspices. Guarding inmates under these programmes is a responsibility of the State.

#### Oceania

78. New Zealand (lease). Prisoners are used "to a very limited extent" in private farming and gardening work, the labour being supplied at a fixed daily rate; the inmates return to the prison at night.

#### PROGRAMMES OF PRE-RELEASE WORK FOR PRIVATE EMPLOYERS

79. Within the last decade, unique and significant experiments in pre-release work under conditions involving a large measure of freedom have been carried out in a number of European countries. Without exception, results have been successful enough to encourage the several Prison Administrations to contemplate going beyond the experimental stage to the incorporation of such work programmes as regular aspects of institutional regimens.

80. The development of pre-release programmes on larger scales would represent an extremely important step in the direction of reducing further the traditional isolation from society which has heretofore been typical of the status of offenders subjected to incarceration. Such measures as granting access to books, periodicals, and wireless transmission, the extension of furlough, visiting and communication privileges, as well as the use of "open" minimum-security institutions represent a trend, during the last one hundred years, toward increasing recognition that complete

isolation from law-abiding society is poor preparation for eventual return to that society. The prisoner is being exposed to procedures designed to accustom him to the routines and conditions of normal living without, however, ignoring society's persisting demand that serious offenders be placed under bodily restraint.

81. Unlike the above measures, however, the pre-release labour experiments mean that at least half the prisoner's waking hours are spent entirely away from institution confines in the company, not of other convicts, but of free workers. For eight or ten hours daily, the prisoner is obliged to follow the routines and meet the responsibilities of freedom, rather than plodding through the enervating patterns of the institutional day, however much those patterns are relieved by wireless programmes or letters from home. Moreover, as presently administered, the pre-release schemes enable prisoners to occupy productive roles in the State's ordinary economy, to earn wages comparable to those of free workers, and to reimburse the State for board and lodging.

82. Sweden was apparently the first State to authorize private pre-release work. Section 53 of the Act of 21 December 1945 Concerning the Execution of Imprisonment, etc. provides that:

"When it appears suitable, in view of the length of the sentence or for other special reason, and it may be assumed that no risk of abuse is present, the Prison Administration, or by its authorization, the director may, in preparation for release, permit a prisoner to engage in work with an employer outside the institution."<sup>1</sup>

83. Inmates are selected for the pre-release programme on the basis of institutional work habits and general conduct, and upon assessments of them as security risks. Attempts are made to find employment suited to their capacities and training in such jobs as can be retained after release. Pay-scales equal those of free workers, with a maximum of Kr. 4 per working day deducted for board and lodging. The inmates live on institutional property but separate from other prisoners to avoid "bad feeling" and to minimize the risk of traffic in contraband.

84. In November 1947 the Scottish Prison and Borstal Service began a similar programme for Borstal inmates (who, when sentenced, are 16 to 21 years of age), and extended the plan to adult male prisoners in October 1952. Operation of the scheme in Scotland is described as follows:

"As soon as possible after sentence a lad is sent to the Classification Centre where during a period of about two months his character, ability and home background is carefully studied. His case is then considered by an Allocation Board, and if he is found to be of good physique, promising and in need of only minimum supervision, he is transferred to the small 'open' Borstal Institution at Cornton Vale. Here he is at first employed mainly in the Institution's market garden and, if his conduct and industry are satisfactory, he qualifies under

<sup>1</sup> This provision is but one of several in the Act specifically designed to reduce isolation of prisoners from society; see especially Sections 31 (reading material), 33 (support for dependents), 34 (letters), 35 (visits), 36 (compassionate leave), and 44 (early transfer to open institutions).

the training for freedom scheme to go to work for an outside employer during the last six months of his sentence. Up to August, 1954, 229 lads .... have qualified for this privilege.

In 1949 an outworkers' hut, with sleeping, dining and recreation accommodation for 14 lads, was erected at the main Institution at Polmont. Since then lads selected by the Institution Board on account of good conduct and inquiry have been transferred from their Houses to this hut a few months before the end of their sentence and have enjoyed the privileges of the training for freedom scheme.

Since 1951 a few lads at Castle Huntly Institution, a small institution run largely under 'open' conditions to which the Allocation Board transfers lads who are mentally backward or of poor physique, have also gone to work for outside employers during the last few months of their sentence.

[For adult males] the scheme is at present restricted to first offender prisoners serving sentences of three years or over who are selected by the Prison Board on account of their good conduct and industry to go to work for outside employers during the last six months or so of sentence. Hitherto the number of prisoners enjoying this privilege has not exceeded six at any one time.

[All work has been for private firms]. In the case of Borstal inmates the lads have been mainly employed on electric welding, motor engineering, mining, market gardening, farming and general labouring. Adult prisoners have been mainly employed either (i) in the building trade as joiners, electricians, plasterers, etc., if qualified tradesmen, or as general labourers or (ii) on farm work.

Both Borstal inmates and prisoners go to and from their places of employment unattended. During the time they are at work they work among, and under exactly the same conditions as, ordinary free employees of the firm.

Both the Borstal inmates and the prisoners earn 'the rate for the job.' Each lad or man is treated in the same way as a free employee, including the stamping of his Insurance Card, except that he receives an empty pay packet and his earnings are, under a strictly confidential arrangement with the head of the firm, sent to the Institution or prison. Out of his earnings he is allowed reasonable expenses for his travelling and meals while at work and ten shillings per week for personal expenditure. A further ten shillings per week is placed to a savings account against the time of his release.

The conduct and industry of the Borstal inmates working for outside employers has, with very few exceptions, been exemplary. Of the 229 lads at the small open Borstal Institution at Cornton Vale who have gone to outwork during the final stage of their training, in only six cases have a lad's services been terminated on grounds of unsuitability and there has not been one serious incident at any place of employment.

The scheme in relation to adult prisoners is at present experimental. The results to date are entirely satisfactory and consideration will be given in due course to the advisability of an extension to cover certain long-term prisoners who are not first offenders."

85. Limited to adult prisoners, a similar programme has been in operation in Great Britain since November 1953 on a small-scale, experimental basis. Inmates of Parkhurst Prison who have been admitted to the Third Stage of

their sentences become eligible for pre-release work.<sup>1</sup> To date, pre-release prisoners have been employed as labourers in building trades or for local authorities or public utilities, although the scheme is not restricted to particular kinds of work. Prisoners engaged in the programme reside in a hostel especially built on the grounds of Bristol Prison and work unattended among free workers. From their wages -- identical with those of the civilian workers -- are deducted a fixed sum for board and lodging; the prisoners are allowed expenses for travelling and meals, and are required to make provision for dependents previously receiving National Assistance. Remaining sums are retained as compulsory savings against release.

86. Results have thus far been encouraging enough to make plans feasible for extending the programme to recidivist prisoners serving long sentences.

87. In Norway's institution for offenders with mental and character disorders<sup>2</sup> a pre-release work scheme was begun in 1952, with an explicit three-fold purpose: to facilitate rehabilitation, to provide opportunity to observe the prisoner's behaviour under semi-freedom, and to permit increased earning. Inmates are selected for the scheme by the institutional director in consultation with his council and the Penitentiary Administration in the Ministry of Justice. Usually no inmate who has not been at the institution at least one year or who still has more than three months to serve before the date of his anticipated release will be considered. Before pre-release work begins, the inmate concerned is tested by being entrusted with certain duties within the institution and by being allowed short periods of leave. In general, the security-risk factor is given considerable attention as well as the health and degree of skill possessed by the candidate. Only drug-addicts are entirely excluded from the programme; the precise nature of the inmate's original offenses, moreover, is not a major factor in the selection of the individual for the programme.

88. Once assigned to work, under a contract to which the prisoner is technically not a party, the inmate goes to and from his job unattended, and works the same hours and under the same conditions as free workers. More than one inmate is never placed with the same employer. Prisoners are paid at their places of work, although in principle the money is due the institution; the prisoner turns his earnings over to the institution but "as a rule" is allowed to keep the entire amount except for a deduction for board and lodging.

<sup>1</sup> The Third Stage is specifically designed to fit the prisoner for release and to test his readiness therefor and, under existing regulations, may be served in conditions of modified custody and supervision.

<sup>2</sup> The inmates of this institution are persons who, in addition to their regular punishment, have been sentenced to security-measures. There exists a wide range of such measures, from lenient forms of supervision to incarceration. The Ministry of Justice decides when a person sentenced to security-measures shall pass from one type of measure to another. An inmate at the institution will normally be released eventually under supervision; the pre-release work occurs during the last part of the inmate's imprisonment before a decision is made to substitute the institutional treatment by a less severe type of security-measure.

89. In both Denmark and the Netherlands, pre-release work for private employers is limited mainly to youthful offenders. Under a Royal Order on Sentences Served in Borstal Institutions (27 November 1951), inmates of Danish Borstals may be employed by private master craftsmen where considerations of vocational training make such measures desirable. The youths sleep in the institution but go to and from their work "like any other apprentice."

90. Salient features of the several pioneering schemes are:

1) Prisoners selected for the programmes are limited to individuals who are believed to be highly reliable and who are nearing completion of their terms of incarceration. The development of medium and minimum security institutions was made possible by the realization that individual prisoners vary greatly in escape-risk; prison regimens consequently can be organized in accordance with this fact, and the pre-release schemes represent further recognition of it.

91. 2) Security measures are virtually eliminated during the work-day. Given careful selection procedures, the costly and difficult task of providing custody for prisoners in transit and at work can be avoided. Prisoners properly chosen for "free" work seldom violate the trust placed in them, contrary to the belief shared by the public and some prison administrators that convicts will invariably flee if surveillance is relaxed even momentarily.

92. 3) Inmates participating in the programme are housed apart from other prisoners, under reduced security accommodations. Trust placed in them during the day is accorded the prisoners at night; Borstal inmates in Scotland's Cornton Vale Institution are allowed two evening leaves up to 10:00 p.m. and one afternoon leave each week, while adults are entitled to one evening leave up to 9:00 p.m. each week.

93. 4) Wages and working conditions are identical with those of free employees doing similar work. Not only does this permit prisoners to occupy positions in the State's regular economy, but it tends to reduce complaints of unfair competition using "cheap" prison labour.

94. In view of the long and sobering history of successive enthusiasms for novel correctional procedures, none of which proved the panacea claimed by its champions, the new programmes described above must, of course, be viewed temperately. Nevertheless, their appearance may mark a significant departure in prison labour systems and the beginning of an era in which the gulf hitherto separating the prisoner from society is narrowed to a degree sufficient to allow his partial integration with that society, while still undergoing the incarceration demanded by public sentiment.

#### Prison labour policies and the Forced Labour Convention of 1930<sup>1</sup>

95. International concern with the question of forced labour made its appearance at least as early as the Treaties of Paris of 1814 and 1815.<sup>2</sup> In more recent times, the League of Nations, the United Nations and the International Labour Organisation have dealt with this matter.

96. While the labour required of non-political prisoners ("convict labour" in the ordinary sense) has seldom been a matter of more than peripheral concern to the above-mentioned agencies,<sup>3</sup> special concern has been shown lately by the United Nations and the International Labour Organisation with regard to the problem of forced labour in reference to the appearance of certain governmental policies, with attention directed toward the use of forced labour in the suppression of officially disapproved ideologies and its use in the fulfilment of economic plans.

97. The issue of forced labour first came into the purview of the League of Nations and the International Labour Organisation, however, with reference to slave trading and the exploitation of native peoples in colonies, mandated areas and less developed regions generally, and, in fact, the International Labour Convention concerning forced or compulsory labour, adopted by the International Labour Conference in 1930, was drawn up mainly with colonial or colonial-type countries in mind, whose abuses with regard to prison labour arose mainly from the omission of any judicial proceeding or from a total lack of supervision and control. Thus, the definition of forced labour contained in the Forced Labour Convention is so worded as to include work by certain prisoners, or labour performed under certain systems of organisation, even though it might be asked whether such work always deserves the connotation of ill-treatment resulting from application of the phrase "forced labour". Reproduced below are excerpts from the Convention which pertain to this matter:

#### "Article 2

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

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

\* \* \*

<sup>1</sup> Paragraphs 95 to 102 of this report were prepared by the International Labour Office.

<sup>2</sup> A brief history of the interest shown in the matter of forced labour is contained in the Report of the Ad Hoc Committee on Forced Labour, published jointly by the United Nations and the International Labour Office (E/2431, Geneva, 1953) pp. 131-155.

<sup>3</sup> On this point, it is of interest to note that the Ad Hoc Committee referred to in footnote 2 "...viewed with great concern not the repression of offences against the State, such as treason or sedition punishable in all countries, but those legislative systems which attempt to correct political opinions to suit the ideology of a particular Government" (*ibid.*, p. 1). Underscoring added.

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

99. This definition relates to prison labour in two ways:

1) Untried prisoners have not, of course, been convicted in a court of law, and hence, if required to work against their wishes, could be described as performing forced labour. On the other hand, it is only logical that work performed by untried prisoners should be voluntary, since inevitably compulsory work must be considered as a punishment, and a prisoner cannot be considered liable to punishment until he has been tried and proved guilty. Moreover, the report of the Ad Hoc Committee of Forced Labour quotes a number of cases where governments anxious to obtain cheap labour have arbitrarily put untried prisoners to work. In all such cases the governments concerned claimed to have done so for reasons of keeping up the prisoner's morale.

100. 2) Assuming they have no option, prisoners "hired to or placed at the disposal of private individuals, companies or associations" would likewise be performing forced labour. The system of lease, contract and extra-mural pre-release work fall within this definition<sup>1</sup>; in the first and third systems prisoners are clearly "hired out", while in the second, supervision and control in prison workshops are frequently exercised by agents of private entrepreneurs. While it is true that, in the past, the first two have frequently led to exploitation of the prisoners, the pre-release system has few points of resemblance with the types of prison labour which the Convention is aimed at preventing.

101. On the other hand, the supervision of prisoners entirely by the State is no assurance that such work will not lead to exploitation or be conducted under extremely harsh conditions. The employment of convicts in public works, for example, is usually under public authority, but the history of penology contains many instances of cruelly oppressive working conditions, with duly convicted "ordinary" offenders performing difficult and dangerous tasks in fetters, under extremely severe discipline.

102. Interest in the question of forced labour is motivated by concern with a particular variety of inhumane behaviour, but enlightened prison administrations<sup>2</sup> are motivated solely by a wish to protect society and reform offenders. Thus, because the Convention's concept of forced labour impinges directly upon certain aspects of prison labour, it is to be hoped that the International Labour Organisation, as the responsible organization, will give consideration to the question of its revision, particularly of the definition given in Article 2, in such a way as to enable ratification by governments subscribing both to the underlying principles of the Convention and to

<sup>1</sup> Even the piece-price system would be included if a strict interpretation is made of the Convention's Article 4: "1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations."

<sup>2</sup> The existence of "unenlightened administrations" must, of course, be admitted.

policies of (a) requiring untried prisoners, under appropriate safeguards, to work for genuine reasons of morale or support of dependants and/or (b) requiring prisoners to work in conjunction with private interests, but under adequate safeguards against exploitation and in ways designed to further the welfare of society and the offender.

## SUMMARY

103. Of the six major systems of prison labour, most countries have adopted the State Use principle (often in conjunction with other systems), although its actual operation in the less developed countries is nominal. Public Account is found mainly in Europe; its use in English-speaking States is either forbidden by law or avoided by administrative practice. There is relatively little use of prisoners in Public Works (see Chapter III), especially by those countries which could probably most benefit from it.

104. The systems of Lease, Contract, and Piece-price, each of which entails the presence of private entrepreneurial interests, are still found in a number of States. The extent of their use outside of Europe cannot be assessed on the basis of available data; within Europe, these systems appear to provide employment for substantial proportions of prisoners only in Austria, Belgium, France, and Sweden.

105. Pre-release programmes intended primarily as preparation for freedom exist in at least six European States on limited and experimental scales, but may be the forerunners of an important new direction in prison labour.

## CHAPTER III

### THE ORGANIZATION OF PRISON LABOUR FOR PUBLIC WORKS

106. That prisoners can be utilized on extra-mural public works programmes in ways which will contribute both to their work and training needs as well as to the improvement of public well-being is a point of view widely shared by modern penologists and penal administrations. The list of projects encompassed by the term "public works" is lengthy,<sup>1</sup> and includes extra-mural activities sufficiently varied so that broad opportunities are presented for utilizing or maintaining prisoners' existing skills and for providing training and experience for untrained prisoners. Opinions differ among penologists concerning the particular types of public work convicts should perform,<sup>2</sup> but the advantages accruing to state and prisoner are recognized aspects of this type of work organization when it is administered by enlightened correctional régimes.

107. How important a role is played by prison labour in connexion with public works activities throughout the world? Has this aspect of prison labour attained the stature promised by its assumed potentialities? The data which follow supply some answers to these queries, and are based upon answers to the question "To what extent is prison labour organized and utilized to carry forward public works (including governmental programmes of national development such as irrigation projects, resettlement projects, etc.)?"

108. Apparently only five European States on which data were made available maintain public works programmes involving prison labour, all of which are on modest scales.

109. In Denmark, of an average daily population in 1951 of 3,128 prisoners, 280 were assigned to public construction and conservation work involving

<sup>1</sup> A partial list: construction and maintenance of roads, railroads, bridges, dams, dikes, canals, parks, buildings and monuments; river and flood control; irrigation; land reclamation and land clearance, soil improvement; forestry work; erosion control.

<sup>2</sup> Belaustegui feels that the training and rehabilitative possibilities of especially arduous but simple work, such as land draining or deforestation, are too limited to justify their inclusion in convict labour programmes (Fundamentos del Trabajo Penitenciario, Madrid, 1952, p. 220). Nurullah Kunter, on the other hand, is of the opinion that arduous (and "even unhealthy") work can rightfully be reserved for hardened offenders; in this connexion he states that "... if the country's interest demands some sacrifice of life for a public works enterprise -- swamp draining, for example -- there should be no doubt as to the choice between free labour and convict labour." (Le travail pénal, Paris, 1940, pp. 122-123). It is unlikely that the many progressive penologists would share this viewpoint, but would rather agree with Belaustegui purposes of education and training should always govern the organization of prison labour. (Belaustegui, p. 220)

a wide variety of activities. In a few cases prison work-gangs have been placed at the disposal of the Government Forestry Department, government-sponsored plantation companies, archeological excavations and dike-construction. The main contribution of the Prison Administration to soil conservation and reclamation programmes has been the purchase of areas by the Prison Administration for its own account; such areas have been cultivated and later added to the agricultural land of the Administration. Part of this land is to be sold for the establishment of independent farms. In other cases areas have been leased from governmental authorities responsible for the acquisition of land for small farms; such leaseholds will be terminated after the completion of present soil-improvement projects and the areas will then be parcelled out to private farmers.

110. In April 1954 there were fifteen State Labour colonies in Finland, eleven of which were carrying on public works programmes. One colony of 468 inmates was devoted entirely to construction at Helsinki Airport; another consisting of 112 prisoners was engaged in building roads in North-eastern Finland. The technical employer of such prisoners is the Ministry of Public Works; tools and equipment are provided by this agency, which also supervises the work, and pays wages equivalent to those of free workers. Prisoners selected for the labour colonies are those with sentences of less than one year (either direct, or in default of payment of fines), who have not previously been sentenced for an offence, and whose physical condition fits them for work of the kinds done in the colonies. From their wages, the prisoners must pay for their own food and supply their own clothing; the State withholds a portion to defray general administrative expenses. The number and situation of the camps vary from year to year according to their needs and the free labour market situation. The camps are mainly in rural areas, with lumbering operations being the principal activity; where this is the case the State Firewood Bureau is the technical employer of the prisoners in the same manner as the Ministry of Public Works.

111. In addition to the colonies, ordinary prisons in Finland offer opportunities for carrying forward public works; some 3,000 hectares of land have been cleared for agriculture by inmates and turned over to persons from evacuated areas.

112. Finland has more than 500 of its 6,703 prisoners engaged in public works and ranks first among countries on which data are available as regards the proportion of inmates assigned to such work.

113. Agricultural penal settlements in Italy conduct large-scale projects for soil improvement, which include clearing, stone removal, road building, planting, irrigation and fertilization, with the result that large tracts of barren or derelict land are made productive. About 3,000 prisoners were employed on agricultural and construction and conservation work out of a total of 30,000 persons undergoing sentences deprivative of liberty in 1953.

114. In Sweden prisoners are employed on public road and forestry work as well as construction work for the prison administration.

115. United Kingdom prisoners are supplied on payment to Local Councils, Drainage Boards, and such nationalized services as Gas and Electricity

Boards. Ditch-digging, roadbuilding, the preservation of river banks and similar activities are typical of work under these authorities. Volunteer emergency labour has also been used for repairing sea and river walls after floods, and for cleaning farms after outbreaks of animal diseases.

116. All extra-mural public works are subject to control by the Ministry of Labour and National Service under the conditions described above (para. 69-70) except that where the costs of projects are borne by the State, prison labour is supplied free of charge.

