



**SECOND UNITED NATIONS CONGRESS
ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS**

(London, 8-20 August 1960)

**PRE-RELEASE
TREATMENT AND AFTER-CARE
AS WELL AS ASSISTANCE TO
DEPENDANTS OF PRISONERS**

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**UNITED NATIONS
Department of Economic and Social Affairs
New York, 1960**

A/CONF.17/9

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I. INTRODUCTION

1. This paper should be considered in conjunction with the descriptive material contained in the consultant's report on the same subject (A/CONF.17/8) on the basis of information received from a number of correspondents with the United Nations Secretariat in the field of social defence, as well as from certain non-governmental organizations and individuals in various regions of the world. Its purpose is to outline the main points of present practice, without citing further examples, and to draw attention to some problems and desiderata arising in connexion with these three closely related subjects.
2. This paper is therefore not intended to be an exhaustive or entirely original survey, but is rather designed to serve as a point of departure for discussions which, it is hoped, will elicit more extensive information and will stimulate further research and the formulation of additional solutions for existing problems.

II. PRE-RELEASE TREATMENT

3. Pre-release treatment can be defined as the programme specifically planned to prepare the offender, during a limited period before the end of institutional treatment, for release into the community.

4. This definition is at variance with the frequently-repeated concept that pre-release treatment should begin as soon as the offender has been sentenced. Not only does this concept not hold true in practice but it is doubtful whether it is even desirable in theory. While treatment during the early part of a sentence should not jeopardize release in any way and institutionalize the offender to such an extent that release will be rendered more difficult, it cannot be said that the "progressive system" which, historically speaking, was a great improvement in penal techniques, contributes sufficiently to preparation for life in freedom. During the last stage of the progressive system, the life of the offender is comparatively freer than during the earlier stages. None the less, this final stage is still far removed from life in freedom.

5. Pre-release treatment, on the other hand, must deal specifically with the transition from artificial, regimented group life to the normal, independent life of the free individual and with the problems which this transition entails. The end of the institutional term should not only be in sight, but rather close at hand before such treatment begins; otherwise the psychological stress of prolonged expectation would defeat the purpose of pre-release treatment quite apart from the fact that certain situations can only be met a short time before release. The very realization that he is soon to be released may restore a greater measure of hope to the offender than he has had since he was sentenced, particularly if he has been deprived of liberty for a long time; on the other hand, this realization may also heighten his impatience and multiply his fears and feelings of uncertainty about the future. The longer his institutional terms has been the greater the probability will be that these ambivalent sentiments will be exacerbated. Pre-release treatment should, therefore, primarily address itself

itself to the long-term prisoner rather than to the short-term prisoner whose institutional term may vary from less than six months to a maximum of a year.^{1/}

6. Naturally, removal from the community for even such a limited period creates certain difficulties for the short-term prisoner, whether these difficulties involve his family, his employment or the opprobrium which may result from his offence, and they will be serious problems for him. Yet, in his case, there has not usually occurred as complete a divorce from normal life in freedom as for the offender who has served a longer institutional term. From the point of view of the prison administration as well, it is not realistic to advocate specific pre-release treatment for short-term prisoners considering the almost invariable shortages of personnel and resources. Certain types of after-care, which must needs be the same as certain types of pre-release treatment, should of course be extended to them; this would include help with family and employment problems.

7. Special pre-release programmes now used in various countries include:

(a) Special information sessions on matters which will be important to the offender on his return to the community, such as parole conditions and employment opportunities;

(b) The granting of greater freedom inside the institution which may take the form of:

(i) letting the offender shed his prisoner's garb and wear his own clothes;

(ii) lodging him in separate quarters of the prison, possibly in a room of his own;

(iii) giving him an opportunity to determine his leisure activities and communicate more freely with the outside world, and generally subjecting him to less supervision;

^{1/} In some countries short-term imprisonment involves from 60 to 70 per cent of the prison population and also constitutes a major problem from many points of view in other countries. It is fully discussed in the report on this topic prepared for the present Congress (A/CONF.17/5) and will not be examined here. Suffice it to say that, in this case, the main problem both for the offender and the prison administration does not lie in this pre-release period, but in the desirability of sentences involving very short periods of imprisonment.

- (c) Group and individual counselling which, by giving the offender an opportunity to discuss his principal problems may assist him in orientating himself and alleviate his worries;
- (d) Transfer from a closed to an open institution or to a pre-release camp which, by providing a minimum of supervision, enables the prisoner to realize the trust placed in him and to live under conditions which are considerably closer to normal life;
- (e) Pre-release leave for a few hours, a day or even several days
 - (i) to obtain identification papers and other necessary documents;
 - (ii) to be interviewed by potential employers;
 - (iii) to find living quarters;
 - (iv) to visit his family;
 - (v) to shop for necessities so as to reacquaint himself with prices;
 - (vi) for any other purpose which may be reasonably considered valuable for the future readaptation of the offender;
- (f) Leave for work which allows the offender to be employed in the community provided he returns at night to the institution or the pre-release hostel.^{2/}

8. Information received from various countries on special pre-release programmes indicates general satisfaction with these methods. Negative criticism of major importance has not been voiced. It would seem, however, that there is room for much more extended use of these methods, whether singly or in association with others, in a greater number of penal systems. This holds particularly true for programmes described under (c), (d), (e) and (f) above.