117. Nine European countries have no public works programmes involving prison labour:

There are none in Austria because they would reduce available jobs for free workers, although plans are being considered for putting prisoners to work in public forests in certain regions.

118. Prison labour is not regularly used in Belgian public works; convicted collaborateurs were employed in coal mines and in road and airport construction during the immediate post-war years. In the same period, other prisoners worked at reforestation, canal preservation and similar activities. At present, however, no inmates are working on extra-mural public works.

119. The French Prison Administration does not favour the use of convicts on public works because it feels that working and housing conditions for prisoners employed in large national programmes are too reminiscent of the forced labour of concentration camps or of penal colonies of former times; such programmes, it feels, involve the constant risk of overlooking the rehabilitative needs of prisoners. Since 1945, however, there has been in progress an extensive institutional building programme utilizing prison labour. About twelve major construction or renovation projects have been completed or are nearly completed, including the construction of a 270-cell building at Caen Central Prison and the remodeling of four "maisons d'arrêt" with a total of 830 new cells. The several projects were carried out entirely with prison labour including masonry and reinforced concrete work, and the installation of central heating, electric wiring and appliances, and toilet facilities. The construction of windows and doors was standardized within a special workshop on a mass-production basis.

120. Prisoners in Greece eligible for work are fully employed in activities other than public works, mainly agriculture.

121. Luxembourg likewise uses prisoners in public works programmes only under exceptional circumstances.

122. Until recently in the Netherlands, prison labour was used in resettlement and land reclamation projects, but discontinuation was necessitated by a decrease in the total prison population and the subsequent closing of some prison camps.

123. In Norway prisoners are rarely used in public works. While prisoners are not employed at all at public works in Switzerland, such programmes are being considered.

124. Only under exceptional circumstances may prisoners in Yugoslavia be employed at extra-mural public works, and then only under the jurisdiction of workers' collectives and for programmes clearly in the general public interest. Prisoners are selected for such work by the Prison Administration in accordance with a law which requires that minimum incarceration periods of three and six months respectively must be served for detention and severe imprisonment sentences before inmates can qualify for public works.

#### North America

125. While Dominion prisoners in Canada are occasionally used to assist on specific projects carried out by adjacent municipalities, there is no programme for the regular participation of prisoners in public works. During the building season the construction programme of the Dominion penitentiaries is carried on in major part by prison labour; in fact, contracts are let for new buildings only when there is extreme urgency and the location of the new construction is such that it is impracticable to use prison labour on a large scale.

126. Among the provinces of Canada only Alberta, British Columbia and Saskatchewan make any use whatever of prison labour in extra-mural public works, and then only to a very limited degree. At Lethbridge, Alberta, some three per cent of the inmate population assists in the work of the Federal Experimental Station in Agriculture; forestry development in conjunction with experimentation with a Forest Camp Programme for young offenders has been carried on in British Columbia during the last three summers; Saskatchewan has engaged in "limited experimentation" with a work camp for public works activities, expansion of which is planned if sufficient correctional personnel are made available. British Columbia, Manitoba and Ontario also use prisoners for intra-mural repair and remodeling.

127. The Federal Bureau of Prisons of the United States of America operates a number of camps for the more dependable offenders who work on programmes of national development, such as trail-and road-building, forest fire prevention and similar services.

128. In Latin America, of countries reported, on only Chile and Costa Rica employ prisoners in public works. In Chile inmates are used in road, bridge, railroad and airport construction, forestry work and the erection of public buildings; the Hospital for the Insane in Santiago was recently completed by prison labour. Some municipalities use prisoners in public works and gardens. About 100 convicts are currently employed on road building in Costa Rica as part of that State's national development programme.

129. In Argentina prison labour is used only in the construction and repair of penal institutions as regards public works; of an average daily population in 1953 of 2,891 prisoners, 231 (8 per cent) were employed in this manner. Article 70 of the Uruguayan Penal Code provides that inmates of rural prisons<sup>1</sup> can be employed in road building, quarrying, draining and clear-

<sup>1</sup>

For example, medium and minimum security institutions for persons serving penitentiary sentences.

ing land, and in similar improvement projects, but no prisoners are at present engaged in such work.

130. Legislation in three Middle Eastern States permits the use of prisoners in public works, but such employment is very limited. In Turkey prisoners can be so used only if work is unavailable to them within the institutions, they must be returned at night to prison confines, and receive two-thirds the wage of free workers at similar employment. Syrian law (Law No. 39, 31 July, 1935) authorizes the use of convicts on the construction, repair and maintenance of public buildings and streets; they are to receive wages fixed by regulations (50 piastres per day, at present). For some prisoners under certain conditions such work can reduce sentences at the rate of one day for each week of work. Actually, however, prisoners are seldom employed in public works or in any extra-mural labour. The Ministry of Interior in Lebanon is authorized to carry on public works using prison labour, but no such programmes exist at present.

131. Opportunities for employing convicts on public works are reported increasing in the Union of South Africa, where the government is "exploring every possible avenue for diverting prison labour from mining, industrial and commercial concerns to state employment. The Prisons Department is working in close consultation with other State departments with a view to absorbing prison labour in public works."<sup>1</sup>

132. In Asia and the Far East, Japan and the State of Uttar Pradesh in India, employ prisoners on public works. During 1953 in Japan, some 3,600 convicts (about 9 per cent of the working inmates) were employed in 149 camps at farming, fishing, charcoal making, road building, erosion control, mining, forestry, land reclamation, dam construction and irrigation. For several years, beginning in 1940, a large-scale project involving 3,000 prisoners selected from institutions throughout the country was carried out on the northern island of Hokkaido. Twenty-three facilities were opened in remote areas to avoid competing with free workers, and road building, land reclamation and river improvement programmes were engaged in.

133. Prisoners in Burma at rare intervals are used in Prison Department construction, but never in public works; of 5,091 inmates on an average day in 1953, none were assigned even to intra-mural construction and conservation.<sup>2</sup>

134. Prisoners play a small part in public works in Oceania. In only two of the five States of Australia are prisoners so employed, and there on very

limited scales. A continuing programme of reforestation is carried out in New South Wales at three isolated open camps, along with the periodic use of inmate labour in the construction of penal institutions. In 1953, 9.9 per cent of the 2,250 prisoners in New South Wales were employed at either forestry work or institutional rebuilding. Inmates of Coorimungle Prison Farm in Victoria are engaged in converting virgin forest Crown land into farm units for settlement; about three thousand acres have been cleared in the past fourteen years, but the forty inmates of the farm are a small fraction of the 1,200 average daily population of 1953.

135. Prison labour in New Zealand is used to a limited extent and only on road and bridge work in isolated localities where free labour is difficult to recruit. Prisoners are made available at a daily rate to the Ministry of Works, and while the labour is supervised by prison officers the work is directed by Ministry of Works engineers.

Table II

PRISONERS ASSIGNED TO "CONSTRUCTION AND CONSERVATION,"  
OF ALL EMPLOYED PRISONERS<sup>1</sup>

State	Total Employed	Construction and Conservation	%
<u>Europe</u>			
Belgium <sup>2</sup>	--	--	--
DENMARK	2,904	280	9.6
FINLAND	5,648	1,069	18.9
France <sup>3</sup>	6,207	330	5.3
	4,938	180	3.6
Greece	2,475	123	5.0
Ireland	411	30	7.3
ITALY	14,021	646	4.6
Luxembourg	140	7	5.0
Netherlands	2,890	0	0.0
Norway	1,008	75	7.4
SWEDEN	2,409	464	19.3
UNITED KINGDOM	21,753	2,590	11.9

<sup>1</sup> States with public works programmes are in bold-face.

<sup>2</sup> "Construction and Conservation" and "Maintenance" were combined in Belgian statistics, making inclusion here impracticable.

<sup>3</sup> First row: maisons centrales; second row: maisons d'arrêt.

<sup>1</sup> The Report of Penal and Prison Reform Commission (op. cit., pp. 130-131), states that non-European male prisoners are "at present" (i.e., in 1947) hired out to the South African Railways and Harbours Administration for "quarrying and other labouring work", and to Provincial and local governments for roadbuilding and similar activities.

<sup>2</sup> Section 875 (a) of the Burma Jail Manual reportedly has had the inadvertent effect of discouraging the development of works programmes employing prisoners: "The maintenance of Jail buildings by convict labour is of more importance than outside work even of a remunerative nature, and it is not open to Superintendents of Jails to decline to provide the labour for carrying out the repairs when more remunerative work is available."



Table II

PRISONERS ASSIGNED TO "CONSTRUCTION AND CONSERVATION,"  
OF ALL EMPLOYED PRISONERS (Cont'd)

State	Total Employed	Construction and Conservation	%
<u>North America</u>			
Canada (Dominion)	4,412	744	16.9
Alberta	488	54	11.1
Manitoba	451	0	0.0
Newfoundland	83	33	39.8
Ontario	2,392	247	10.3
Saskatchewan	195	10	5.1
U.S.A.	13,659	1,170	8.6
<u>Latin America</u>			
Argentina	2,666	231	8.7
Uruguay	242	0	0.0
<u>Middle East</u>			
Israel	863	126	14.6
<u>Africa</u>			
UNION OF SOUTH AFRICA	24,218	2,395	9.9
<u>Asia and the Far East</u>			
Burma	4,985	0	0.0
Indonesia <sup>4</sup>	17,343	0	0.0
JAPAN	59,907	3,599	6.0
<u>Oceania</u>			
Australia			
NEW SOUTH WALES	1,902	223	11.7
Queensland	610	35	5.7
VICTORIA <sup>5</sup>	1,100	0	0.0
West Australia	301	0	0.0
NEW ZEALAND	997	148	14.8

## SUMMARY

136. Precise data on the extent to which prison labour is used to carry on public works are not available. Table II, based in turn on Table VI, gives some indication of the proportion of employed prisoners assigned to construction and conservation work, both extra-mural and intra-mural. Except in the cases of Finland and Sweden, with respective rates of 18.9 per cent and 19.3 per cent of prisoners in construction and conservation, the rates for countries with public works programmes are not much higher than those without such programmes. In the general absence of statistics broken down into true public works on the one hand and "public" works concerned only with prison construction and conservation on the other, the above findings suggests that even in those States in the former category, the extant public works participation of prisoners must be very limited.<sup>1</sup>

137. In only one State (Costa Rica) is prison labour reportedly integrated with an explicit programme of national development, despite the wide opportunity for such utilization of prisoners, especially in less-developed countries where wide-spread idleness among convicts is prevalent.

138. With only sixteen States even ostensibly using prisoners in public works projects (see Table II, above) and only ten actually so using them to an appreciable extent, it can be concluded that public works do not play an important role in most prison labour systems, nor an important role in most of the several States' programmes of internal improvement.

<sup>1</sup> Only for Denmark (280), Finland (580), Costa Rica (100), and Japan (3,599) were exact data available giving actual numbers of prisoners in extra-mural public works. In the case of Finland, the number 580 does not correspond with that in Table II because an additional 489 prisoners were assigned to intra-mural construction and conservation, making the total of 1,069. Costa Rica is omitted from the table because the total number of prisoners in that State is unknown.

<sup>4</sup> Total inmate population.

<sup>5</sup> Statistics received from Victoria recorded "nil" under "Construction and Conservation", but 40 prisoners are elsewhere reported engaged in such work (3.6%).



## CHAPTER IV

### COMPETITION WITH FREE LABOUR AND INDUSTRY: PROBLEMS AND SOLUTIONS

139. Complaints by free workers and entrepreneurs against unfair competition from prison labour appeared on the European continent as early as 1695,<sup>1</sup> and in North America at least as early as the second decade of the nineteenth century, when organizations of mechanics in New York and Pennsylvania began presenting legislative bodies with lists of grievances relating to the production of barrels, shoes, hats and clothing in the prisons of those States.<sup>2</sup>

140. Objections to competition from prison labour were increasingly voiced on both continents during the nineteenth and the early part of the present century, with growing machine economies, the development of labour and management associations, and the appearance of characteristically short -- but frequent and severe -- economic crises. In an age when unrestricted competition was believed by classical economists to be a positive good, complaints were not generally raised against competition *per se* from prison labour, but rather against presumed "unfair" competition resulting from factors inherent in the very economics of prison production: "free" land and productive facilities, low wages and prices, work discipline of a severity not permitted in ordinary industry, etc.

141. Despite the fact that many of the complaints arose from exaggerated notions as to the relative importance of prison-output, the end result of decades of pressure by aggrieved interests in most of the States of Europe, North America and Oceania was the enactment of legislation (or the adoption of administrative policies) designed to minimize the grounds for such complaints. A wide variety of measures was thus taken, ranging from flat prohibitions on the sale of any prison-made goods on open markets<sup>3</sup> to the production of goods where profit-making potential appealed neither to labour nor industry.

<sup>1</sup> Nurullah Kunter, *Le Travail Pénal* (Paris: 1940), p. 137. There are some indications that the issue may have been raised nearly a century before in connection with wood-rasping monopolies granted the Amsterdam Houses of Correction in 1599 (see Thorsten Sellin, *Pioneering in Penology*, Philadelphia, 1944, pp. 54-55).

<sup>2</sup> E. T. Hiller, "Labour Unionism and Convict Labour" *Journal of the American Institute of Criminal Law and Criminology*, 5:851-879 (March, 1915).

<sup>3</sup> The prison labour vs. free labour struggle became increasingly acute in the United States of America in post-Civil War years, culminating in State and Federal legislation which nearly demolished prison labour programmes in many States. As of 1950, all but twelve of the United States prohibited sale on the open market of prison-made goods, although fifteen of the prohibiting States permitted exceptions for such things as rope and cordage, agricultural equipment and rag rugs. Only twenty-three States, on the other hand, had compulsory state-use laws at that time.

142. What is the situation in the fifth decade of the twentieth century regarding the issue of competition from prison labour? What are the current difficulties and solutions extant throughout the world?

143. Among the nations of Europe, Austria is experiencing a serious struggle ("une lutte acharnée") waged against prison labour principally by small industries and domiciliary workers; unemployment and fluctuations in purchasing power affecting large segments of the Austrian population are important factors in this struggle. To relieve it, compulsory state use regulations have been established, requiring that the "total supply needs" of the agencies of justice (courts, departments of justice, correctional institutions) be met as far as possible by prison production; moreover, employees of these agencies can purchase prison goods for their own use and the use of their spouses and minor children, but only "to an extent determined by the needs of a middle-class household". While a few agricultural and industrial properties are leased by the Prison Administration and worked by prisoners, productive activities carried on within prison confines are carefully selected to avoid competition, and are instituted only with prior authorization from the competent labour bureaus having responsibility of protecting the interests of free workers.

144. Complaints of unfair competition, relatively rare now, have been leveled against the Belgian Prison Administration, and have concerned goods produced under state use as well as those produced by private contractors for private sale. The complaints were based on allegations that the contractors especially obtained labour at less than free market costs and did not have to make social security contributions. The Administration's position was that, even if these claims were true, the contractors had other expenses and inconveniences not ordinarily arising in free industry, such as the reduced efficiency of prison labour, training difficulties resulting from a rapid turnover of inmate populations, more complicated problems of handling and transporting raw materials and finished products, etc. A 1937 Commission reporting to the Ministry of Middle Classes and Economic Affairs was formed to study the effect of certain prison industries on the welfare of craftsmen, merchants and the middle classes generally, and to suggest appropriate legislation. This Commission felt that prison labour could properly be used in the production of goods under a state use system, and that the Prison Administration could accept private contracts and participate in bidding providing that goods produced were destined for public institutions and agencies. The Commission likewise drew up a list of types of work which could be performed by prison labour under private contract involving goods not for public use.

145. In Denmark private business has occasionally leveled criticism against prison labour, both in respect of products sold to governmental institutions and to private persons. A Supervisory Board consequently has been set up to deal with such complaints and to handle all "public relations" between private business and prison labour. The Board is comprised of representatives of labour and employers' organizations, Parliament, and the Prison Administration. The Board is also responsible for the general supervision of the scope of prison labour. Major machinery acquisitions, and the establishments and substantial expansion of prison shops must be authorized by this body. Beyond these provisions, there are in Denmark no legal restrictions on the production and sale of the products of prison labour, but the

control exercised by workers, employers and parliamentary authorities through the Supervisory Board keeps the development of prison work programmes to a "very modest pace." While prison production in Denmark represents a very small fraction of the total national product, complaints have been concentrated on specific lines of production of which the Prison Administration has a fairly large output. Most of the complaints have accused the Administration of underselling the free market; to meet these objections, goods sold on the open market are priced at prevailing rates, although government institutions are granted reductions to compensate for drawbacks due to inferior quality and to uncertain times of delivery.

146. Complaints of competition in Finland during periods of unemployment are directed mainly at operations of the state labour colonies (see above, para. 62). To avoid conflicts with trades unions, the colonies are usually located either in depopulated areas or in regions experiencing chronic labour shortages. In addition, wages for colony prisoners are fixed in accordance with those of free workers, and prices for prison products are likewise in conformity with those in the open market.

147. Although there exists in France no legislation limiting the output of prisons or regulating the sale of prison products on the open market,<sup>1</sup> the Prison Administration nevertheless has felt obliged to adopt policies designed to minimize unfair competition. These policies are: (a) to produce goods already being produced in large quantities in free society, so that the share coming from prisons is proportionately small; (b) to avoid concentration on any one product; (c) to require that contractors of prison labour must compensate the State at rates comparable to those existing in the free labour market; (d) to sell goods produced entirely under Administration auspices only to other departments of government.

148. Practically all food and manufactured goods produced by prison labour in Greece are consumed by the prisons in that country; despite the small amount of surplus sold on the open market, complaints were recently voiced by farmers who charged that disposing of certain vegetable products in a local produce market had injured their interests. The Prison Administration responded by altering its agricultural programme to the satisfaction of the complainants. Beyond this isolated incident, prison labour competition has not been an issue in Greece.

149. Ireland, with a small inmate population all of whose products are consumed by the prisons, has no problem of competition. Similarly in Italy, competition is of "minor significance" since the Prison Administration consumes most of its output; however, to avoid competition arising within the few fields in which private enterprise has a role in prison production, the Administration prices its products according to the quality and yield of the prison labour thus utilized. Finished articles reaching the market cost less than those produced by free labour, but are sometimes either inferior in quality or value, or constitute categories of goods which are not usually produced by free labour.

<sup>1</sup> Nor does France possess compulsory state use legislation; the Prison Administration regards the absence of any "protectionist" laws as an advantage, in the long run, to all parties concerned.

150. The problem of competition does not exist in Yugoslavia since prisoners are paid wages equivalent to those of free workers, they work eight hours daily with one day of rest each week as do free workers, and working conditions are required to be no different from those in free industry.

151. Competition is avoided in Luxembourg by following a policy requiring that, in productive operations where the question of competition could be raised, orders be dealt with only through the agency of regularly established local business.<sup>1</sup>

152. The majority of productively employed prisoners in the Netherlands work under state use; this circumstance, plus the facts that work for private interests involves relatively few prisoners and that goods and services thus supplied must, by law,<sup>2</sup> be sold at current market prices have eliminated complaints of competition -- at least for the present. The Prison Administration feels, however, that "since prison labour employment orients itself more and more upon those skills that provide employment opportunities for the prisoners upon release, it is possible that new problems will arise in the future."

153. According to the provisions of a Norwegian law pertaining to crafts and trades, prison goods destined for public sale can be made only from materials "belonging to the prison" itself,<sup>3</sup> and work must not be done to the order of private customers. Prices charged for prison-supplied goods and services are the same as for similar goods and services obtained in private enterprise; in addition, the Prison Administration refrains from advertising, and does not compete with private business enterprises in submitting tenders. Finally, care is taken to avoid doing extra-mural work where such activities would lead to competition between prison labour and free labour, although such work is very rarely undertaken anyway.

154. Complaints of competition in Sweden have been stopped by a combination of factors: high general employment, low output of market-priced prison-made goods for the free market, and the fact that the Prison Administration "encounters a large measure of understanding both from employers and employees in the efforts to rehabilitate the inmates to normal working conditions."

155. Complete data on the Cantonal institutions of Switzerland were not available for the present report; competition is not an issue in the Canton of Berne, and apparently does not constitute a problem elsewhere in that country. The prison of Witzwil recently sought to obtain credit for the purchase of printing machinery and equipment; objections made by the free printers of Berne were withdrawn when the purposes for which the matériel

<sup>1</sup> Further details on this procedure are not available.

<sup>2</sup> Royal Decree of 23 May 1953.

<sup>3</sup> As this phrase was not further elaborated, it is assumed to mean that raw materials cannot be supplied by contractors.

was destined were fully explained. In general, goods produced for public account in Switzerland are sold at market prices.<sup>1</sup>

156. Both law and prison regulations in the United Kingdom are silent on the matter of competition. Present policy is more or less governed, however, by views expressed in a Report published in 1933,<sup>2</sup> among which were the following:

"Work for prison purposes and for Government departments provides practically the entire occupation of the English prisoners today, and the Commissioners have hitherto been deterred by the fear of objection from outside manufacturers or work people from undertaking any considerable volume of outside work.

In principle the competition of prison labour with free labour is the same whether the articles made are for Government departments or for sale in the outside market, though the effects of prison competition in the outside market are more obvious. We think it desirable that so far as possible prisoners should be employed on Government work, but in so far as much work may be found insufficient to keep prisoners fully employed we see no objection to outside work being undertaken subject to the conditions laid down in the Report of the Gladstone Committee in 1895, viz., that prison goods are not sold below the market price, and that every consideration is shown to the special circumstances of particular industries outside so as to avoid undue interference with wages or the employment of free labour.

The number of prisoners likely to be employed on such work is so small in comparison with the outside labour market that the effect of their competition will be negligible provided there is a careful avoidance of concentration on a particular industry in a particular district."

157. The Prison Commissioners and the Scottish Home Department have found that in practice difficulties with the matter of competition arise only when they go outside their customary fields of manufacture for their own and other public services. On a few occasions in recent years, when they have broadened their activities, objections have been raised by Trades Unions or employers' associations, but these difficulties have so far been settled satisfactorily by direct discussion without political reactions or detriment to prison industries. Trade Union resentment has been encountered much more frequently in relation to vocational training and the placing of prison or Borstal trainees in industry after release.

<sup>1</sup> On an entirely informal basis, a unique policy of giving material assistance to the needy families of inmates of Witzwil Prison has been in operation for many years. In the routine censoring of prisoners' correspondence, as well as by other means, the Administration learns of needy prisoner-families; over the years, substantial quantities of coal, foodstuffs, straw for bedding animals, etc., have thus been distributed. Even former prisoners have benefited. Inmates and ex-prisoners sometimes pay a small amount for these goods, but more often they pay nothing. Such aid is direct: bulk supplies are shipped by rail to the recipients, without the intervention of social assistance agencies. Moreover, in view of their service to prisoners, material donations are made to the Swiss Blue Cross, the Salvation Army and similar organizations.

<sup>2</sup> Report of the Departmental Committee on the Employment of Prisoners, 1933 (Cmd. 4462), para. 141.

158. Notwithstanding the views of the Departmental Committee quoted above, the amount of work done for direct sale on the outside market has been and remains an insignificant proportion of the whole product of prison industry, and it is in connexion with such sales that objection is most likely to be encountered. The use of prison labour on an extra-mural basis, whether for private enterprise or for public works, is reported to have produced no serious difficulties, presumably because of the special safeguards mentioned above and because of cooperation from the Ministry of Labour.

159. However, the Prison Administration feels that the absence, during the last fifteen years, of generalized complaints against unfair competition by prison labour may be attributed less to measures taken by the Administration than to the "somewhat exceptional circumstances" of war and full employment. "It may well be that, given any substantial unemployment nationally, the situation would change."

160. As in most of Europe, competition is not a current issue in the States of North America. On the Dominion level in Canada, where mandatory state use laws do not exist, the question of competition has not arisen because eighty per cent of the annual production of Dominion penitentiary shops is consumed in the penitentiaries, leaving a very minor quantity for sale even to public institutions and agencies.<sup>1</sup>

161. In the Federal prison system of the United States of America the problem of competition has reportedly been met by the organization of a Government corporation<sup>2</sup> which operates the industries in the various institutions where such operations are necessary to prevent idleness. The products of these industries are sold only to the Federal government. The legislation creating the Corporation provides for the appointment of a policy-making board representing various interested economic groups: labour, industry, agriculture, retailers and consumers. Representatives of the Attorney General and the Secretary of Defense also serve on the board, whose policy (in accordance with statutory requirements) of wide diversification has minimized competition with free labour and industry.

162. In fiscal 1953, 53 prison shops and factories in 21 Federal institutions provided full-time employment for 3,681 inmates -- about 20 per cent of the total prison population. Thirty-three different types of industries representing more than 300 distinctive kinds of commodities were maintained. About 80 per cent of the goods produced were sold to the Armed Services.

163. In the several States of the Union, the history of relationships between prison administrations and free labour and industry have been bitter, especially in Northern industrial areas where trades unions began emerging as economic and political forces in post-Civil War decades, and in

<sup>1</sup> The original wording of the Canadian reply indicates clearly that the Dominion Prison Administration feels that expanded sales to public bodies under compulsory state use legislation constitutes competition; cf. the British statement above, para. 156 and the New Jersey experience with trade unions vs. state use below, para. 165. In North America, even state use is sometime attacked as unfair.

<sup>2</sup> Federal Prison Industries, Incorporated.

periods of economic crisis. The struggle finally culminated in the enactment by State legislatures, mainly during the early years of the present century, of legislation severely restricting markets for prison-made goods; in the third and fourth decades, a series of Federal laws at first merely enabled the States to prohibit the importation of prison-products from other States,<sup>1</sup> although later legislation forbade entirely the shipment of convict-made goods across State boundaries.

164. Realizing that idleness among prisoners was becoming an increasing problem, the adoption of state use laws were among a variety of legal and administrative expedients taken to provide employment for convicts. The principles of state use seemed eminently fair to all concerned parties, and moreover represented a means of reducing government operating expenses.

165. Data on only one of the United States of America were supplied for the present Report. While New Jersey may not be a typical State, its prison labour legislation and the problems it has encountered in their application are very similar to those found in other Northeastern States. New Jersey (a) prohibits the open market sale of prison goods with no exceptions; (b) requires that political subdivisions and tax-supported State institutions and agencies purchase necessary supplies from the prisons; (c) prohibits any exchange of prison products with institutions in other States; (d) requires that prison-made goods be labeled as such. Despite the existence of a potentially large state use market, only 955 (25 per cent) of 3,712 prisoners in its state institutions in 1953 were employed at prison industries, while 632 (17 per cent) of the prisoners were without any kind of employment.<sup>2</sup> These circumstances are partly attributable to difficulties encountered in application of New Jersey's compulsory State Use law, especially in view of the opposition even to the limited state use system, itself, to be found in certain segments of both labour and management.

166. Competition is reportedly not an issue in Latin America. Neither Cuba nor Haiti maintains prison productive operations; inmates of Cuban institutions make only curios and souvenirs, although that State possesses preferential order legislation (Article 70 of the Execution of Sentences Law 19 March 1940) establishing that prison products are to meet the needs of the institutions themselves, with other governmental agencies and private purchasers having access to such goods, in that order. Similar legislation has existed in Argentina since 1946 with the express purpose of minimizing competition. Having first call on prison-made goods is the National Government, followed by provincial and municipal governments, charitable organizations, public employee cooperatives, various consumer cooperatives and organizations, employees of penal institutions, employees of the National Government, and finally private individuals, in that order. In Costa Rica and Mexico the fact that most prison products are used by the State reportedly eliminates competition; even though some of the shops in the Federal District of Mexico Penitentiary produce goods sold openly at less than market prices.

<sup>1</sup> Because regulation of interstate commerce is otherwise a province of the Federal government only.

<sup>2</sup> It should be pointed out that these data relate only to inmates of State-operated institutions and do not include persons serving short terms or awaiting trial in county jails.

167. Among the States of the Middle East reported on, only Israel has been faced with the issue of competition. Recently, in connexion with an agricultural project at Ramleh Central Prison, a marketing cooperative handling agricultural goods became enough concerned with the threat of competition to propose that all prison-raised crops be marketed through its facilities; the proposal is currently under consideration and there are reported to be indications that some such marketing arrangement will be adopted. Other than this incident, the question of competition has been insignificant; Israeli prisons carry on a piece-price programme whose modest extent has prevented objections from free labour and industry, while most of the productive operations are directed toward supplying material needs of the police and other armed forces.

168. In Lebanon and Syria virtually complete unemployment among prisoners<sup>1</sup> naturally excludes the possibility of competition between prison labour and free labour and industry. Turkey, with a considerably better employment situation,<sup>2</sup> is currently having no difficulties over the issue of competition, although it is not known what measures, if any, have been taken to meet possible complaints arising in this matter.

169. In the Union of South Africa, competition has proved a "thorny problem" in so far as the disposal of articles manufactured by prison labour is concerned. Generally, prison labour is not used where it is likely to create competition with free labour and industry, and for this reason departmental building and industrial activities conducted by prison labour are confined to institutional reserves. Prices of prison goods sold to public agencies under South Africa's compulsory state use law are fixed at "fair and reasonable" levels by the Government Tender Board.

170. In Asia and the Far East, only Japan has reported recent difficulties with the issue of competition. Complaints of unfair competitive practices have been directed at the Prison Administration by both labour and industry, citing low prison labour costs, and the economic advantages resulting from certain capital-investment accounting features peculiar to all prison industries. To meet these objections, the Administration now follows a policy of refraining from leasing prisoners to entrepreneurs who would employ them in populous areas, and of the pricing of goods sold on public account at levels prevailing in the open market. The adoption of compulsory state use legislation is being considered, although strong objections are anticipated from private printers who now profit from large government orders for printed materials.

171. In addition to the provisions of Section 875 of the Burma Jail Manual (see above, para.133), Section 1037 establishes a preferential order for the distribution of prison products based on state use principles. Jail requirements take precedence followed by "other consuming departments of

<sup>1</sup> In the former State, productive work was provided for only 50 of 1,000 inmates of Sablon Prison in Beirut in 1953; at Damascus Central Prison in Syria, 100 inmates of a total of 1,000 were employed.

<sup>2</sup> With the total number of prisoners unstated, some 1,800 were reported assigned to work at the end of 1953: mining, 400; construction, 200; printing, 200. In addition, an "indeterminate" number were assigned to crafts shops.

Government". According to this Section, these latter are required to obtain needed articles from jails "provided they can be supplied of the same quality at the same price as in the open market. In selecting industries for jails, these principles must be strictly complied with, and only in the event of it being impossible to meet the requirements of any consuming department shall any industry, which competes with free labour, be worked in a jail."

172. Competition of prison labour with free labour and industry is "contrary to law" in India, while Indonesian prison output is destined entirely for consumption by public agencies of government.

173. In Australia, the States of New South Wales, Queensland, Tasmania and Victoria report no difficulties with the question of competition because of exclusive state use policies. The Arbitration Laws of Western Australia forbid such competition; consequently, prison labour in that State is only used in the service of government departments and agencies which are supplied with furniture, clothing, footwear, printed matter, firewood, etc. Beef cattle, pigs, wool and dairy products raised at Pardelup Prison Farm are sold on the open market, but quantities are limited since an average of only twenty prisoners was employed at the Farm during 1953.

174. In New Zealand it is administrative practice to avoid, so far as possible, competition with free labour and industry. Experience there has shown that if competition does occur, agitation by private enterprise usually results in the particular prison industry being terminated. This has meant that the Administration has been forced to restrict industries to fields in which free industry has little interest -- in the main, this has meant quarrying, and manufacture and maintenance for prisons and other government departments. Farm products, however, "always find a ready sale without affecting the market in any way."

## SUMMARY

175. The Problem of Competition. Although the issue of competition is not currently an active one in general, the data presented above, when considered in conjunction with information contained elsewhere in the Report, indicate that most of the States of Europe, North America and Oceania have either capitulated to those raising complaints of competition by extensive modification of their prison labour programmes, or have achieved an uneasy truce with the complainants, the existence of which is contingent upon continuation of high levels of employment and of economic stability. It would be rash to claim that the problem of the relationships between free labour and industry and prison labour has, in any realistic sense, been solved within the more highly developed countries. The issue may be latent rather than settled.

176. Taken at face value, the prisoner employment statistics submitted for the present Report reflect relatively little idleness among prisoners (see Table VI.), but prison administrators and others concerned with the problem are aware that short or alternate workdays, over-assignment to maintenance work and the allocation of prisoners to already over-manned productive tasks produce figures which do not reflect reality. There are few administrators in the more highly developed States who would claim candidly that work programmes in their institutions are satisfactory from the standpoints of full and economically meaningful employment, despite expressions of surface satisfaction with "solutions" to the problem of competition. In perhaps most areas of the world where agitation against prison labour has -- at some time -- reached critical proportions, the typical outcome has been the adoption of successive compromises which have forced administrations not only to curtail productive output and adopt make-work expedients, but also to organize productive operations along deliberately archaic or economically inappropriate lines. As a result, the prisoner fortunate enough to be assigned to productive work often labours in an industrial milieu whose counterpart he is not likely to find upon his return to society.

177. A statement received from the Canadian Province of Saskatchewan contains a point of view which may well be echoed in most of the countries whose prison labour programmes have taken forms dictated less by the requirements of rational productive schemes than by the demands that prison labour be non-competitive:

Any difficulties with respect to the problem of competition of prison labour with free labour and industry do not appear to have a basis in law at present but rather in a general tacit understanding that the products of prison industry should not become a source of competition to free industry. We have not encountered difficulty in this area probably because of a recognition of this feeling and a restriction of our prison labour for state use. Fundamentally, the solution of this problem, which must ultimately be faced, rests with a new point of view on the part of the public and in particular on the part of labour and management in

free industry and will undoubtedly require extensive and prolonged interpretation and discussion between all those concerned.

178. In the less-developed countries the question of competition is not of major importance because of the very limited output of any kind of prison-made goods. Except for Japan, the countries of Latin America, the Middle East and Asia and the Far East have thus far experienced no significant difficulties in this respect.

179. Measures Adopted to Minimize Competition. Table II summarizes the policies and measures reportedly applied in the several States to reduce complaints of unfair competition from prison labour.

(a) The sale of prison products largely to other State agencies and institutions or the consumption of such products by the prisons themselves is the one most widely used -- or at least it is the circumstance most widely credited with reducing complaints.<sup>1</sup>

(b) The charging of market prices for prison goods or for prisoner services is a practice in six countries, all but one of which are European.

(c) Official boards or other agencies wholly or in part concerned with problems of competition exist in four States. In Austria and the Union of South Africa regulative activities are adjunctive functions of "competent labour bureaux" and of the Government Tender Board, respectively. In Denmark and the United States of America, however, there exist agencies created to deal expressly with the problem of competition. The Supervisory Board in Denmark, with labour-industry representation, decides the general scope of prison industries and authorizes the acquisition of productive equipment, but does not directly supervise prison industries. The Board is also concerned with developing good "public relations" between the prisons and free society. Similarly, the policy-making board of the American Federal Prison Industries, Incorporated contains representatives of labour and management, but the Corporation directly administers prison industries in the Federal institutions.

(d) Prisoners are paid wages prevailing in the free market in four States, although Yugoslavia is the only country reportedly making such payments to all working prisoners. Finland, the Netherlands and Norway compensate in full only special categories of convicts.

(e) The location of prisoner work gangs or work camps only in areas where free labour is in short supply is an expedient taken in Finland, Norway and Japan.

(f) Legislation establishing preferential channels for the disposal of prison products exists in Argentina, Cuba and Burma; limited output

<sup>1</sup> The "self-consumption" philosophy has long been popular among penologists, under the assumption that prison production for the State's use does not actually constitute competition with free labour and industry. Attention is called again to the experience of New Jersey in applying its state use law (para. 165), and to the second paragraph of the Departmental Committee report quoted in the reply from the United Kingdom (para. 156). It is significant that nowhere has the state use principle been developed to its logical extreme, even in countries with compulsory state use legislation. Within the unavoidable limitations inherent in the use of prison labour, the rigorous application of state use would very nearly eliminate the perennial problems of finding sufficient work for inmates.

Table III

Policies Followed to Minimize Competition Between Prison Labour and Free Labour and Industry

State	Consumption	Market Prices	Regulative Body	Non-Competitive Work Locales	Market Wages	Preferential Order of Sale	Concentration on Goods Not Made by Free Labour	Other
AUSTRIA	x		x				x	
BELGIUM	x			x				
DENMARK			x		x <sup>6</sup>			
FINLAND		x		x				x <sup>1</sup>
FRANCE	x							
GREECE	x							
IRELAND	x							
ITALY							x	
LUXEMBOURG					x <sup>7</sup>			x <sup>3</sup>
NETHERLANDS	x			x	x <sup>6</sup>			x <sup>4</sup>
NORWAY		x						
SWEDEN	x	x						
SWITZERLAND		x						
UNITED KINGDOM	x	x						x <sup>5</sup> x <sup>2</sup>
YUGOSLAVIA					x			
CANADA	x		x			/		
UNITED STATES OF AMERICA	x						x	
ARGENTINA								
COSTA RICA	x							
CUBA						x		
MEXICO	x							
ISRAEL	x							
UNION OF SOUTH AFRICA	x							
BURMA						x		
INDONESIA	x							
JAPAN		x		x				
AUSTRALIA	x							
NEW ZEALAND	x						x	

1. (a) Production of goods already produced in volume in free society.  
(b) Avoidance of concentration on single product.

2. Prisoner hours and working conditions identical with those of free workers.

3. In industries where competition might be an issue, no orders are accepted by prison except through the agency of regularly established local businesses.

4. (a) Prison-made goods are not advertised.  
(b) No competitive bidding.

5. Diversification.

6. To forestry camp workers only.

7. Only to political prisoners employed in mines.

in the latter two countries makes the entire question of competition merely academic -- at least for the present. Details on the working of the preferential order law in Argentina are not available for this Report.

(g) Austria, Italy and New Zealand simply avoid the production of goods made also by free workers.

180. Several other measures are followed by various States: France, the United Kingdom and the Federal institutions of the United States of America diversify their production, and in addition French prisons produce goods already produced in large volume by free labour and industry. Norway refrains from advertising its products and does not engage in competitive bidding against private interests. In Luxembourg, no orders are accepted in industries wherein the question of competition might be an issue, except through the agency of "regularly established local business." Yugoslavia regards its practice of requiring that convict hours and working conditions be identical with those of free workers as a significant factor in minimizing grounds for complaints against competition.

## CHAPTER V

### REMUNERATION OF PRISONERS, REGULATIONS GOVERNING THE EXPENDITURE OF INCOME AND AID TO DEPENDENTS

181. That prisoners should be remunerated for their work is a principle accepted by most contemporary penologists.<sup>1</sup> Differences of opinion on legal and ethical considerations, and on procedural problems do not obscure the fact that definite benefits are felt to accrue from carefully planned prisoner remuneration schemes. In addition to stimulating the offender's industry and interest, money can be earned, at the very least, for the purchase of approved articles and for the accumulation of a savings fund against the day of release. If payments are more than minimal, some possibility exists for making at least token contributions to the needs of dependents, for paying indemnities and other legal obligations, and for reimbursing the State for the expense of incarceration. If inmates can earn wages approximating those of free workers,<sup>2</sup> not only can they make adequate payments for their moral and legal obligations, but they will be more nearly sharing in the normal economic functions of the society to which the majority will eventually return.

182. Contemporary policies and practices concerning the remuneration of prisoners are reported below, with emphasis upon methods of fixing wages, regulations concerning the expenditure of income, and provision for assisting dependents.

<sup>1</sup> See Draft of Standard Minimum Rules, prepared by the International Penal and Penitentiary Commission 6 July 1951, Article 61. This principle, as enunciated in Article 61, was also supported by the United Nations European Regional Consultative Group in the field of the prevention of crime and the treatment of offenders, Geneva, December 1952, as well as by the United Nations Regional Seminars on the prevention of crime and the treatment of offenders for Latin America, the Middle East and Asia and the Far East, which were held respectively in Rio de Janeiro, Brazil, in April 1953, in Cairo, Egypt, in December 1953 and in Rangoon, Burma, in October 1954.

<sup>2</sup> A policy advocated in a resolution of the Twelfth International Penal and Penitentiary Congress adopted in August 1950: "The Congress is aware of the practical difficulties inherent in a system of paying wages calculated according to the same norms that obtain outside the prison. Nevertheless, the Congress recommends that such a system be applied to the greatest possible extent."

This policy was reiterated by the United Nations European Regional Consultative Group in the field of the prevention of crime and the treatment of offenders at its second session in Geneva in August 1954: "Of recent years there has been a movement tending to bring prisoners' wages into line with wages in free industry... The Consultative Group welcomes it and, while realizing how extremely difficult it might be to put it into practice, recommends that the possibilities be explored." ST/SOA/SD/EUR/4, Annex III, p. 12.



## Europe

183. Prisoners in Austria have no legal right to remuneration because the products of their work are regarded entirely as the property of the State; they do, however, receive a "reward" (récompense) for good work, based either on a flat per diem rate or upon work quotas. Forty to sixty shillings per month can be thus earned. The money can be spent for supplementary good and for comforts, to assist dependents, to pay civil damages and to provide release money.

184. For purposes of remuneration, prisoners in Belgium are classed as learners, semi-skilled and skilled workers, with payments graded accordingly. Minimum rates are fixed for each grade by the Prison Administration, but 40 per cent is deducted from the remuneration of each grade for board and lodging. In disposing of the money ultimately received by the inmates, a distinction is made between those under sentence and those who are either untried or being held under detention. The latter two groups are permitted to spend 60 per cent for themselves and/or their dependents; the sentenced inmates get only 30 per cent of the remaining 60 per cent, divided into two equal parts, one of which is for spending in the prison while the other is destined for the inmate's release fund.