9. Intensification of group and individual counselling would be desirable whenever possible. Counselling assignments should be envisaged for staff with the ability to carry out such tasks, since it would appear that there has been a fairly universal rise in standards for correctional personnel, even in countries

^{2/} See the resolution adopted on 29 August 1955 concerning open penal and correctional institutions by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Report prepared by the Secretariat (United Nations, publication Sales No.: 1956.IV.4), p. 76. See also the section on open institutions in International Survey of Programmes of Social Development (United Nations publication, Sales No.: 59.IV.2), p. 112.

where specific training does not yet exist.^{3/} This holds even more true in penal systems where differential training is possible and available.

10. Whenever possible, increased use of transfer to open institutions or pre-release camps is also desirable in conjunction with the expanded use of the open institution from the very beginning of the sentence. The importance of the open institution is illustrated by its increased use, which is in turn based on the positive results obtained.^{4/} Particular attention is drawn in this connexion to the experiments now being carried on in Brazil, India, Mexico, the Philippines and West Pakistan, which permit families to live in the institution with the detained person and which almost completely eliminate the desocialization of the offender.

11. Short pre-release leaves have many advantages as they enable both the institution and the offender to see how and whether he can manage in freedom. Furthermore, there is undeniable value in such activities as obtaining identity papers and other necessary documents which may prevent complications in connexion with residence and employment after release, as well as in securing interviews with prospective employers and in maintaining family contacts.

12. One possible source of objection to pre-release leave would be the results of subsequent contacts with prisoners who are not near release; this might not only undermine morale, but also induce unsanctioned communication with persons outside the institution. Separation of pre-release prisoners from all others is, therefore, undoubtedly desirable, and is even more so in the case of leave for work, since daily contacts with the community might further jeopardize the insulation of the security institution. Quite apart from the undesirability of communication between prisoners who are at different stages of their sentences it may be advisable that offenders who are on leave for work return at night to special pre-release camps or hostels. Physical separation from the security institution may also have the positive and tangible advantage of indicating further, important progress in the transition from imprisonment to freedom. However, leave for work raises a number of problems and requires certain safeguards both for the offender and the employer.

^{3/} For a discussion of this matter, see the report of the Second United Nations Arab States Seminar on the Prevention of Crime and the Treatment of Offenders, Copenhagen, 23 September-16 October 1959 (ST/TAO/SER.C/42).

^{4/} See the resolution adopted on 2 September 1955 concerning prison labour by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, op. cit., p. 77, Recommendation VIII.

13. There are arguments for and against revealing to the employer that he would be hiring an offender. On one hand, the offender should be protected from further stigmatization at a time when he is preparing to return to normal life. On the other hand, the employer should have the prerogative of refusing to incur unknown risks, particularly if the potential employee has committed certain offences against property. It is probably desirable to protect the prospective employer by providing some information about the offender; this would also enable the institution to check on the offender's attendance and performance and to receive his pay directly. Such information as may be provided should be limited to the minimum. In any case, complete secrecy vis-à-vis his fellow-workers should be maintained.

14. Attention should also be drawn to the fact that, in a number of countries, no one may be hired without presenting a valid social security card to his prospective employer. Arrears in social security payments are readily apparent on these cards and arouse suspicion. The necessary amount must, therefore, be paid or an explanation given. In either event, the offender is put in a difficult situation. Particularly after a long institutional term, he may not have the required sum and explanations may prejudice the prospective employer. Remedies for this problem should be sought. While it may not be possible for prison administrations to pay the amounts involved in whole or in part, other organizations may be able to do so and in any case, equitable remuneration for prison labour may help to solve the problem.

15. The question of wages also raises certain problems; sometimes employers exploit the special position of the offender by paying him less than a free person doing similar work. It may be contended that prison industries do not always train offenders for work at the same pace as that of free, competitive industry. This criticism may on occasion be justified and the situation should be remedied; but the principle of equal pay for equal work must be upheld and any abuse be avoided.

16. In discussing special pre-release programmes, the following questions could also be considered. (There will, of course, be variations from country to country, but the sharing of experience and the exchange of views may make it possible to establish certain guiding principles):

- (1) Is there an optimum duration for the various types of pre-release programmes described?

(2) Which factors must be considered in determining the duration of such programmes?

(3) On the basis of financial and personnel requirements, for which types of offenders can such programmes be realistically carried out?

(4) Should special officers be assigned during this particular period?

(5) If so, should these officers be attached to the prison staff or to the staff of the authority which will assist the offender after release?

17. Since leave for work is the most far-reaching and experimental of the pre-release programmes considered here it may require particular consideration:

(1) What regulations should govern leave for work?

(2) How permissive can or should such regulations be?

(3) Does experience show that there is an optimum duration for leave for work, after which it is no longer a constructive measure but becomes a burden to the offender?