185. Unless otherwise stipulated, the remuneration for prison labour in Denmark consists of what in Danish parlance is termed a "douceur" -- a daily allowance for work performed. This term was originally intended to imply that no regular wages in the technical or legal sense were intended, but rather a grant which it was found useful to allow prisoners for purposes of treatment or expediency. Thus, prisoners had no legal claim for the money which did not belong to them until it had been paid. This is reflected by the fact that the money could be appropriated, without the intervention of a court of justice, to compensate for damage done by a prisoner or to meet certain maintenance obligations, health insurance, dues, etc. Such money could also be withheld as a disciplinary measure. However, the factual conception of this payment is said to be changing in Denmark in such a manner that there is now a growing tendency to consider it as a remuneration. Originally, the amount of the payment was insignificant, but in recent years it has been increasing, partly as a result of a changed outlook on the general status of prisoners and partly to keep in step with rising prices.

186. Formerly the amount of the "douceur" depended very largely on the prisoner's stage in the progressive treatment, but the importance of this consideration is dwindling rapidly in Denmark. For ordinary prisoners who are not serving very short sentences there are now three stages of remuneration. The receiving stage is usually quite short; in closed institutions the general stage is the longest and most predominant, while the final stage varies from two to six months, depending upon the length of original sentences. Inmates of open institutions normally pass directly from the receiving to the final stage where they may obtain the highest rate of payment.

187. Usually, the "douceur" consists of a basic rate which may be increased by up to one hundred per cent in recognition of perseverance and for work requiring special care and skill. The purpose of this wide range is to

create a differentiation between the prisoners which is deemed beneficial to their treatment. However, the system is not being utilized to the full extent; the maximum payment of a rate just below maximum is usually applied. At the general stage the "douceur" for prison inmates is 75 öre, rising to 150 öre, but the rate normally applied is 150 or 125 öre. At the final stage the initial "douceur" is 100 öre, with a maximum of 200 öre, but the rate normally applied is 200 or 175 öre. The amounts may be reduced below the minima for the disciplining of indolent prisoners.

188. Despite the fact that the "douceur" is the original remuneration, in practice piece wages are allowed extensively, especially for handicraft and industrial work; this form of remuneration is expressly prescribed by a Royal Order of 10 May 1947. At one time, piece wages were held in high favour by the Danish Prison Administration, being looked upon as an incentive designed to stimulate the prisoners to more work. To a certain extent the piece wages did lead to the desired results, but it also led to careless work; moreover, it has been found impracticable to comply with the provision of the Royal Order prescribing that piece wages must be fixed so as to keep the average piece rate earnings at the same level as the "douceur" earnings. The piece rate earnings have averaged about 33 per cent more than the maximum "douceur", and certain difficulties arose from this inequality.

189. With respect to regulations governing the expenditure of earnings in Danish institutions, both "douceurs" and piece wages are usually divided into two equal parts, one of which can be spent for small comforts, the other saved as provision against the day of release. Prisoners may be permitted to draw against this latter half for dental treatment, health insurance dues, articles of civilian clothing, working tools, books for vocational training, etc. The withdrawal of funds for such purposes, however, is subject to authorization by the governor of each institution. Much attention is given to bringing and keeping the prisoners' health and unemployment insurance dues up to date wherever possible in order to make the prisoners eligible for health insurance benefits and unemployment relief immediately after their release.

190. In view of the comparatively small amounts which prisoners serving short terms are able to save, the institutional social welfare fund makes considerable grants available for health and unemployment insurance. Prisoners with dependents may be permitted, within certain limits, to send their savings home as contributions towards the maintenance of dependents.

191. In Finland prisoners sentenced to simple imprisonment are obliged to work, but are permitted to find work of their own choosing and for their own benefit; two-thirds of the profits must, however, revert to the State. All other working prisoners are paid in accordance with the regular remuneration scheme based upon amount of work performed and the inmate's position in the progressive stage system, always contingent, however, on good behaviour.

192. Remuneration in Finnish institutions consists of (a) savings and (b) wages. (a) Prisoners sentenced to penal servitude and simple imprisonment are credited monthly with savings according to their behaviour, with the amounts being "rather small." Thus, a penal servitude prisoner in the



lowest or coercive class as well as simple imprisonment inmates in the lower class are credited monthly with a sum not exceeding 15 Fmks, and those in the higher class with a sum not over 60 Fmks. Persons serving imprisonment in default of payment of fines earn a sum not exceeding 60 Fmks a month. Juvenile prisoners in the lowest class are credited with a sum not exceeding 20 and in the highest class with a sum not above 100 Fms monthly. The economic value of the savings is recognized by the Prison Administration to be of little importance. (b) The average cost of food and clothing for the prisoner according to current prices is first deducted from the monthly wage (at present the constant deduction amounts to 900 Fmks). Of the remainder a certain percentage, which varies according to the inmate's grade, is assigned to the prisoner's credit account. The percentages range from a minimum of 15 per cent to a maximum of 50 per cent. The percentage for prisoners serving imprisonment in default of payment of fines is 40 per cent.

193. In Finland, a prisoner may use his earnings for reparations payments, assistance to dependents, and for small purchases while imprisoned. He may be permitted to pay his entire wage toward damages; other than this single exception, 25 per cent and 20 per cent of wages to inmates of maximum and medium security institutions, respectively, must be saved against the day of release. Offenders assigned to State Labour Colonies receive pay equal to that in the current labour market, but 25 per cent is deducted for "general expenses." Cash wages are paid only in the Colonies, other prisoners being "paid" in the form of bookkeeping entries.

194. Working prisoners in France<sup>1</sup> receive remuneration, from which deductions are made for room, board and clothing, based upon the type of imprisonment being undergone:

- (a) 60 per cent for those sentenced to criminal punishment (travaux forcés and réclusion).
- (b) 50 per cent for those undergoing correctional imprisonment.
- (c) 30 per cent for persons in preventive institutions and persons awaiting trial.

195. For funds remaining after deductions, the following allocations are provided:

- (a) 25 per cent for fines, court costs, restitution, etc.
- (b) 25 per cent for a reserve fund against the day of release.

<sup>1</sup> Supplementary remarks regarding wage payments were submitted by the French Prison Administration, and are of interest: Since prison labour is obligatory in France, its conditions are interpreted as being such that agreements cannot exist between prisoners and the State. In the absence of a contract, therefore, the prisoner has no legal right to a payment for work; if the State should see fit to make such payment, it cannot possess the juridical character of a regular wage. By French prison regulations, however, remuneration is a principle in the administration of correctional institutions in that country.

A point of controversy in penology is whether rates of pay should be based, on the one hand, upon the nature of the sentence or conduct, or, on the other hand, upon the quantity and quality of work performed. The second is regarded as more sound by the French because it more readily relates prison work to the social significance and value attributed to free work.

This fund cannot total more than 5,000 fr. Excess moneys are placed in the "disposable fund."<sup>1</sup>

- (c) 50 per cent for spending money (pécule disponible)

The prisoner is free to use the latter fund for purchases within the prison, for his dependents, for civil damages resulting from his offenses, and to open a savings account to supplement his reserve fund.

196. In Greece, the profits of prison labour revert to the State. The earnings of each institution are deposited in the National Bank of Greece in a general fund designated the "Prisoners' Labour Fund". The Minister of Justice, upon the advice of a special committee, uses these moneys to defray prison expenses where budgetary allowances are insufficient. Prisoners employed under public account are, however, paid gratuities, the amounts varying in accordance with the inmate's classification as foreman, skilled worker, or labourer. At the present time, the gratuities are small, amounting to even less than was paid prior to the Second World War. The Prison Administration feels they are too small to subserve the ends envisaged in the regulations concerning payments. Such sums as are earned are equally divided into savings and spending money. For prisoners employed by private parties the regular gratuities are paid, plus one-half of the wage stipulated in the contract. Money thus earned is likewise divided into savings and spending money. Prisoners working on their own initiative sell their products at prices set by the director of each prison. Ten per cent of these earnings is allotted to the "Prisoners' Labour Fund;" the remainder is divided into spending money and savings.

197. In Ireland, gratuities are paid at discharge, the amounts depending upon length of time served.

198. In accordance with Article 125 of the Italian Regulations for Preventive and Penal Institutions (18 June 1931), the wages of working prisoners are fixed by the Minister of Justice on a sliding scale based upon qualification and responsibilities but equal for each category of work. A "certain percentage" of money earned, varying with the prisoner's legal status, is deducted and paid to the Treasury.

199. Prisoners in Luxembourg must be paid for the purpose of acquiring spending money and a release fund. The "greater part" of the wages received can, however, be paid to dependents if their needs so warrant. Four pay-classes exist, based upon both skill and industriousness; payments range from 3 fr. daily for the least skilled prisoners to 7 fr. for those with the most skill and productivity. In addition, monthly gratuities of between 50 and 200 fr. are paid.

200. Working inmates in the Netherlands are paid in accordance with a graduated scale, ranging from 15 cents to 50 cents a day. Prisoners can receive an extra allowance for especially productive work up to a maximum of 60 cents daily above their normal wage. Political offenders employed in

<sup>1</sup> The present ceiling of 5,000 fr. is felt necessary because the reserve fund is not attachable for damages, etc., but to provide continued incentive for work the money must go to the prisoner in some fashion -- hence the transfer to his disposable fund.

coal mines receive wages equivalent to those of free workers; after deductions for board and lodging, enough is reported to remain so that such prisoners can make "substantial" contributions to the support of their dependents. Regular prisoners' earnings are reported, however, to be insufficient for meaningful payments to dependents.

201. In Norway, prisoners are paid for their work as an encouragement and aid, but normally their remuneration is much lower than the wages of free employees performing similar tasks. Prisoners have no legal claim for payment, and their wages cannot be attached for debt. The remuneration can be forfeited as a disciplinary measure in case of bad conduct.

202. At present the amount paid per day can reach a maximum of Kr. 1.50 in the district prisons, Kr. 1.75 in the central prisons, Kr. 2.00 in the workhouses and vocational training school, and Kr. 2.75 in the protective institutions. Within these maxima, skill and diligence are important factors determining rates of pay. Special schemes for payment have been developed for prisoners in camps where work is performed for private forestry owners (see para. 67). The employer pays the institution according to the same rates as for free workers. Of the average gross earnings per day the prisoner receives from 30 to 50 percent from the institution as his pay, depending on his performance and the amount of money involved. If the average gross earnings exceed Kr. 30.00 per day, the prisoner also receives the entire amount in excess of this limit. Of the amount retained by the institution for such work, some is transferred to a special fund which is used to help the dependents of the prisoners or for special welfare purposes for the prisoners (see para. 88). On some occasions prisoners who have been employed on building work have obtained piece rates giving them a total income of about Kr. 8.00 per day, and in special cases a little more.

203. The prisoners have no legal claim for remuneration, and a lien cannot be placed on their wages in respect of debts. The remuneration can be forfeited as a disciplinary measure inflicted because of bad conduct. If a prisoner causes damage, and this is done wilfully or by gross negligence, the wages credited to his account may be used to compensate for the damage.

204. A prisoner may use his remuneration to procure goods which otherwise are not provided by the institution, e.g., tobacco, periodicals, etc. Furthermore, he may use his wages to support his dependents or in payment of compensation to the person who has suffered by his criminal offence. The prisoner's right to use his wages is limited, however, by the fact that as a general rule he must have saved at least 50 per cent of his earnings when he is released. Exemptions from this rule are frequently granted, however, in order to enable the prisoner to fulfill his duty of support as far as possible.

205. At the workhouses for inebriates, vagrants, etc., the remuneration has a special function to perform, the general principle being that a first offender shall be released on parole when his remuneration has reached Kr. 225, -- in the case of first -- committals (for 18 months); or Kr. 500, -- in the case of subsequent committals (for three years). If the question

arises of release before 8 months or 16 months, respectively, after the date of arrival, the consent of the Prison Authority must be obtained.

206. If a person, after being released, commits another punishable offence, the remuneration which has not yet been paid out to him may be forfeited. If he is charged for such an act, his remuneration is retained until the case has been decided. Furthermore, the retained earnings may be forfeited if the released person misuses the money paid out to him or if his conduct is bad in other respects.

207. If a released person dies before his remuneration has been exhausted, it passes to his family or to a special fund to be used for the aid of dependents of prisoners or for special welfare purposes for the prisoners. Remuneration which has been forfeited as a disciplinary measure, as well as interest on prisoners' earnings, also accrue to this special fund.

208. In Sweden, wages (arbetspremier) are on a piece-work or per diem basis. When fixing wages, consideration shall be given to the industry and skill of the inmate. The piece-work rates will be fixed by the warden of the institution. The per diem rate will also be determined by him in accordance with the following principles:

- 1) Lowest daily pay for approved work is Kr. 0.75.
- 2) Where the inmate shows industry and skill the pay can be increased to Kr. 1.20, or to Kr. 1.60 in cases of outstanding skill; if the work carries responsibility or is particularly valuable the daily rate can be further increased at the discretion of the Prison Board.
- 3) If due to his laziness or neglect the inmate's work is deemed to be of little value the daily rate can be reduced to Kr. 0.50 or less.

209. Wages are also paid when the inmates participate during working hours in training courses held at the institution or when as a reward for industry and good conduct the inmate has been permitted to devote part of his working time to studies or other training work.

210. Wages or other income accruing to inmates for work done are usually divided into two equal parts: spending money and savings. Disposable funds can be used, among other things, for defraying costs in connexion with furloughs and for voluntary allowances to dependents. Inmates are encouraged to pay any damages for which they may be liable. At the prisoner's option, savings will be reserved until the time of release or they may be permitted to use their savings while serving their sentence for allowances to dependents, studies, special dental care and similar purposes. Income from prison work is not subject to taxation.

211. Piece-work usually results in considerably higher income than that accruing from work done on a per diem basis. The piece-work system, which was introduced in 1929, has been found to be an efficient method of stimulating inmates to good working habits. Piece-work rates are always paid when the nature of the work permits. Practically all of the work performed in workshops is paid according to this system. Piece-work rates are assessed according to various systems. The usual method is that the same amount is paid for each unit of work irrespective of the quantity of work performed per day. For certain works involving large daily quantities and where the speed of the work is not determined by the

capacity of the machine a progressive scale of rates is used. When the quantity of work performed exceeds a certain quota which is regarded as the normal output, the rate per unit rises with the quantity exceeding the normal quota. Under the third system the inmate is granted an extra weekly bonus, rising progressively in relation to the weekly income, calculated on the ordinary basis. This extra bonus is payable, however, only when the ordinary weekly earnings exceed a certain quota, now fixed at Kr. 8.25. A 30 per cent bonus is paid on the weekly earnings exceeding Kr. 8.25 but not Kr. 13.75. For the part exceeding the latter quota a 60 per cent bonus is paid. This system is mainly applied to agricultural, road and forestry work, etc.

212. Finally, a so-called "collective piece-work rate" system is applied, where the rate is determined by the quantity of work performed by a certain team. The total is then divided equally among all the workers or, if one worker has worked longer or shorter hours than the rest, it is divided in proportion to the number of working hours or days completed by each member of the team. If an inmate has the position of foreman or performs a particularly responsible task, this inmate will receive a special bonus (normally on a percentage basis) on his part of the income. The collective rate is worked out on a progressive scale in accordance with the system described above.

213. The rates are estimated by the foreman concerned in connexion with calculations based on careful time studies of the work or a detailed evaluation of the operation in question.

214. The piece-work earnings of an inmate for a normal quota of work is usually Kr. 4 per diem. Skillful and industrious inmates may attain a considerably higher income (Kr. 8 - Kr. 10 per diem). During the budget year 1951-1952 the average earning was Kr. 2.71 per prisoner per day.

215. Following a request from the Prison Board the King and Council issued on the 7th March 1947, certain instructions concerning the pay of inmates working for employees outside the institution ("free inmates"). Under this pay system the income of the "free inmate" is divided into three equal parts, of which one part -- not exceeding Kr. 4 per working day -- is payable to the Prison Administration as a contribution to the cost of maintenance and care; one part is kept by the institution for the payment of allowances to dependents or for payment of damages, as decided by the warden; the third part is payable to the inmate himself, to be divided into two equal portions, disposable funds and savings. Under certain conditions the Prison Administration may pay part of the "free inmates" direct expenses in connexion with his work, for instance the cost of journeys to and from his place of work, meals, clothes, etc. If the pay is low the inmate may be permitted to use part or the whole of that portion of the pay which should have been saved, provided that this is justified by the inmate's industry and other circumstances.

216. The Swiss Penal Code<sup>1</sup> with a view to encouraging good conduct and satisfactory work provides for the payment of remuneration (pécule) to

<sup>1</sup> Swiss Penal Code of 21 December 1937, amended by Federal Law, 5 October 1950.

persons serving sentences of imprisonment (article 376 of the Penal Code). The amount of the remuneration varies considerably among the Swiss institutions ranging from 20 centimes in some Zurich prisons to a maximum of 1 franc at Lugano. At Bâle-Ville there are three payment grades of 50, 70 and 90 centimes each, with the possibility of augmenting this from 10 to 50 per cent according to the industriousness of the inmates; St. Gall has adopted a system of points based on industriousness, output and type of work, and the remuneration is calculated from points earned according to a scale. Graduated pay schemes are found difficult to apply in agricultural work; appraisal of the inmate's manner of working is often considered.

217. With respect to division of remuneration the rules vary among the institutions; at Thorberg prison the pécule is divided into three equal parts, spending money, release fund and payments to the prisoner's dependents if so directed by the administration. In the Canton of Vaud, one share is saved against release, the other is for the needs of the prisoner or for his dependents. There is reported to be a feeling among some Swiss penologists that despite apparent widespread concern with the question of assistance to prisoners' families, the small amounts involved may have a value which is only symbolic, but may have an important psychological value for the inmates. In many prisons, however, inmates can work during their leisure hours and earn appreciable sums by which real assistance can be given their dependents.

218. In the United Kingdom<sup>1</sup> wages are not fixed on the basis of a true economic wage, and bear no relation to wage rates in the free labour market. Remuneration is seen as having a twofold purpose: first, to act as an incentive to increase production; second, to contribute towards the self-respect and self-responsibility of prisoners by giving them some reward proportionate to their effort and some choice in how they should spend it.

219. The use of earnings as an incentive is made difficult by the fact that the nature of much prison work is such that it cannot be rewarded on a piece-work basis. In the United Kingdom, therefore, the majority of prisoners are paid flat rates in three grades, with advancement being determined by effort and skill. The maximum flat rate is 4s per week. The piece rates are fixed so as to afford the same overall average payment as flat rates, i.e., about 3s weekly, but there is no restriction on the amount an individual may earn. Skilled and industrious prisoners may earn 5s or more a week, and certain long-term prisoners (including those sentenced to preventive detention) may earn substantially more.

220. In view of the small sums earned, there is no provision either for the maintenance of dependents or for utilization upon release. A prisoner may save his earnings or send them to his dependents if he wishes; generally, however, they are spent in the prison canteens. Special provisions govern the expenditure of earnings of the few prisoners working under "pre-release" schemes.

221. By the Yugoslav Penal Code, 1 July 1951, prisoners have a right to remuneration for work; the distribution and use of earnings are likewise

<sup>1</sup> Wages are not paid to prisoners in Northern Ireland.

stipulated by law. Amounts paid are determined by the type of work performed, such amounts corresponding to those paid free workers for similar work. Non-disciplinary overtime work results in extra earnings; in addition, special payments are made to inmates (rationalisateurs) who improve the efficiency and output of productive processes and who invent new processes. Other awards in the form of food, clothing, recreational privileges, etc., are made to prisoners who exceed their work quotas. With respect to the disposal of earnings, one-third each is allotted for personal spending, savings for release, and aid to dependents; in cases where the prisoner's earnings are insufficient for this latter purpose, public agencies provide additional assistance.

#### North America

222. In the Dominion prisons of Canada, prior to 1951, a flat rate of 5 cents per day was paid to all working inmates; since October 1951, however, a graduated remuneration system has been in operation with incentives to good work and opportunities to earn discharge money as primary aims. Inmates are placed in one of three work-pay grades, based on work habits, effort and perseverance, personal habits and traits, and co-operation with officials. Daily rates of pay are 10, 15 and 20 cents respectively for the three grades with 3, 4, and 5 cents being required savings. A minimum of three months must be spent in each grade and downgrading, with consequent reduction in remuneration, can follow disciplinary action. Inmates are not required by law or regulation to support dependents during sentences but they may with approval transfer funds to families over the amount of their compulsory savings.

223. Among the provinces, remuneration policies vary widely. In Alberta prisoners receive no compensation other than bus or railroad tickets to their home. In British Columbia a "token payment" is made of 10 cents for each day worked, for the purpose of providing discharge money to prevent the inmate from being "completely indigent" upon release. Neither wages nor gratuities are paid in any of the other provinces, although Saskatchewan is making plans for payments in the near future.

224. All prisoners working in production industries in Federal prisons of the United States of America are paid wages fixed under statutory authority and the regulations of the Board of Directors of the Federal Prison Industries Corporation. Prisoners otherwise employed receive no wages unless they are performing "meritorious and outstanding service" in connexion with institutional operations. If a prisoner has dependents at least 75 per cent of his earnings is sent to such dependents. Many prisoners voluntarily assign more than this percentage.

#### Latin America

225. In Argentina the amounts of wages and the conditions under which they are granted are determined by the type and organization of the respective institutions and are based upon the adjustment of the prisoners to the institutional regimens. Argentine law (Executive Decree No. 3398, 23 July 1943) establishes a complex system of apportioning remuneration among four categories of expenditures: (a) indemnification of victims of the offender, if not paid from another source; (b) aid to dependents; (c) board

and room while incarcerated; (d) release fund. The percentages of the remuneration applying to each category are governed by a detailed formula which varies the proportions according to the extent to which each category is operative. One set of proportions prevails, for example, if there are no dependents who must be assisted, another prevails if there are dependents but no indemnification, and so on. The savings for release cannot be attached or subjected to deductions of any kind, and are deposited in the National Postal Savings Bank (Caja Nacional de Ahorro Postal).

226. Untried prisoners are also paid; their remuneration is apportioned as follows: 60 per cent goes to any dependents who may need assistance, 20 per cent can be used for spending money in prison and 20 per cent is retained by the Prison Administration as release savings if the prisoner is not convicted. In case of conviction, the savings revert to the Administration as payment for room and board during pre-sentence incarceration.

227. Remuneration in Brazil is divided into two shares, one for savings against release, deposited in the Government Bank, the other for support of dependents and other (unspecified) purposes; money in the second portions can be expended only with the consent of prison officials. Support for dependents of prisoners is the responsibility of outside social welfare authorities, who report on the financial situation of dependents and their requirements to the directors of the penal institutions concerned.

228. In Chilean institutions remuneration depends upon the type of prison labour system under which work is performed. (a) The payments of those employed in the state-operated shops are determined by the Director General of Prisons, and by law cannot exceed 75 per cent of the wages paid free employees doing comparable work; there is thus no fixed wage -- only a maximum. In the printshop of the Santiago Penitentiary in early 1954, inmates earned an average of 50 pesos daily; average daily pay in the carpentry shop was thirty pesos, with maximum earnings of 2,500 pesos monthly. (b) Payments of inmates working under contract to private interests likewise are limited to 75 per cent of the rate of free workers; the administration at present is attempting to establish a floor of 50 per cent, indicating that contract-workers are now receiving considerably less than amounts earned by free employees. (c) Prisoners finding their own work earn whatever they can by selling their handiwork in prison stores located in the institutions. Plans are being made to establish a prison-goods store in Santiago.

229. Article 88 of the Penal Code provides that earnings be divided four ways: board and lodging, canteen purchases, civil damages and savings for release.<sup>1</sup> A recent law (13 April 1953) stipulates that earnings be divided as follows: ten per cent for board and lodging, irrespective of length of sentence or of prisoner's grade within his institution; 30 per cent for damages; 50 per cent for spending money, unless the administration requires the prisoner to contribute to the support of dependents (although in actual practice all of this portion is spent within the institution); the remaining 10 per cent is saved against release, and is deposited to individual accounts in the Chilean National Bank but under the institutions' names.

<sup>1</sup> Article 2 of the Treatment of Offenders Law (No. 542, 5 February 1943) permits portions of the savings to be used for aid to dependents.

230. Information on prisoner wage-schemes in Costa Rica, Cuba, Haiti and Uruguay is very limited. Costa Rica reportedly pays working inmates at rates current in the free labour market, with fixed (but unstated) percentages being set aside for aid to dependents. Remuneration in Cuba is made at a rate specified by regulations, and, in accordance with Article 75 of the Defense Code, is to be divided into three parts for board and lodging, damages and savings for release. In Haiti no wages are paid because no productive work programme exists; Article 27 of the Penal Code requires that money earned by offenders sentenced to correctional imprisonment shall be utilized for institutional expenses, small comforts and savings. Any remaining money can be disposed of as seen fit by the Administration.

231. Amounts of remuneration for prisoners in the Federal District of Mexico are not fixed by law or regulation, "but rather by economic exigencies based on the principle that the prison shops should neither make excessive profits nor lose money." Wages are covered by Articles 81-83 of the Federal Penal Code, with the exception that the cost of board is borne by the State and not by the prisoner. Remuneration within the Mexican States is governed by the several penal codes and prison regulations. In some States deductions for board and lodging are required, with the remaining funds being distributed as follows: 40 per cent for damages, 30 per cent for dependents and 30 per cent for savings against discharge. There reportedly exists, however, a "wide gap between law and practice."

232. In Uruguay all working inmates of prisons and penitentiaries are paid in accordance with Articles 72 and 73 of the Penal Code. Payments are not made, however, until release, except for small amounts which may be sent to dependents. The remunerations cannot be attached for any reason, and heirs have a legal claim to funds due a prisoner if he dies while incarcerated.

#### Middle East

233. Remuneration in Egyptian prisons is governed by Prison Regulations adopted 29 December 1949. Article 45 provides for the payment of a "pecuniary gratification" awarded for good conduct, to be paid only upon release; such moneys can be withheld wholly or in part for disciplinary reasons. Article 46 states that wages are to be fixed by the respective Administrators in proportion to the amount of work performed, subject to the following conditions: (a) payments must be less than those earned for comparable work by free employees; (b) they cannot be used in any way by the prisoner during his incarceration. The same article provides, however, that deductions up to one-half of payments currently due can be used for small purchases or for aid to dependents; such aid can be given only upon permission from the Director General of Prisons and the inmate's own superintending officials. Sums for these purposes cannot exceed £30 (Egyptian). Article 50 of Prison Regulations limits the payments of wages to persons who have served at least two years' imprisonment for their instant offense.

234. Prisoners in Israel receive no remuneration for work, under Clause 332 of the Prison Rules of 1925. However, new rules are reported to be

under preparation; if adopted, pay grades will be established based upon type of work and responsibilities entailed. "Modest" payments of I£.0.100 to I£.0.500 per day are planned, part of which will be for aid to dependents and part for spending in the prison.

235. Articles 127-131 of the Lebanese Penal Code regulate the payment of wages. Earnings are to be divided three ways: (a) not less than one-third accrues to the offender; (b) not less than one-third is for the payment of civil damages, while the remaining portion reverts to the State for court costs, fines, and institutional board and lodging. Wages are to be fixed on the basis of work qualifications, conduct, and number of days worked. Five levels of skill are recognized, ranging from apprentices to fully qualified workers; inmates in the latter category receive the highest pay, while those on successively lower levels receive percentages of that amount.

236. In Syria a remuneration of 50 Syrian piastres per day is paid to working inmates. Article 357 of the Penal Code provides that money earned shall be distributed to the prisoner, his dependents, to the victim of the offender, and to the State for court costs and board and lodging. Exact proportions are determined by the nature of the prisoner's sentence, with the proviso that at least one-third be allotted to dependents and to the victim. Money remaining after payment of indemnities and the State's costs accrues to the offender in amounts progressively increased in accordance with his reformation.

237. Remuneration in Turkey is based on degree of working skill; a share is deducted to defray costs of board and lodging, with remaining funds being sent to dependents.

#### Africa

238. Prisoners engaged in farm labour under private auspices in the Union of South Africa are paid wages; all other working inmates are eligible for gratuities ranging up to 6d per day for skilled or semi-skilled work. Exact amounts paid depend on proficiency, conduct and industry. Subject to the retention by the prison authorities of fixed maxima for payment to the prisoners upon discharge, the inmates are permitted to utilize their gratuities for small purchases. No provisions are made for dependents since outside agencies give aid when needed.

#### Asia and the Far East

239. Prisoners receive no remuneration in Burma.

240. No uniform system or regulations for remuneration have yet been instituted in India. In some States payments are made at a fixed percentage of wages earned for comparable work by free employees; in others, only gratuities are paid. At an experimental extra-mural rehabilitation project in the State of Uttar Pradesh, prisoners from several jails are employed for periods up to eight months in constructing an irrigation dam on the Chandraprabha River. Living under conditions closely approximating those of free workers, the prisoners earn an average of Rs. 1/8/- per day, part of which may be spent on minor purchases and part of which may be sent to dependents. Only the costs of three meals daily are deducted by the State.

241. Indonesia pays an average of 3 rupees daily to working prisoners, part of which may be spent on tobacco, stamps, tooth paste, etc. While prisoners have no legal right to wages in Japan, by law they are paid gratuities, the amounts of which "shall be determined according to the industrial merits of working inmates, taking their conduct into account." (Article 27, Chapter V, Prison Law of 1908, as amended to 1953.) By prison regulations, gratuities not needed by prisoners are not paid. If an inmate dies with money owed him, the sum can go to certain near relatives. No money, technically, is paid during sentence, but in practice up to one-third can be used for restitution, support of dependents, or for comfort purchases.

242. In only one Pakistani State (Baluchistan) are payments made to prisoners: prisoners who have the status of supervisors receive a monthly remuneration of from 4 annas to 1 rupee.

#### Oceania

243. In the Australian State of New South Wales, remuneration is paid both to encourage output and to provide a fund against release. No provisions are made with respect to dependents since public social welfare agencies care for their needs. Earnings may be spent for small purchases of types authorized by the Comptroller-General. Queensland prisoners receive a gratuity of 3d or 4d per day, with dependents' needs met by outside agencies. Tasmania utilizes a mark system with payments beginning after three months have been served. Under a graduated scheme, payments being at a rate of six marks (a mark equals one halfpenny), climbing to a maximum of eight marks (4d) per working day; after one year, if conduct and work have been satisfactory, the inmate may be promoted to a special labour grade, wherein he can earn nine marks per day (4 1/2 d). For disciplinary reasons a maximum of twenty marks may be deducted from credits already earned. In especially needful cases, one-half of the prisoner's earnings can be sent to dependents. After all other deductions have been made, the remainder is saved against release.

244. Earnings and gratuities to prisoners in Victoria are governed by Sections 60 to 72 of the Gaols Regulations 1931, as amended in 1953. The maximum per diem earnings are fixed at 4s; prisoners employed at other than industrial work can be paid if the nature of their work is considered by the Inspector-General to merit payment. At the discretion of this official, earnings are to be applied to: (a) maintenance of dependents; (b) repayments to the Children's Welfare Department of any amount expended by that agency for the support of the offender's children during his detention; (c) court costs for appeal actions; (d) expenses for rearrest and trial after an escape; (e) fees for education and training; (f) personal needs while incarcerated. Sections 70-72 provide for gratuity payments to inmates without earnings, ranging from 5s to £2 depending upon length of sentence and number of previous convictions.

245. In Western Australia wages are fixed according to degree of skill, with 5s, 4s and 3s per week being paid for first, second and third class workers, respectively. As much as half of such earnings may be spent for personal comforts.

246. As in the Australian States, New Zealand uses a mark system as the basis for payments to prisoners. Institutional heads may allot up to eight marks per day to any prisoner serving more than one month; the value of a mark ranges from one and one-half pence to three and three-quarters pence, depending upon the prisoner's effort and diligence. The value of the mark is reviewed daily, changes being made by the Superintendent on recommendation of the officers supervising inmate work. Prisoners may spend up to 40 per cent of their earnings for canteen purchases; the remaining portion is for unusual needs and for discharge money. While earnings are not intended for the support of dependents, such contributions may be made by consent of the Inspector of Prisons.

#### SUMMARY

247. Amounts of Remuneration. Twenty-two States submitted information on the amounts of remuneration made to prisoners. These data are summarized in Table IV. It should be emphasized that not all prisoners are paid, even though legislative or administrative policies have led to the establishment of pay-rates; in many States only productively employed prisoners receive remuneration, while in others untried working inmates are not paid; in still others, no prisoners are remunerated because no work of any kind is performed other than a minimum of maintenance duties. The data submitted were not complete enough to permit any definitive statement as to which prisoners are (theoretically) paid and which are not.

248. How important, financially, are the amounts paid to prisoners? To answer this question, a comparison was made between inmate remuneration rates and wage levels among free workers in the countries for which such data were obtainable, with the results presented in the second and third columns of Table IV.<sup>1</sup> On the basis of this comparison, it is clear that the amounts paid to working prisoners are extremely small, with very few exceptions. It is consequently doubtful that present remuneration practices can be regarded as having much monetary significance.<sup>2</sup>

249. Basis of Payment. Three principal bases for remunerating prisoners are currently in use: (a) Simple gratuities, paid without reference to actual amount or type of work performed. Gratuity payments are made in Denmark.<sup>3</sup>

<sup>1</sup> This procedure was followed in preference to other extremely time-consuming methods such as conversion into relative purchasing power, etc. The present procedure is by no means ideal, since most of the rates of pay to free workers as reported by the Statistical Supplement (see footnote, Table IV) are based on selected occupational categories and otherwise contain important deficiencies. Nevertheless, for purposes of making broad and general comparisons, this procedure is felt to be sufficient. It will be observed that the respective time-units in Table IV are not directly comparable, e.g., prisoner pay in Denmark is presented on a rate-per-day basis while that of free workers is on an hourly basis.

<sup>2</sup> The psychological value of remuneration is, of course, quite another matter, and is a point much emphasized in penological writing and discussions. Habits of thrift, a respect for money, incentives for hard work, and an opportunity to retain economic ties with dependents are presumably benefits accruing to prisoners who are paid even tiny sums.

<sup>3</sup> Wages are also paid some inmates.



Table IV Prisoner Remuneration and Free Wages, by State

State	Prisoner Remuneration	Free Wages*
<u>Europe</u>		
Austria	40-60s monthly	-----
Denmark	75-200 Øre daily	364 Øre hourly <sup>j</sup>
Finland	15-100 Fmks. monthly	163.53 Fmks. hourly <sup>k</sup>
Luxembourg	50-200 Fr. monthly	26.74 Fr. hourly <sup>l</sup>
Netherlands	15-1.10 Fl. daily	8.26 Fl. daily <sup>m</sup>
Norway	max. 2.75 Kr. daily <sup>a</sup> max. 30.00 Kr. daily <sup>b</sup> max. 8.00 Kr. daily <sup>c</sup>	4.09 Kr. hourly <sup>k</sup>
Sweden	0.75-1.60 Kr. daily	3.45 Kr. hourly <sup>n</sup>
Switzerland	20-1.45 Fr. daily	2.34 Fr. hourly <sup>j</sup>
United Kingdom	max. 4s weekly <sup>e</sup> max. 5s weekly <sup>e</sup>	3s 8.9d hourly
<u>North America</u>		
Canada (Dom.)	.10-.20 \$ daily	52.13 \$ weekly <sup>o</sup>
British Col.	.10 \$ daily	
<u>Latin America</u>		
Chile	max. 30 pesos daily <sup>f</sup>	143.45 pesos daily <sup>k m</sup>
<u>Middle East</u>		
Israel	0.110-0.500 IL daily <sup>g</sup> 50 piastres daily	4.37 IL daily <sup>k o</sup> -----
<u>Africa</u>		
Union So. Africa	max. 6d daily	-----
<u>Asia &amp; Far East</u>		
India	1 Rp 8 An daily <sup>h</sup>	80.4 Rps. monthly <sup>k p</sup>
Indonesia	3 Rps. daily	-----
Pakistan	1 Rp 4 An monthly <sup>i</sup>	-----
<u>Australasia</u>		
Queensland	3-4d daily	
Tasmania	.50-4.50d daily	
Victoria	max. 4s daily	6s 6 1/2d hourly
West Australia	3-5s weekly	(all states)

\* Source: International Labour Office Statistical Supplement, Vol. LXVII, No. 6 (December, 1953) pp. 107-116. Unless otherwise indicated, these data are for 1952 and pertain to male workers only.

- a. Regular prisoners.
- b. Extra-mural work for private employers.
- c. "Occasional" building trades work.
- d. Average for piece-work only, 1951-1952.
- e. Piece-work.
- f. Carpentry shop, Santiago Penitentiary.
- g. Proposed payments.
- h. Currently on dam construction project only.
- i. Convict officers only (Baluchistan).
- j. Unskilled workers.
- k. Manufacturing industries only.
- l. Both sexes, 1949.
- m. Both sexes, 1951.
- n. 1951.
- o. Both sexes.
- p. Both sexes, 1950.

Finland,<sup>1</sup> France, Greece,<sup>2</sup> Ireland, in some Swiss Cantons, in Egypt,<sup>1</sup> Japan, and the Australian States of Queensland<sup>1</sup> and Tasmania<sup>1</sup>. In Ireland, Alberta (Canada) and Egypt, prisoners receive their gratuities only upon discharge; in France, Greece and Queensland (Australia) prisoners can use their gratuities for purchasing articles of comfort during confinement. (b) Per diem payments for each day actually worked, used in Austria, Denmark, Luxembourg, Netherlands, Norway, Sweden, the Dominion prisons of Canada and in British Columbia, in Lebanon<sup>3</sup>, in the Australian States of Queensland, Victoria and in New Zealand. Some payments in the United Kingdom are on a weekly basis. (c) Piece-work payments are utilized in Austria, Denmark, Finland, Sweden and the United Kingdom.

250. The value to prisoners of these methods of remuneration has been a matter for considerable debate among penologists. Gratuities, frequently paid to all prisoners, working or not, are little more than unearned gifts from the State for the purchase of basic comforts or to avoid complete destitution on release. The terminology of some replies indicated a reluctance even to classify gratuities as remuneration, since the latter word connotes payment for services. The piece-work basis of payment is somewhat in disfavour among free workers in many countries, particularly when combined with minimum quotas or a progressive scale, because of an alleged tendency to overwork and an inclination on the part of employers to set quotas at rates achieved by the faster workers. Graduated per diem payments are perhaps the closest approximation to pay schemes in free society, and is apparently the method of remuneration in greatest use for prisoners -- at least it is found in more countries than either the gratuity or piece-work methods.

251. Means of Fixing Amounts of Remuneration. The amount of money paid individual prisoners is currently fixed, either singly or in combination, upon skill, conduct (including "industriousness" and "attitudes toward prison officials"), type of imprisonment being undergone and grade within the institution. (a) Degree of skill possessed by an inmate is used to determine payments in all reporting European countries<sup>4</sup> except Finland, France, Ireland and the United Kingdom. Its use in Greece is limited to prisoners employed on public account, and in Norway to those working in building trades. It is likewise used in Lebanon, Turkey, the Union of South Africa, Japan and West Australia. (b) Wage rates are related to conduct in every State reporting on this point except Belgium, France, Greece, Ireland, Italy, the Canadian province of British Columbia, in Cuba, Turkey and West Australia. Only one comment was made concerning the non-use of conduct as a factor in fixing pay: The French Prison Administration contends that quantity and quality of work rather than type of sentence or conduct are sounder bases because "it more readily relates prison work to the social significance and value attributed to free work." Perhaps the most elaborate use of conduct is that found in New Zealand's mark

<sup>1</sup> Wages are also paid some inmates.

<sup>2</sup> To public account system prisoners only.

<sup>3</sup> For the few prisoners actually working.

<sup>4</sup> Its use in Austria is uncertain.

system, where the value of a mark is reviewed daily and assessed in terms of "effort and diligence." (c) Basing wages upon type of sentence is reportedly practiced only in Finland, France, Norway and Syria. While total amounts paid prisoners in France apparently are unrelated to type of sentence, the deductions made are graduated therewith. Persons serving terms of simple imprisonment in Finland receive no remuneration, but can find their own work; in addition, they receive "savings", as do penal servitude prisoners. (d) The least-used system of fixing payment is that with regard to prisoners' positions in a progressive-stage scheme. Denmark, Finland and the Dominion prisons of Canada report its use, but its importance in Denmark is "dwindling rapidly."

252. Disposal of Earnings. Virtually all countries with systems of remuneration have regulations governing the disposition of payments to prisoners. Aside from special rules for those earning the equivalent of free wages, prisons in the majority of non-English-speaking States require the division of remuneration in specified proportions of at least two, three or four shares. The Argentinian system appears to be the most elaborate, involving alternative percentages dependent on the particular group of purposes for which an inmate's funds are to be expended. With the exception of the Canadian Dominion prisons, English-speaking countries do not appear to have established specific proportions for expenditure of remuneration,<sup>1</sup> although spending is subject to some regulation. The Prison Administration in the United Kingdom feels that the small sums paid prisoners makes it inadvisable to regulate spending; consequently most earnings are simply spent within the institutions.

253. Purposes served by Allocation Policies. Either singly or in combination, five main purposes are served by allocation policies: (a) provision for spending money; (b) savings for release; (c) aid to dependents; (d) board and room or other institutional expenses; (e) indemnities and/or court fees.

(a) With the exception of Ireland, the Canadian Province of British Columbia,<sup>2</sup> Turkey and Uruguay, all States providing any remuneration whatever<sup>3</sup> permit some portion to be spent on tobacco, extra food or clothing, sweets, etc.

(b) Among those States which grant remuneration, the purpose of providing funds against the day of release is almost universally maintained. Only the United Kingdom, Syria, Turkey, the Indian State of Uttar Pradesh<sup>4</sup> and Tasmania do not make such provisions. In Turkey, money remaining after payment of institutional expenses is sent to dependents. Section 67 of the Tasmanian Gaols Regulations 1931 provides that prisoners found destitute at release may remain for a maximum of sixteen working days after the day upon which he is

entitled to liberation. On discharge he may be paid 4s (the maximum rate for each day worked less, if necessary, the fare for transportation home).

(c) Compulsory or optional payments to dependents are provided for in every State except nine:<sup>1</sup> Greece, Ireland, Chile,<sup>2</sup> Cuba, Haiti, Lebanon, the Union of South Africa, and New South Wales and Queensland. Thus, the principle of prisoners contributing to the care of their dependents is widely accepted. Compulsory contributions are required in Norway and Sweden (for pre-release prisoners in both countries), Yugoslavia, the United States of America, Argentina, Brazil, Costa Rica, in some Mexican States, Syria, Turkey and Victoria (Australia). The remaining States permit payments to dependents at the prisoner's option. In many States requiring compulsory payments, of course, the nearly total absence of productive or other remunerative work may make contributions virtually impossible. The existence of regulations requiring payment is indicative of intent rather than practice.

(d) Institutional expenses are charged to prisoners in Belgium, Finland, France, Netherlands, Norway, Sweden, Argentina, Chile, Cuba, Haiti, some Mexican States, Lebanon, Syria, Turkey and Uttar Pradesh (India). Belgium and France, however, are the only States making such deductions against the earnings of all prisoners; Finland, Netherlands, Norway and Sweden deduct costs for room and board from the wages only of extra-mural pre-release prisoners, who are paid at rates prevailing on the free labour market. It is perhaps significant that the practice of charging institutional expenses to prisoners is more characteristic of less developed countries.<sup>3</sup> While many present-day penologists favour the payment of wages adequate enough to permit the prisoner to "pay his own way", it seems unlikely that, with certain possible exceptions, the existence of this requirement in the less developed States is anything more than a remnant of the ancient practice of charging all prisoners for their room and board, or at least making charges for candles, straw bedding, etc., as the traffic would bear. This so-called fee-system, once prevalent throughout the gaols and houses of correction of Europe and North America, bore no relationship to the rehabilitative motive behind its present advocacy.

(e) Indemnities and/or court fees paid from prisoners' wages are mandatory in France<sup>4</sup>, Argentina, Chile, Cuba, some Mexican States,<sup>5</sup> Lebanon,<sup>6</sup> Syria, and Victoria (Australia). The latter State, paying a maximum of four shillings per day to working prisoners, divides the income six ways, one part of which is for appellate court costs and

<sup>1</sup> Federal prisons in the United States of America require only that a minimum of 75 per cent of remuneration be sent to dependents.

<sup>2</sup> Alberta's sole "gratuity" consists of bus or train tickets to the discharged prisoner's home.

<sup>3</sup> Egypt's prisoners are entitled to gratuities and wages, but wages are not paid during the first two years of imprisonment. Money for spending apparently comes from the gratuities.

<sup>4</sup> Dam construction project.

<sup>1</sup> In Belgium, only untried prisoners can contribute their earnings to dependents. In the Netherlands, only political prisoners in coal mines.

<sup>2</sup> Dependency payments may be required by the Chilean Prison Administration, although in practice this is seldom done.

<sup>3</sup> Again, practice and intent diverge; most prisoners have no opportunity to earn enough for this purpose.

<sup>4</sup> Where one-quarter of earnings is allocated to fines, court costs, restitution, etc.

<sup>5</sup> In which as much as 40 per cent can be deducted for damages.

<sup>6</sup> One-third of wages.



expenses for rearrest and trial after escape. The payment of damages from remuneration is optional with the prisoner in Austria, Finland, Norway, Sweden and Japan, although Sweden encourages its prisoners to make such payments.

254. The Use of Remuneration to Aid Readjustment Upon Release. Aside from provisions for the creation of saving funds against the day of release, few prison administrations regulate the manner in which liberated persons may dispose of their savings, or otherwise handle prisoner's funds in ways designed to assist readjustment during the immediate post-release period.

Belgium, Finland, France, Netherlands, Sweden, the United States of America (Federal) and New Zealand exercise an option of either giving the money in toto to the prisoner at release, or turning all or part of it over to a post-release supervising authority.<sup>1</sup> The Argentine Prison Administration is required to withhold a portion of funds owed conditionally released persons, and transfer them to bank accounts held jointly by the ex-prisoners and their home branches of the Released Prisoners' Association (Patronato de Liberados o Excarcelados), a quasi-official body.

255. Norway's regulations require that as little cash as possible be given released prisoners, with the institutional heads having authority to withhold and turn over funds to the police, after-care associations or private sponsors for later distribution to the ex-prisoner.

256. Queensland (Australia) adds to accumulated gratuities a "rehabilitation grant" equal to ten shillings for each month of incarceration, providing that no less than nine months' imprisonment has been undergone. This money is paid in toto at release.

257. Austria has a somewhat unique system of handling prisoner remuneration with respect to release. There exists in each prison a fund for the prisoners' aid, maintained partly by deductions from inmate earnings and partly by two per cent contributions from private contractors using prison labour, such contributions being based upon total wages paid by them. In addition, up to sixty per cent of profits resulting from the sale of prisoner-made ceramics, souvenirs and similar articles must go to the fund. From this money prisoners receive sums to assist them upon release.

<sup>1</sup> In both instances, this is with reference to prisoners freed conditionally; those freed unconditionally will usually receive at release all moneys due them.

## CHAPTER VI

### PRISONERS' OCCUPATIONAL BACKGROUND, PRISON LABOUR AND POST-RELEASE EMPLOYMENT OPPORTUNITIES

258. At least seven distinct aims have, at various times and places, been regarded as fundamental to prison labour systems: (a) punishment; (b) deterrence of others; (c) productivity; (d) avoidance of idleness in the interest of good order and discipline; (e) training in habits of industry; (f) maintenance of skills; (g) learning of new skills to ensure post-release employment.

259. The functions of punishment, deterrence and "mere" productivity (with the exception of activities connected with the maintenance of the institution) have fallen somewhat into disrepute among penologists in recent decades, since these aims are felt to be remnants of an earlier era when the repressive and punitive aspects of imprisonment were emphasized. The other functions listed above are, however, regarded as proper motives for rational prison labour programmes. Although they are by no means seen as equally valuable, their existence in connection with a particular work programme is often made necessary by factors largely beyond the control of prison administrators: the nature of available correctional facilities, the personal and socio-economic characteristics of incarcerated persons, sentencing practices of judges, release procedures, etc. While present-day penologists consequently are aware that no single purpose can reasonably be expected to supersede all others as a fundamental aim which should dictate the organization of prison labour, there is substantial sentiment that emphasis should be directed toward the effective utilization of constructive skills possessed by prisoners, and that prison work and training should be of such kinds as will improve the prisoners' employment opportunities upon release.

260. With periods of incarceration -- even for more serious offenses -- now much shorter than formerly in many countries, prisoners are seldom isolated from society for such lengths of time that their previous occupations become outdated, or that skills they may acquire in prison might not one day become the basis of post-release employment. A society's most important resource is, of course, its people; with prison populations consisting largely of individuals in productive age ranges, it is only reasonable to expect that well-planned prison systems will organize the work of these persons in ways indicating recognition that they, too, constitute real or potential resources of the society of which they are a part, and to which most will eventually return. The work of the prisoner should, to the greatest possible extent, be pertinent to the economic realities of his society. Just how "pertinent" are the several prison labour systems now extant throughout the world? To obtain data on this point, the following question was asked of those supplying information for the present Report: To what extent is prison labour organized in consideration of the occupational background of prisoners and employment opportunities upon release?

## Europe

261. Regulations governing Austrian penitentiaries and houses of detention embrace the principle that work assignments be made with as much consideration as possible given to prisoners' ages, occupations and degrees of skill, as well as to future employment opportunities and to their own basic wishes in the matter of work.

262. Persons sentenced to imprisonment in Belgium are assigned to the respective institutions on the basis of broad classification findings and not primarily in accordance with past occupation or occupational training needs; consequently, they must perform whatever work is available locally. Nevertheless, the Administration takes as much account as possible of previous work experience, opportunities to complete training begun before imprisonment, and attempts to train those without trades. The inmates take training courses under shop technicians in whichever trades are applied in the prisons. The courses involve both theoretical and practical training; the prisoners may also elect to pursue more extensive training through the media of publications obtained for them by the prison administration.

263. The prison labour programme in Denmark was reorganized into its present state use form in 1913 to replace the contract system prevailing prior to that year. The predominant production thus became tailoring (uniforms for government employees), printing of ledgers and forms, and a number of other enterprises "of lesser importance" but all meeting needs of governmental institutions and agencies. The resulting diversity of production reportedly fills a multitude of needs for the training of inmates. In addition, the development of agricultural and gardening operations have enlarged training opportunities. Both in the central allocation of prisoners among the various institutions and especially within the individual institutions, efforts are made to secure for each prisoner the best training for his particular needs, although it is "clearly impracticable" to satisfy every prisoner's special training requirements. With a view toward future developments, the Danish Prison Administration has instituted a programme of statistical inquiry into the average needs of prisoners for education and training with a view toward determining what measures will be preferable when questions arise of establishing or closing down production enterprises.

264. In Finland the work of prisoners is required to be adjusted, as far as possible, to their skills and probable occupations after release; special attention to the training aspect of work and its function as a means of strengthening professional capacities must be given. The distribution of inmates among the prisons is not, however, prescribed with respect only to their occupational backgrounds; account must also be taken of their grades of recidivism which, of course, limits placing the prisoners according to their skills or capacities. First offenders are assigned, wherever possible, to work suited to their occupational training. Since the number of

prisons intended for first offenders is small, there are fewer alternatives in work assignments than in the institutions for recidivists.<sup>1</sup>

265. Prison labour in France is not organized with respect to the prisoners' previous occupations. Nevertheless, in making assignments to the existing work programmes, the "greatest possible account" is taken of previous occupations and present aptitudes, and prisoners having a manual trade can generally be put to work related to their skills. But for the large number of inmates having no trade or skill, considerable attention is given to training during their incarceration.

266. Article 24 of Greece's Royal Decree of 9 July 1923 requires that prisoners be employed in the same or similar occupations to those followed prior to incarceration; as much account as possible is taken of this legislation. Its intent is realized in general in the agricultural prisons where industrial or trade work is carried on in addition to farming operations.

267. If at all possible, prisoners in Ireland are employed at their pre-sentence trades or callings. Long-term inmates without trades are assigned to the prison trade staffs on construction and repair work, thus obtaining at least rudimentary knowledge of carpentry and other trades. Alternatively, they are employed in bootmaking, tailoring, or some other handicraft for which they may show aptitude; some are assigned to agricultural work.

268. In Italy, the Administration attempts to assign work in accordance with previous occupations. When this is not possible, it tries to encourage prisoners to learn a trade or profession which will ensure them post-release employment.

269. Previous occupations are considered "to the fullest possible extent" in organizing prison labour in Luxembourg. Only in exceptional cases where it is clear that it will be difficult or impossible to reestablish a prisoner in his original occupation is he employed on other types of work.

270. Various prison workshops in the Netherlands are selected and organized in such ways that prisoners who have received training in one of these shops will have good chances of finding suitable employment after release. However, prison labour in the Netherlands is organized only to

<sup>1</sup> Greater latitude in planning for post-release employment opportunities have been provided by the establishment, in 1948, of a vocational training school in engineering trades at the juvenile section of Riihimäki Central Prison, made possible largely through private donations. The school, operating under the supervision of the Ministry of Commerce and Industry, admits pupils twice yearly. The school terms last one year, and are divided into three parts during the last of which the pupil may specialize as a metal turner, smith, welder or motor mechanic. Having completed the course, the pupil may, upon release, continue as an apprentice at an industrial plant. The certificates granted by the school rank with those issued by other vocational institutions. Students may remain in the prison to complete their courses even if they could be paroled before the end of the course. Since 1948, to the close of 1953, there have been 901 applicants to the school, and 411 have been admitted as students. Prior to the end of 1953, some 284 pupils were placed in jobs after release.

a limited extent in consideration of previous training and post-release opportunities, but plans for a total reorganization of prison work programmes are reported to be under study.<sup>1</sup>

271. Norwegian prison work is "mainly organized for the purpose of providing employment and teaching, a profit motive being of secondary importance." Attempts are made as far as possible to teach the prisoners regular habits of work, to find employment for them which corresponds to their capacities and previous experience, and to give them vocational training which will be useful to them after their discharge. The main emphasis is on handicrafts; based on the average daily population in fiscal 1950-1951, 462 (29 per cent) of a total inmate population of 1,572 were assigned to such activities.

272. The extent to which account is taken of the occupational backgrounds and previous experience of the prisoners varies according to the different classes of institutions. In the district prisons, where untried persons and those serving sentences of less than six months are held, opportunities for providing training are, for several reasons, very limited: (a) some of the inmates have learned no skills and the brevity of their sentences prohibits the acquisition of new skills; (b) many inmates, particularly those serving sentences in default of payments or fines, are in poor physical condition owing to excessive consumption of alcohol and cannot work until their health improves; (c) some inmates must be assigned to maintenance work. Under such conditions, the Norwegian Prison Administration feels that efficient training of inmates for rehabilitative purposes is difficult, and emphasis is directed toward keeping them employed in useful work and in getting them accustomed to regular working habits.

273. At the central institutions more attention is paid to training, as it is endeavoured to give vocational instruction which in some cases has qualified inmates for preliminary licences as craftsmen.

274. At the protective institution for abnormal offenders a personality analysis of each prisoner is made by a psychiatrist, in co-operation with a social worker and other institutional personnel. Interviews with the prisoner and psycho-technical tests are included as parts of the examination, which are supplemented by social histories. The institution head, together with a board of institution officers, utilizes the resultant classification report in planning a suitable programme of work and training in accordance with the inmate's needs and qualifications.

275. A similar system has been introduced at the vocational training school for young offenders. Here, stress is laid on the necessity of finding work and training for each student which will correspond with his wishes and qualifications. The over-all plans for training youths is developed in co-operation with the National Council of Vocational Training, and on their release the students completing their instruction are given certificates

<sup>1</sup> The reply from this State bore the added observations that "... there will always remain a limit to the kind of labour and the kind of training that can be introduced, so that it will not be possible to make certain that, even in the future, every prisoner can receive the training from which he could profit most."

identical with those issued by ordinary vocational schools. Usually, however, there is not sufficient time for complete training.

276. With respect to post-release employment opportunities, the Norwegian Prison Administration feels that the fluctuating demand for labour in the free economy makes difficult the planning of training programmes in accordance with that consideration.

277. Section 52 of the Swedish Act of 21 December 1945 Concerning the Execution of Imprisonment, etc. provides that "insofar as possible [assigned work] should be calculated to give [the prisoner] vocational training or in other ways promote his chances of earning his own livelihood upon release. His interests and aptitudes should be taken into account in the choice of his work." As for persons sentenced to a youth prison, the Act stipulates that during his term, the prisoner shall be provided with "theoretical and practical training in industrial work, a manual trade, agriculture, domestic work, or other trade which will promote [their] chances of earning [their] own livelihood upon release. In the choice of work, consideration should be given to [their] interests and aptitudes." (Section 58)

278. Three major factors are considered when allocating prisoners for work or training: (a) Pre-sentence occupation. A survey made in 1952 revealed that among 1,712 inmates, twenty-one general occupational groups were represented, consisting of 125 different trades and professions. The Swedish Prison Administration recognizes the fact that in the face of such variety, it is impossible under even the best circumstances to provide the majority of the inmates with work in their own calling during incarceration. (b) Length of sentence. The distribution of prisoners by length of actual time spent in the institutions on 10 February 1952 was as follows:

Under six months:	48.5 per cent
Six months to one year:	27.5
Over one year:	24.0
	<hr/> 100.0

With nearly half the prisoners serving less than six months, and three-fourths incarcerated for no more than a year, the implications for meaningful vocational training are obvious. (c) Age. For inmates over 21 years of age, the Administration feels that employment should be organized in such manner as to allow them to make a productive contribution and to accustom themselves to regular work as quickly as possible. This aim is facilitated by specialized production on a "fairly large series" of relatively simple articles. For offenders under 21 years of age, on the other hand, vocational training in the true sense is available at special workshop schools. Training is provided for various mechanical trades (turning, welding, etc.), woodwork, agricultural and gardening work, forestry and machine tending, tractor driving, etc.

279. The Swiss Penal Code provides that persons sentenced either to rigorous or simple imprisonment shall, "as far as possible," be employed on work conforming to their aptitudes and which will enable them to earn their livelihoods upon release. The Prison Administrations in Switzerland acknowledge certain difficulties involved in accomplishing these ends,

however. First, prison industries are relatively restricted; their types are determined essentially by a need for revenues and the providing of useful employment to prisoners. The law does not require that a prisoner be employed at the trade which best suits him, but rather at a trade by which he can ultimately earn his living. Long-term inmates of institutions with shops have opportunities to serve a standard apprenticeship, accredited by an official trades examination. Second, in respect to making work assignments in accordance with aptitudes, an acceptance of realities dictates that this actually involves consideration largely of physical strength. In a general way, the skills of the prisoners are used in the sense that the shoemaker is assigned to the shoe-shop, an individual with higher academic training to the library or office. Third, work assignments for the most part are not made in terms of labour needs in free society; on the other hand, prisoners can acquire the habit of working, with attempts being made to assign jobs in accordance with their aptitudes and to post-release employment opportunities.

280. In the United Kingdom, the previous occupation of a prisoner and the employment he is likely to take up after release are factors influencing prison Reception Boards in making work allocations or assignments to vocational training. But prison industry on the whole is not organized with these considerations primarily in mind: industrial output must be of goods which can be manufactured under prison conditions and for which a steady flow of orders can be expected. Vocational training must be in trades that can be taught in prisons, and carried on in the institution when the course of training is completed. The employment of convicts in the United Kingdom depends therefore upon what the prison has to offer, although the prisoners' needs are taken into consideration.

281. Most prisoners in Yugoslavia are reportedly employed at work related to their pre-sentence employment, within available limits. Theoretical and practical training, either implicit in the work programmes or in formal courses, enable the prisoners to develop their occupational capacities. To attest to their training or to their greater skill acquired through prison work, inmates have an opportunity to be examined by special technical commissions. The results of their examinations are submitted to competent bodies of the People's Committee (comité populaire) in the administrative division in which the particular prison is located. Diplomas are awarded to prisoners who demonstrate superior trade qualifications. The diplomas, as in other countries, omit any hint that they resulted from prison training, and are of assistance in obtaining post-release employment. Particular efforts are made to assist prisoners who had no skill or training to obtain such diplomas. Inmates who were learning a trade before incarceration are assigned such work and take such courses as will permit them to complete their instruction. Prisoners without skills and without previous training have an opportunity to acquire a trade or skill in the industrial or trade shops, where they receive on-the-job training as well as theoretical instruction pertaining to their work. Persons thus trained are also eligible for diplomas.

#### North America

282. In the Dominion prison system of Canada efforts are made to equip trainees in vocational courses according to the needs of outside industry,

although the numbers so trained have thus far been small. Less than ten per cent of males sentenced to Canadian prisons claim to possess trade knowledge and skills and a portion of these are penitentiary recidivists. In considering work assignments, therefore, classification boards take into account the probable reformability of an inmate and provide an opportunity to work in a trade assignment if he has the necessary aptitudes to meet trade demands. Those less suited for trade and construction assignments are given work in the operating or service force. Only two of the eight Dominion institutions have inmates who are classified occupationally; this fact, together with the general character of most populations makes it difficult to accede to requests of inmates for preferred work assignments.

283. In the Canadian Province of Alberta, prison terms average but four months with the majority of the inmates being agricultural workers -- employment to which most of them return upon release; consequently, previous occupation and future work opportunities are not given special consideration. In the Young Offenders' Unit at Oakalla Prison Farm in British Columbia, and to some extent in the prison farm proper, an attempt is now being made to classify prisoners and to fit them into an occupational or vocational work programme which will take into consideration their background and the possibility of post-release employment. Prison labour assignments in Manitoba, Newfoundland, Ontario and Quebec are reported to be made in respect to present trade and future opportunities, so far as institutional facilities permit.

284. In the Federal institutions of the United States of America work assignments are determined by prescribed classification procedures which take into consideration the occupational background of each prisoner, his capabilities, personality, and "all other factors" bearing upon the subject. Employment-placement offices are maintained through which a large percentage of released prisoners are placed in jobs where they have an opportunity to use the skills acquired through their training.

#### Latin America

285. Argentine prison shop and farm work has an educational and training function as its principal aim, and account is taken of previous occupations of convicts. With respect to Federal prisoners, the Observation Centre recommends work assignments after qualified personnel have obtained detailed medical, social and criminological histories and have administered appropriate psychological and aptitude tests. In the case of prisoners in the remaining prisons, work assignments are made by the Director of each unit on the same basis. Upon discharge, the Division of Social Assistance, which maintains close working relationships with agencies handling released prisoners, provides help in job placement.

286. In addition to prison shops operating under the contract system (see above, paras. 72-73), there exist two other prisoner-employment systems in Chilean institutions. First, there are industrial shops centrally administered by the Dirección de Talleres Fiscales de Prisiones; inmates working in these are assigned in accordance with their aptitudes and other findings of the Instituto de Criminología, which examines persons sentenced to incarceration. Practical and theoretical trade-training in printing, car-

penry, mechanics and foundry work are carried out in these shops under the direction of foremen, assisted by shop-masters (maestros de talleres). Second, provision for "free work" is made in Article 89 of the Penal Code, wherein inmates sentenced to reclusion or prison are free to do work of their own selection providing it is compatible with good discipline. Such work can be done either alone or in cooperation with other prisoners, and involves such articles as baskets, furniture, souvenirs, musical instruments, etc. On the basis of available information, apparently only those inmates working in the state-operated shops are assigned in accordance with their previous background.

287. Prisoners in Costa Rica are reported simply as being "employed at such work as they were doing while in freedom."

288. Article 50 of the Cuban Law Concerning the Execution of Sentences (19 March 1940) states that "the immediate aim of obligatory work and study is the modification of the morbid or anti-social tendencies, inclinations or predispositions which contribute to crime; also to develop such aptitudes or leanings as may facilitate the acquisition of skills or trades which may be useful upon release." However, no prison work programme other than the production of curios and souvenirs exists in Cuba.

289. In Haiti, the lack of variety in prison work means considerations of previous occupations and future employment prospects "can be met only to a slight extent," while Mexico reports only that these factors are considered as far as practicable.

290. The Uruguayan prison system is committed by basic regulations (Reglamento Orgánico Administrativo) to programmes of training in crafts or trades consonant with mental and physical circumstances of the prisoners and with post-release employment opportunities. New prisoners are examined by the Instituto de Criminología, created in 1942, and work and/or training recommendations are made by this agency. As a continuing link between the Institute and the respective prison administrations, there exists a Técnico en Pedagogía Correctiva whose function is to interpret the Institute's recommendations to the administrations. Academic and moral uplift are responsibilities of the Departamento de Cultura General y Profesional, which also has charge of library and cinema facilities, as well as operating training courses for guards. The administration and organization of work are functions of the Enseñanza Industrial; the dual purposes of trade training and production are carried out in eight industrial School Shops.

#### Middle East

291. Among the four Middle Eastern States supplying information on the matter being considered in this section, only Syria reports that work assignments are made without reference to previous occupation and future needs. Because remuneration is based upon degree of skill in Lebanese prisons, previous occupation is taken into account in making work assignments. However, the paucity of work in the institutions of both these States reduces greatly the practical significance of this provision. In Israel clause 215 of the Prison Rules of 1925 states that prisoners "so far as possible shall be employed at their normal trades or occupations." To

further this end, plans are presently being made for an observation and classification centre where psycho-technical examinations will be administered with the object of making work assignments best suited to prisoners' capacities, experience and future employment prospects. The Turkish Prison Administration does not at present organize work in consideration of future employment opportunities, but work assignments are in general made in accordance with previous occupations. Some apprenticeship and training courses are organized in prison workshops.

292. The Union of South Africa reportedly takes into consideration occupational background ("where known or ascertainable") to enable qualified artisans to continue their normal occupations in prison as far as practicable, in order to maintain and improve their skills. "Prisoners with no known occupational background but who have the necessary aptitude may select the trade in which they desire to receive training." The Prisons and Reformatories Act No. 13 of 1911<sup>1</sup> provides for trade training of prisoners and for the elementary education of illiterates. The Report referred to in the above footnote, however, states with respect to trade training:

"... its availability [for European males] is extremely limited and in the institutions visited by the Commission, its utility in providing a training for employment after release is, with one exception, quite inadequate." (p.124).

"For non-European males little exists" (p.124).

293. With regard to the education of illiterates the Commission noted that "most European prisoners have some education" (p. 123) but that of non-European prisoners the "vast majority are illiterate ... Since the Prisons Act of 1911 was passed, there has been the possibility of education being provided for the illiterate in prisons, but except for one or two attempts of private individuals to give instruction in prisons, nothing has been done." (p. 124).

#### Asia and the Far East

294. The prison work programme in Burma is limited to such an extent that "it is only possible to give due regard to the occupational background of prisoners and to post-release employment opportunities only upon release when a prisoner is allotted to a job ... [It] still remains as a problem to reach any satisfactory approximation to the ideal." India reports that work in the prisons of that country is organized with respect to pre-sentence occupation and future opportunities, but no further details were submitted; Indonesia has "made a beginning" only in consideration of these factors.

<sup>1</sup> This legislation has been commented upon as follows by an official commission: "It has often been said that the [Act] is out of date. It was largely public stress upon this point which resulted in the institution of the present inquiry into prison conditions. The extraordinary fact has emerged as the result of the Commission's investigations that [the Act] was far-seeing in its provisions. It contains within it the germs of many of the reforms now advocated. But let it not be thought that the present inquiry has been fruitless for this reason; on the contrary it has been disclosed that the spirit underlying the Act has not been adequately applied" (Report of Penal and Prison Reform Commission, 1947, Government Printer, Pretoria, p.92).

295. Article 24 of the Japanese Prison Law of 1908, as amended, provides that "prison work shall be imposed upon inmates ... paying due attention to the term of their penalty, their health, ability, occupation and future life." Persons sentenced to imprisonment are initially examined for work assignment purposes and are allocated in accordance with the findings. In the work programme itself, a regular curriculum is followed with the purpose of maintaining or improving whatever skills the prisoners may possess. Those without trades receive training in abacus operation, radio, automobile and abacus repair, barbering and hair-dressing, boiler-room work, etc.

#### Oceania

296. Without supplying further details, the Australian States of Queensland and Tasmania report that previous occupations and post-release employment opportunities are considered in making work assignments. New South Wales acknowledges the existence of limitations in prison facilities in that State, making such consideration difficult. In Victoria, "... classification of prisoners and allotment to institutions and industries, consideration is given to prisoners' backgrounds but it is doubtful if experience in prison industries is recognized as trade training upon discharge." Prisoners in West Australia who are skilled in any trade used in the prison of that State are employed at such trade, so far as possible, as a means of maintaining skill; unskilled inmates with sufficient aptitude receive instruction "which will fit them to follow the calling upon release." Suitable prisoners are also sent to the prison farm, where they can learn animal husbandry and farming methods. Inmates thus assigned are reported to find ready employment after release since West Australia is largely a "primary producing country."

297. Prisoners in New Zealand are, as far as possible, employed at work suited to their occupational backgrounds. Some are given training in farming and certain trades, permitting them to qualify as skilled or semi-skilled workers after release.

#### SUMMARY

298. The foregoing replies are exceedingly difficult to evaluate, since they can in no way be restated in quantitative terms. Such recurring terms as "partly", "as much as possible", "every consideration is taken", etc., are probably more reflective of intent rather than practice and cannot convey even a sketchy notion of actual circumstances. The following summary, therefore, does not attempt a quantitative evaluation; it is concerned instead with a statement of what appear to be the attitudes of the several prison administrations toward the proposition that prison labour should be organized to make use of inmates' previous skills and to relate prison work and training to future employment opportunities.

299. (1) There is today widespread acceptance of the idea that prison work assignments should be relevant to previous skills of inmates. In some countries, however, there is either (a) an explicit feeling that classification requirements should be a primary consideration (Belgium, Finland, France, Norway), or (b) a feeling that the goal of relevancy is difficult if not impossible of achievement, with the implication that a realistic acceptance of the limitations inherent in the prison system itself would modify enthusiasm for that aim (Sweden, Switzerland, United Kingdom).

300. (2) There is likewise considerable feeling that prison work and training should be related to post-release employment opportunities, but there are few indications that work and training programmes are actually organized with this goal foremost. No state is reported as explicitly planning institutional training with the aim of relieving skill-shortages in free society.

301. (3) While no country clearly rejects the notion that prisoner skills and future opportunities should be considered in organizing prison work, data from Burma, Cuba, Haiti, Indonesia,<sup>1</sup> Lebanon and Syria reveal that prison labour programmes in those States are generally lacking. In certain other States (Costa Rica and parts of Mexico, India and Pakistan) where prison labour is but slightly organized, the achieving of these aims -- although technically subscribed to -- must be extremely limited. The remaining States from which information was received for the present Report, apparently are making efforts to relate prison work to prisoner skills and future opportunities, but with widely varying (and at most, modest) degrees of success.

<sup>1</sup> Plans are reportedly being made for drastic revisions in the Indonesian prison system.

## CHAPTER VII

### THE PRISONER AND MEASURES OF SOCIAL PROTECTION

302. In most countries civil rights are rescinded or limited upon conviction and imprisonment. Various, the rights to vote, to hold public office, to sue in a court of law, to transfer property, to receive a legacy, etc., may be suspended.

303. In many countries during the last three-quarters of a century, additional "rights" have emerged, based for the most part upon new interpretations of the state's proper role in protecting its members from the economic vagaries attendant upon industrialization. Thus have been enacted the social security laws found presently in many parts of the world, giving at least some protection from economic risks which often cannot be successfully dealt with by the individual citizen. Thus, too, have appeared laws protecting the worker against injury, illness or death at his place of employment, and requiring employers to observe certain minimum rules of safety in the interest of employees.

304. To what extent are prisoners - most of whom are severely disadvantaged economically during imprisonment -- denied such protection for themselves and their dependents? Besides traditional limitations on his civil rights, is he also denied the benefits of social security, safety at work and compensation for work-incurred injury or illness? Described below are the currently prevailing conditions throughout the world pertaining to these questions.

#### Europe

305. Although prisoners in Austria are excluded from the benefits of social security legislation, arrangements have been made by the Federal Minister of Justice for payments in case of accidents at work (with no implication that prisoners have a right to such grants). The amount and nature of payments closely follow established social security policies, except that payments are based on the assumption that injuries were not deliberate nor the result of gross negligence, and that it was necessary that the prisoner be exposed to dangerous work. The Austrian social security law contains special rules concerning those who are sent to prison (Nos. 265 and 266, 1951): health insurance rights are suspended; accident insurance, insurance for disabled workers and retirement insurance are suspended for sentences of more than one month. However, if an inmate has relatives residing within the country who are dependent mainly on him for support, they can receive sickness insurance benefits and survivors' payments if he dies, but they do not have coverage for accident insurance. Ordinary factory labour laws are observed in the prisons. War-injured who have payment rights have such rights suspended if sentenced to more than thirty days, although the minimum benefits can go to dependents providing they were not accomplices in the prisoner's

offense. The right of war-injured to payments in kind (e.g., prosthetic devices) is not affected.

306. Belgium's social security legislation does not cover prisoners mainly because inmates' wages are below the required minimum. Plans are being made, however, to alter the law to permit the use of a nominal wage. No specific law protects inmates at work, but ex-gratia payments approximating those for free workers can be made. Two types exist: one, paid during imprisonment, is based upon the amount earned during incarceration; the second, paid after release, is calculated with reference to the minimum wage for free labour.

307. Under Section 45 of the Danish Civil Penal Code of 1930, the State must insure prisoners against accident. Although employers' liability laws in Denmark require that workers be insured only while actually at work, the insurance of prisoners covers any accident during imprisonment. Benefits under the present law<sup>1</sup> are regulated as follows:

1. Per diem compensation is payable in a fixed amount for each day as long as the injured is unable to resume his work.
2. Disability compensation can be made payable if, after one (sometimes three) year, the injured person's capacity for work has been found to be permanently impaired.
3. Compensation is payable to dependents in fixed amounts for the spouse and for each child.
4. Funeral payments are allowable to the person who bears the funeral expenses.

With respect to inmates of institutions, a Royal Order of 10 July 1933 prescribes that

1. Per diem compensation will not be payable during a stay in prison, and
2. The question of disability compensation will not be decided until some time before release.

308. In cases where an injured person has contributed from his prison pay towards the support of dependents, the latter can receive assistance in an amount equal to the reduction in the prisoner's contribution caused by the accident. In questions as to the manner in which compensations shall be made available to injured prisoners the Directorate of Accident Insurance is required always to consult judicial authorities. If payments are not placed at the free disposal of the injured person, it is generally directed that the amounts shall be administered by the authority, if any, which will supervise the prisoner on his release. Extra-mural pre-release prisoners are also covered by the above regulations.

309. Expenses incidental to treatment and care during illness while a prisoner is serving a sentence are always borne by the Prison Administration; clothing needs for release purposes are chargeable by the Administration to inmates' home parishes or municipalities, which themselves give considerable aid, especially by paying a prisoner's trade union dues -- a point of importance in Denmark where trade union membership is of vital concern to most workers. Prisoners' wives and

<sup>1</sup> Act No. 183 of 20 May 1933 on Insurance against Consequences of Accidents.



children are eligible for social security benefits under the rules of the Social Welfare Act, without any restrictive special rules.

310. According to the Finnish law on Accident Compensation for Inmates of Corrective Institutions, etc. of 1946, a prisoner injured through an accident, or taken ill with an industrial disease, is entitled (as well as his next of kin) to accident compensation from public funds. The compensation must not, however, be paid for the time before release.

311. Generally prisoners enjoy the same social security benefits as free workers. Thus they are included in the compulsory old age and invalidity scheme. They may also remain members of the voluntary insurance funds. The eight-hour-day working system is applied also in prisons and overtime is not allowed. There is no night work, and holiday work is done only in urgent necessity. The prisoners receive family and children allowances in the same way as free citizens; female prisoners are entitled to maternity benefits.

312. In France, social security protection is not explicitly extended nor forbidden to prisoners; in view of this, benefits are granted in cases of urgent need. By a law of 30 October 1946 (No. 46-2446), prisoners are specifically insured against work injuries and industrial illnesses at the same premiums and same indemnities applying to free workers, with the exception that the per diem payments begin after liberation. The premiums are based, like those of free labour, on a percentage of wage; for prisoners earning less than the minimum, protection is accorded since the law is administered so that reduced premiums are accorded the same value as those required of minimum-wage earners. With respect to family benefits, a law of 22 August 1946 provided for payments to heads of families having resident dependent children; since this law did not specifically exclude prisoners, they are included by the administrators of the law. Other social security benefits, such as those relating to chronic illness, old age and death insurance, are likewise not forbidden prisoners, but practical difficulties arise due to the inability of inmates to pay premiums.

313. Under Irish social security legislation prisoners are eligible for marriage and maternity grants. If a prisoner has been receiving disability benefits at the time of commitment, special allowances to dependents continue. Prisoners do not enjoy other benefits of social security or workmen's compensation laws.

314. The Italian Prison Administration is required to insure prisoners working under its jurisdiction against occupational injuries but is not obliged to do so through the customary channels of the Istituto nazionale infortuni sul lavoro (National Industrial Accidents Insurance Institute). It thus retains direct control of the accident insurance system and pays out accident benefits in conformity with existing legislation. However, private persons are required by contract to insure prisoners working under them through the Institute mentioned above. All prisoners are insured against sickness and old age under the terms of existing legislation. They are excluded from all other forms of social security by virtue of the "special nature of penal labour" and of the facilities (such as tuberculosis hospitals) provided by the Prison Administration.

315. Prior to 24 April 1954, prisoners in Luxembourg were not covered by social security legislation. By terms of Section B, Article 2 of a law passed on the above date, however, penitentiary inmates are now protected against work injuries, with payments being made after release.

316. Prisoners in the Netherlands enjoy, through special enabling legislation, enacted 2 April 1948, certain social security benefits including accident compensation in case of accident during detention. Disability resulting from certain diseases contracted during imprisonment also may entitle an offender to compensation. Allowances are payable only during the period of disability following discharge. If illness or injury prevents earnings during incarceration, the prisoner is eligible for pocket money of 15 cents per day. Payments made for accidents prior to sentence cease during terms of more than three months, although they can be ordered wholly or partly continued to dependents. It is also possible for the Minister of Social Affairs to order the unpaid allowances (to a maximum of one year's payments) refunded to the prisoner after discharge. Similarly, allowances for old age insurance are not paid during incarceration of more than three months, but the prisoner's wife may receive all or part of the payments.

317. Norway does not insure prisoners against sickness, unemployment or accident, and persons are excluded from old-age pensions if, during the last five years preceding the date when the claim for pension is submitted, they have been sentenced to, or have served, a term of imprisonment or have served a term of detention in a workhouse for inebriates, vagrants, etc., for violating the law relating to vagrancy, begging and drunkenness, or concerning their duty to support their spouses and children. Exemptions from this rule may be granted in special cases. If any person is debarred from a pension, the amount to which he would have been entitled shall be used for the support of his family as far as this is necessary. It may be stipulated, however, that the wife shall not receive the pension if she has also been prosecuted during the preceding five years. Inmates are entitled to free medical and dental care during incarceration; if injured while engaged at prison work under such circumstances that he would have obtained compensation if the injury had occurred in a business enterprise covered by the Workmen's Compensation Act, he may be granted an ex gratia payment equivalent to that he ordinarily would have received. Although prisoners are not under the provisions of the legislation pertaining to industrial hazards, etc., cooperation is maintained between the Prison Administration and agencies supervising the factory safety laws. Prisoners work only legal working hours.

318. The Swedish Prison Administration's places of work are inspected by agents enforcing safety regulations pertaining to free workers, and at each place of work there is one or more safety delegates (in the persons of work supervisors) charged with enforcing conformity to safety regulations. Sick pay is granted inmates who are hospitalized because of an accident at work; if lasting injury results, annuities payable after release may be granted by the National Insurance Office.

319. Switzerland's old age and survivors insurance plan, the premiums for which are deducted from income, applies to prisoners, whose monthly premium is one franc. Prisoner benefits with respect to accident insurance



are regulated by the separate Cantons; in all cases, injured men are given help of some kind, and in a few Cantons the assistance extends to the post-release period. Private insurance companies in some Cantons are utilized for accident insurance.

320. In the United Kingdom a prisoner is not eligible to receive benefits under the National Insurance (Industrial Injuries) Act 1946 in respect of any industrial injury incurred while he is in prison. It is, however, the practice when a prisoner suffers such an injury or industrial disease while in prison which leaves him with some disability after discharge, to make ex gratia payments on the same scale which would apply for normal benefits. The degree of disability is assessed by an independent medical board set up by the Ministry of Pensions and National Insurance and payments may be made through the agency of the National Association of Discharged Prisoners' Aid Societies or the Central After-Care Association. Family allowances are not affected by imprisonment unless there is no spouse or where the imprisonment leads to the break-up of the family or to a change in the maintenance of the children, in which cases title to allowances may be affected if detention lasts more than a few weeks. Sickness, widow's and retirement benefits are suspended during custody. Maternity benefits are not affected except for the weekly benefits which are suspended. Death grants for which a prisoner is eligible are payable after discharge, and persons eligible to grants resulting from a prisoner's decease remain eligible, although a three-fifths reduction is made if burial expenses are paid by the Prison Administration. Prisoners serving sentences are entitled to such medical care as they would be under the National Health Service.

321. Prisoners in Yugoslavia are entitled to free medical and dental care during imprisonment, including orthopedic and prosthetic devices, maternity care and any other benefits they would ordinarily receive in hospitals operated by the General Health Service (service sanitaire général). If an illness incurred in prison continues after release, the ex-prisoner is eligible for free care. Those persons totally incapacitated or whose working capacity has been reduced by more than one-third by reason of an accident incurred at prison work, or who are unable to work for a period of more than one year after release have rights to disability payments under regulations relating to accident insurance for prisoners; rules pertaining to work injuries sustained by free citizens also apply in some respects to prisoners. Such payments begin after release, amnesty or termination of conditional release. Families of prisoners who die as a result of prison-work injuries are entitled to family pensions.

322. In Greece, pensions in connexion with the social insurance system are suspended if the individual is sentenced for more than six months, but in that case the pension is paid to his dependents.

#### North America

323. Social security benefits in Canada as applied to prisoners are either restricted or do not apply in any degree. Dominion prisoners are excluded from coverage by accident compensation laws; lump sum ex gratia payments are made in terms of the merits of each situation. Unemployment insurance and old age benefits are not cumulative during imprisonment, nor can they

be paid during sentence. Dependent children may, however, receive family allowance payments. Prisoners receive no social security protection of any kind in the Provinces of British Columbia, New Brunswick, Newfoundland, Nova Scotia, Ontario, Saskatchewan or Quebec. Prisoners injured in Alberta institutions while at work can obtain, in addition to the customary prison medical care, public medical assistance after release. Manitoba law permits old age pension payments continued to persons sentenced to less than six months; other prisoners can apply for reinstatement after discharge.

324. In the Federal prisons of the United States of America, prisoners are not eligible for any social security benefits which depend upon employer-employee relationships (i.e., mutual contributions to premiums) except under a special statute which provides that compensation may be paid to prisoners or their dependents for injuries suffered in the production industries. Other prisoners injured at work must depend upon legislative action for relief.

#### Latin America

325. Prisoners in Argentina are insured against work accidents under a system wherein "premiums" take the form of two per cent deductions from the total amount charged prisoners for their maintenance. Benefits received are added to the prisoner's remuneration each month, but to qualify for payment, the accident must not have resulted from disobedience, design, negligence or in the course of any activity other than assigned work.

326. Chilean social security laws contain no reference to prisoners, but the Prison Administration regards social security as a right of all, regardless of status. Hence, the social security law of 1952 (No. 383) is applied to inmates working for the State and for private contractors. Six per cent of earnings are paid as premiums to the Social Security Service, insuring the prisoners against sickness, invalidity and old age, with benefits which may accrue being sent to their families. In addition working inmates are entitled to protection of the Family Allowance Law of 31 July 1953 (No. 245), under which annual payments are made to legitimate wives and children, in sums approximating \$560 (Chilean) per member. Accident protection for State working prisoners take the form of continued wage-payments up to five months, if hospitalization is necessary following an accident; prisoners employed under contractors are covered by ordinary workmen's compensation laws.

327. While Cuban social security legislation does not apply to prisoners, the minimum wage law is interpreted as to include them, providing, of course, that any work is being done from which wages could result. Article 69 of the Defence Code 1941 provides that any inmate suffering injuries at work which are not deliberate or the result of negligence, has a right to indemnification; if he is killed, his relatives can receive payment. With respect to at least two of the several Cuban pension insurance funds, those of seafarers and commercial employees, pension payments are made to the prisoners' dependents.

328. Prisoners in Uruguay are protected only by accident compensation practices; the accident-insurance laws do not exclude nor include prisoners,

and protection is granted directly by the Prison Administration whose Regulations (Article 772) provide for indemnification of sentenced prisoners, to be paid as part of their regular remuneration. The circumstances under which indemnity is granted are in accordance with general Uruguayan laws pertaining to work injuries.

329. Social security benefits in other Latin American countries on which data were made available either are not applied in any manner to prisoners (Mexico and Haiti) or are limited to working inmates who are injured. In both Brazil and Costa Rica prisoners are protected by regular accident laws; in this respect, these countries are unique among Latin American States, where accident compensation is usually a direct function of prison administrations.

#### Middle East

330. Among the Middle Eastern States reported on, only Israel and Turkey extended any protective legislation to prisoners. Under the terms of the recent Israeli National Insurance Bill (1953) accident insurance covers all prisoners except those assigned to maintenance; old age pensioners sentenced to more than three months' imprisonment receive no benefits during detention, but payments may be sent to dependents, with institutional costs deducted; the relatives of deceased prisoners are entitled to death benefits, providing that premiums had been up to date. Maternity grants are extended to women giving birth while imprisoned, but they are not eligible for maternal allowances.

331. In Turkey, inmates employed outside prison confines (e.g., in mines or at public works) enjoy social security benefits, and their work is subject to the regulations applying to free labour.

#### Africa

332. In the Union of South Africa there exists no special or general legislation for social security benefits to prisoners. While the Workmen's Compensation Act of 1941 provides no coverage for prisoners, ex-gratia awards for serious injury or disablement are made by the Prison Department - if future earning capacity is impaired.

#### Asia and the Far East

333. Among the States in Asia and the Far East regular workmen's compensation laws reportedly cover prisoners in Burma, Indonesia and the Pakistani States of East Bengal and the Punjab. Under the India Factories Act 1948, prisoners in that country receive benefits "similar" to those granted free workers under the Workmen's Compensation Act of 1923. Prison shops in Indonesia are operated by the Ministry of Labour, and inmates are protected by the safety and compensation laws prevailing generally.

334. Under the amended Prison Law of 1953, Japan grants allowances to prisoners who become sick or are injured at work, if their incapacitation is permanent, temporary or results in death. Such allowance is received at release, or is paid to dependents in case of death. Amounts of compensation are determined by prison governors who take account, not only of the cause and seriousness of the injury or illness, but also the present standard of living of the prisoner. Allowances range from a minimum of 1,000 Yen for illness or injury to a maximum of 15,000 Yen for death. (These sums may be compared with the reported 17,347 Yen

per month earned by the average worker in Japan in June, 1953). By administrative practice, the principle of social security is said to be applied to prisoners who are not at present included in either workmen's compensation laws or social security legislation. They may, however, join the Post Office Simple Life Insurance scheme if they can afford it.

#### Oceania

335. Social security benefits for prisoners in the five Australian States are regulated by the Social Services Consolidation Act of 1947; this Commonwealth legislation covers all aspects of social security except work injuries insurance, which is left to the discretion of the individual States. In general, social security benefits provided by the Commonwealth are suspended while a pensioner or beneficiary is imprisoned, under the principle that no one should become a charge on two public agencies for the same period.

336. Commonwealth procedure in respect to prisoners is as follows: (a) if an old age, invalidity or widow's pension recipient is imprisoned under sentence, the Director-General of Social Services may suspend payment during incarceration; at his discretion, however, payments may be made to the pensioner's spouse or children. (b) A woman whose husband has been serving a term of imprisonment for at least six months is eligible for a so-called "Class D Widow's Pension" if she has responsibility for children under the age of 16 years, or if she is not less than 50 years of age. (c) Unemployment and sickness benefits cease during imprisonment following conviction; on release, a person may be paid unemployment benefits until work is found. The facilities of the Commonwealth Employment Service are available, and it is reported that agents of this Service interview prisoners before release, thus facilitating placement. (d) Maternity Allowance grants are given women who bear children while imprisoned; the need for such grants is extremely rare since women who are pregnant at conviction are usually released on probation or remission of sentence, or are transferred to a suitable institution. (e) Child Endowments may be claimed by any resident of Australia who has responsibility for a child under the age of 16 years, with payments going to the child's mother in ordinary circumstances. Payments are not affected by a father's imprisonment; if a mother is incarcerated, payments are made to whoever takes charge of the child (other than a public authority); if an endowed child is convicted, payments cease.

337. Except for New South Wales and Queensland, which make ex gratia payments in case of accident, no State provisions exist for protection of working inmates.

338. Prisoners in New Zealand have no direct social security coverage, although injured prisoners are given ex gratia awards. As in Australia, prisoners' wives can receive assistance from social security authorities, pro-rated for the number of dependent children.

## SUMMARY

339. Existing protective policies and legislation for prisoners can be classified under three principle headings: (a) accident and industrial illness; (b) safety; (c) other social protection.

340. Protection Against Accident and Industrial Illness. Aside from necessary medical care, prisoners receive no indemnity for work-incurred injuries or illnesses in Greece, Ireland, Haiti, Egypt, Lebanon, Syria, the Provinces of Canada (except for free post-release medical care in Alberta), the States of Pakistan (except East Bengal and the Punjab) and the States of Australia (except New South Wales and Queensland). The remaining States provide protection either in the form of ex-gratia payments to which prisoners have no guaranteed right or in the form of payments based on law.

341. Ex-gratia compensations are made in Austria, Belgium, Norway, the United Kingdom, the Dominion of Canada, the Union of South Africa, the Australian States of New South Wales and Queensland, and in New Zealand. Compensations based on a legal right are provided for in the remaining countries which pay indemnities and consequently is the most frequently used means for compensating injuries or illness.<sup>1</sup>

342. Prisoner participation in accident and illness insurance schemes was reported to exist in France and Argentina; only in the former country, however, is participation carried out on the basis required of free workers -- namely, contributions out of income to the regularly established social security administration. Participation in Argentina is limited to deductions from remuneration for a prison fund. Finland allows participation in private insurance plans.

343. The most frequently reported method by which prisoners receive compensation for accident or illness is that of withholding payment until after release -- customarily because the degree of incapacitation cannot accurately be determined until the prisoner becomes available for free employment.<sup>2</sup> Denmark, Sweden, Argentina, Chile and Uruguay, however, either add indemnity payments to prison remuneration or continue to pay wages during illness. Moreover, Denmark and Sweden pay compensation after release if the prisoner is permanently incapacitated for work.

<sup>1</sup> Information is not available on the amounts of compensation except that in Japan, where remuneration ranges from very small sums to somewhat less than the equivalent of one month's wage to a free worker.

<sup>2</sup> Information received was seldom detailed enough to learn which States require that some degree of post-release incapacitation be shown before indemnity is paid. Clearly, those countries with pre-release payment accept the principle that some indemnification should be made irrespective of the prisoner's health after discharge.

344. The protection of prisoners by the same workmen's compensation laws which applies to free men is infrequent. These laws reportedly apply without qualification only in Brazil, Costa Rica, Israel, Burma, Indonesia and the Pakistani States of East Bengal and the Punjab. They apply with qualifications in Chile,<sup>1</sup> Italy<sup>1</sup> and Yugoslavia. Several States, however, grant awards to prisoners with some reference to existing compensation laws: the rates of indemnification for free workers are applied in Austria and Norway, the criteria<sup>2</sup> for indemnity govern in Uruguay, and India reports that prisoners receive benefits similar to those provided free workers. Thus, prisoners in these States are afforded protection approaching that for free employees, without coming within the direct purview of that protection.

345. Safety. Only in Austria, Sweden, India and Indonesia are the conditions under which prisoners work reportedly governed by existing safety laws and regulations; Swedish prisons, moreover, are regularly inspected by Government safety personnel. The Finnish Prison Administration has adopted the established factory standards, with an eight-hour day, and night and holiday work only under exceptional circumstances. Similarly, Norway's prisons keep an eight-hour day and "co-operation" is maintained between the Administration and factory safety agencies.

346. Other Social Protection. Other forms of social protection are not afforded prisoners in Belgium, Luxembourg, the Canadian provinces, the United States of America (Federal), Cuba and the Union of South Africa. Table V, below, summarizes the social security benefits granted prisoners in the remaining States. The countries with such benefits are few, and are predominantly in Europe. No Asian country is represented; only two are in South America, one in the Middle East and one in North America. Both Australia and New Zealand provide some benefits.<sup>3</sup>

347. Limited assistance to prisoners' dependents is given in most countries with social security programmes, although only France, the United Kingdom, Canada (Dominion), Australia and New Zealand have legislation providing specifically for such aid.

348. Certain types of assistance (old age and invalidity pensions, and health insurance benefits) customarily cease with sentence to imprisonment, although Manitoba (Canada) permits old age pensions to be continued during sentences up to six months. In a few countries, dependents receive benefits which ordinarily would be paid a prisoner (Austria, Ireland, Netherlands and Norway). While detailed information on the manner in which prisoners' social security remains in force is not available, the position

<sup>1</sup> Only to workers under contract schemes.

<sup>2</sup> Sufficient data are not available for a definitive statement regarding criteria adopted by the several prison administrations, but a wide tendency appears to exist to establish severe standards governing the circumstances under which injuries must occur before the prisoner is eligible for compensation.

<sup>3</sup> Information on "other social protection" was omitted wholly or in part from the replies from Denmark, Finland, Sweden, Yugoslavia, Argentina, Brazil, Costa Rica, Uruguay, Turkey, Burma, India, Indonesia, Japan and Pakistan.

TABLE V

Social Security Benefits Accorded Prisoners

	Aid to Dependents	Old Age	Invalidity	Death	Maternity	Marriage Allowance	Health
Austria	x <sup>1/</sup>						
Denmark				x			
Finland		x	x		x		
France	x <sup>2/</sup>						
Ireland	x <sup>3/</sup>				x	x	
Italy		x					x
Netherlands	x <sup>4/</sup>						
Norway	x <sup>4/</sup>						
Switzerland		x		x			
United Kingdom	x <sup>5/</sup>				x		
Yugoslavia	x <sup>6/</sup>						
---							
Canada (Dom.)	x <sup>7/</sup>						
---							
Chile	x <sup>5/</sup>	x	x				
Cuba				x			
---							
Israel		x		x	x		
---							
Australia (Com.)	x <sup>8/</sup>	x	x		x		
New Zealand	x <sup>5/</sup>						

1/ Sickness and survivors' benefits.

2/ Aid to dependents' rights unimpaired if dependents are children.

3/ Prior disability benefits go to dependents.

4/ Old age payments go to dependents.

5/ Dependents eligible for assistance.

6/ Family pension if prisoner dies.

7/ Dependent children get family allowance; in Alberta, old age benefits continue during sentences up to six months.

8/ Widow's pension, if prisoner dies; family assistance if dependent children and at least six months' incarceration.

taken by the States concerned appears to be that conviction and imprisonment does not disqualify for present and future protection to which a prisoner would ordinarily be entitled; however, payment to the prisoner is usually stopped, but seniority rights (where important) are lost either not at all or only with reference to the period of incarceration.

349. Prisoner participation in social security programmes is, on the basis of information received, limited to three countries: Finland deducts from inmate remuneration funds for contribution to the State's compulsory old age and invalidity insurance plan; Switzerland's prisoners pay one franc monthly to the old age and survivors scheme; Chilean prisoners employed in the State shops or for contractors contribute out of income for sickness, invalidity and old age insurance. Inability of prisoners to pay premiums is a reason frequently appearing to explain non-participation in social security programmes; this problem is, of course, intimately related to wage-payment policies. Without intending such, the rights of prisoners to social security are thus often infringed upon by virtue of their removal from the status of free employees, to one in which they are financially unable to pay further premiums, however much they may be willing to do so.

## ANNEX

### Statistics on Prison Employment

350. Considered broadly, there are five major categories of types of prison labour: (a) industrial activities on a more or less mechanized, unskilled or semi-skilled mass production basis (e.g., soap making, weaving cloth); (b) handicraft work in skilled or semi-skilled production (e.g., shoe repairing, cabinet making); (c) agricultural work, including animal husbandry, but excluding forestry work; (d) public works (see note 1, para. 106); (e) institutional maintenance -- the work of day to day housekeeping, including food preparation and sanitation.

351. Information was obtained on the distribution of working inmates under sentence, as well as those in "other employment" and "not employed". The data presented below are presumably based on assignments of "fully employed"<sup>1</sup> prisoners, i.e., inmates engaged for a normal working week on a particular task.

352. Limitations of the statistical data. Criminological statistics of certain types are generally viewed by experts as being of limited value. With this in mind, some specific difficulties pertaining to the statistical data included in the present report should be mentioned.

353. First, it was clear that the stipulation regarding "full employment" was not always heeded; variations in the lengths of prison work-days and work-weeks thus cannot be allowed for.

354. Second, without detailed knowledge of the manner in which work programmes are administered, mere data on work assigned give no clues to the degrees of industriousness required of prisoners. Hence, for example, 80 per cent of an inmate population may be assigned to "full-time employment", and may indeed spend eight or ten hours each day in a locale where labour is ostensibly performed, but the availability of work or the indifference of overseers may be such that only two or three hours of work are done. On the other hand, only 50 per cent of another prison population may be assigned to work, but with a full day's work being elicited from each inmate. Consequently, comparisons between countries with respect to the extent to which employment is provided may be misleading and unwarranted.

355. Third, there are indications that the five work categories were by no means commonly defined, so that "industrial work" in one country denoted all shop work done in common, whether machines were used or not, while "handicrafts" meant any work suited to the restricted space of cellular confinement. The meaning of "construction and conservation", moreover,

was frequently misinterpreted. Data on this point were sought with the aim of learning the extent to which prisoners were engaged in extra-mural public improvement work of direct benefit to general society, with particular interest in the role of prison labour in the economy of the less-developed States. Unfortunately, prisoners assigned to certain kinds of prison maintenance work were sometimes classified under "construction and conservation".

356. Fourth, the statistics from the several countries are not chronologically comparable; in some instances data supplied were daily averages for calendar years or fiscal years; in others, they represent a singly "typical" workday; in still others information was entirely lacking with reference to the chronological basis upon which the figures were selected.

357. Fifth, respective coverages of data from the countries differ; some States submitted figures covering all prisoners under sentence while others limited the data to persons serving long terms in prisons or penitentiaries. Even among the latter, data sometimes pertained only to certain institutions within a State and hence did not represent the total of those serving long sentences.

358. In view of these limitations, then, the statistical materials must be interpreted with great caution. Viewing them conservatively, they are of value mainly in giving some indications of general trends or directions taken in planning work programmes, rather than in representing uniformly reliable indices to existing conditions of employment and unemployment.

<sup>1</sup> The last category presumably includes sick or otherwise incapacitated prisoners as well as those assigned to formal educational programmes of a full-time basis.

TABLE VI. WORK ASSIGNMENTS OF PERSONS SENTENCED TO INCARCERATION, BY STATE

Country	Industries	Handi- crafts	Agri- culture	Construction and Conservation	Main- tenance	Other Employment	Not Employed	Total
<u>Europe</u>								
Belgium <sup>1/</sup>	689	50	239	1,427 <sup>a/</sup>		1,574	1,283	5,262
Denmark <sup>2/</sup>	950	333	443	280	656	242	224	3,128
Finland <sup>3/</sup>	1,086	941	1,077	1,069	1,121	354	1,055	6,703
France <sup>4/</sup>	1,570 90	1,500 2,480	187 123	330 180	2,100 1,650	520 415	972 1,831	7,179 6,769
Greece <sup>5/</sup>	150	306	1,060	123	-	836	2,234	4,809
Ireland <sup>6/</sup>	-	218	42	30	36	85	47	458
Italy <sup>7/</sup>	1,960	2,280	2,175	646	5,026	1,934	15,831	29,852
Luxembourg <sup>8/</sup>	54	23	19	7	29	8	9	149
Netherlands <sup>6/</sup>	1,058	399	276	-	1,062	95	455	3,345
Norway <sup>9/</sup>	-	463	151	75	232	87	565	1,573
Sweden <sup>10/</sup>	808	-	234	464	523	380	841 <sup>b/</sup>	3,250
Switzerland <sup>11/</sup>	303	312	574	69	144	128	96	1,626
United Kingdom <sup>12/</sup>	11,133	1,405	1,250	2,590	5,312	63	2,413 <sup>b/</sup>	24,166
<u>North America</u>								
Canada <sup>7/</sup> (Dominion)	647	797	381	744	920	923	522	4,934
Provinces:								
Alberta <sup>1/</sup>	60	31	157	54	95	91	167	655
Manitoba <sup>2/</sup>	-	50	175	-	216	10	69	520
Newfoundland <sup>6/</sup>	3	3	14	33	28	2	16	99
Ontario <sup>7/</sup>	448	40	306	247	968	383	345 <sup>c/</sup>	2,737
Saskatchewan	-	27	75	10	48	35	58	253
United States of America <sup>2/</sup> (Federal)	3,803	-	1,160	1,170	3,741	3,785	3,602	17,261
New Jersey <sup>7/</sup> (U. S. A.)	955	94	323	161	1,341	206	632	3,712

Country	Industries	Handi- crafts	Agri- culture	Construction and Conservation	Main- tenance	Other Employment	Not Employed	Total
<u>Latin America</u>								
Argentina <sup>7/</sup>	851	375	515	231	447	247	225	2,891
Uruguay <sup>6/</sup>	113	-	-	-	65	64	163	405
<u>Middle East</u>								
Israel <sup>13/</sup>	109	160	95	126	328	45	201	1,064
<u>Africa</u>								
Union of South Africa <sup>6/</sup>	1,349	1,552	4,982	2,395	9,361	4,579	7,353	31,571
<u>Asia and the Far East</u>								
Burma <sup>6/</sup>	347	1,549	635	-	1,363	1,091	106	5,091
Indonesia <sup>7/</sup>	5,358	6,195	5,790	-	-	-	-	17,343
Japan <sup>6/</sup>	20,756	12,293	2,208	3,599	10,134	10,917	6,361	66,268
<u>Oceania</u>								
Australian States								
New South Wales <sup>7/</sup>	746	-	338	223	595	-	348	2,250
Queensland <sup>7/</sup>	106	157	173	35	76	63	23	633
Victoria <sup>14/</sup>	400	-	300	-	400	-	100	1,200
West Australia <sup>6/</sup>	64	96	20	-	64	57	24	325
New Zealand <sup>6/</sup>	23	77	304	148	321	124	123	1,120

- 1/ Daily average, 1952  
 2/ Daily average, 1951  
 3/ Average of 2 February 1953 and 3 August 1953  
 4/ 1 January 1954. First row: maisons centrales; second row: *maisons d'arrêt*.  
 5/ 1 February 1954. In addition there were 4,226 Communist prisoners not compelled to work.  
 6/ Daily average, 1953  
 7/ Daily average, period not stated.  
 8/ Daily average. November 1953 to February 1954

- 9/ Daily average, 1 July 1950 to 30 June 1951  
 10/ 1 February 1954  
 11/ 1 March 1954; seven institutions  
 12/ Daily average, 1 April 1951 to 31 March 1952  
 13/ 1 January 1954; six institutions  
 14/ Daily average, period not stated. All figures approximate.  
 a/ Construction, conservation and maintenance are combined  
 b/ Includes prisoners awaiting trial  
 c/ Includes 286 prisoners assigned to academic and vocational training

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