(4) Do certain age-groups or types of offenders respond better to such treatment than others?

(5) Should both men and women offenders be granted pre-release leave for work?

(6) What regulations should govern pre-release hostels?

(7) What difficulties arise in connexion with pre-release hostels? and how can such difficulties be met?

(8) Should placement in pre-release hostels be recommended for women as much as for men offenders?

18. The special pre-release programmes enumerated in this chapter cannot, of course, be considered as a panacea; experience and current practice show that there is a definite need for their improvement and more frequent application, moreover, other and new methods in this field might fruitfully be explored.

III. AFTER-CARE

19. In discussing after-care, a distinction must be drawn between the offenders who are released conditionally and those whose sentences come to an end when they leave the penal institution. Since the authorities are completely responsible for offenders on conditional release, after-care assistance is at present mainly directed to this group. The following discussion reflects this trend, although attention is drawn to the similarities in the requirements of after-care treatment for both groups of offenders.

(1) Conditional release^{5/}

20. Release of the offender, subject to certain requirements, at some time before the mandatory expiration of his institutional term is gradually becoming more accepted throughout the world. As in the case of special pre-release programmes, it would seem here that a distinction should be made between short-term prisoners and those who have served long sentences.

21. A priori, fewer elements have to be weighed in considering the eligibility of short-term prisoners for conditional release. The very fact that the term is short indicates that the offence was not as serious as that resulting in long-term sentence. In most cases, the factors in favour of release at the earliest possible moment before the end of a short institutional term, include the difficulty of arranging for efficacious treatment during so short a period, the undesirability of desocializing the offender, the dangers of prolonged contact with hardened offenders and the cost of imprisonment as opposed to that of conditional release. In considering the eligibility of the long-term prisoner for release the predominating factors, include the need to protect society and to ease the difficulties arising for the offender from the transition from institutional life to life in freedom. A greater number of factors are likely to have a bearing on his release and more stringent conditions may have to be imposed upon him.

^{5/} In some countries there is a distinction between conditional release and parole, both referring to release subject to conditions from an institution before the end of the sentence, although parole carried the implication of supervision. In this paper the broad term "conditional release" has been used in the sense of release from the institution before the expiration of the sentence, whether or not a condition of supervision is attached to the release.

22. Whatever the decisive factor, and such problems as the chronic over-crowding of prisons in many parts of the world may also be germane to the matter, whenever feasible it would seem desirable to extend conditional release to the largest possible number of both long and short-term prisoners.

(2) Selection for conditional release

23. It is almost a truism to say that institutional treatment and conditional release are so intimately connected that if the former is constructive, the prospects for the success of conditional release are greater and that, conversely, difficulties in freedom are likely to arise from faulty or incomplete treatment in the institution.

24. In examining each individual case, the releasing authority should, therefore, bear in mind that preparation for freedom can never be completely satisfactory, but that the main consideration must be whether the offender is sufficiently equipped to take care of himself in a lawful manner in the community, as far as that is possible under imperfect conditions.

25. To base its decision strictly on the merits of the case, the releasing authority should have access to all necessary information about the prisoner. It is widely felt that the releasing authority should be vested in an independent board, rather than in the judge, whose predominating concern must be the administration of justice rather than the readaptation of the offender, or in a panel of officers of the institution who might take a rigid and subjective view because of the coercive nature of the prison and their close contact with the offender. The membership of such boards should not be subject to political appointment, but should be constituted by persons highly specialized in this field. Although all types of release authority mentioned above exist today, it is likely that most practitioners would agree to this desideratum.

26. Another view to which most experts would subscribe is that the prisoner eligible for conditional release should appear before the administering authority and that decisions should never be taken, as they still are in some countries, by authorities which do not move about the country to interview the offenders in question beforehand.

27. In this connexion it should be mentioned that in granting conditional release, considerable caution should be exercised in the use of prediction tables. Without entering into a discussion of the validity of these tables, their use should not be allowed to replace the appraisal of the individual case.

28. Matters which may give rise to difference of opinion include the offender's right to earlier eligibility for conditional release, his right to appeal the waiting period before asking the releasing authority to review its refusal to grant conditional release, and his right to refuse conditional release. Without trying to construe them as legal or judicial questions there would seem to be grounds for admitting somewhat greater flexibility in all of these matters. In a few countries successful programmes seem to have been carried out which allow prisoners to become eligible for conditional release at an earlier date than generally stipulated. In this connexion consideration might be given to indeterminate conditional release, which already exists in some countries, and to the establishment of minimum terms for such release. Greater flexibility in permitting offenders to apply for a reduction in the time gap between reviews of eligibility after refusals of conditional release would contribute to the individualization of the treatment. The prisoner's right to refuse conditional release can be disputed, since conditional release forms part of the penal treatment imposed at the discretion of the authorities. Yet it would seem that, on certain reasonable grounds such as the age and health of the offender or possible danger to his safety, the board should grant postponement of conditional release if so requested by the offender; and the board should also have the power to exercise a certain leniency when violations of the conditions for release occur, to avoid automatic revocation

(3) Conditions for release

29. Apart from the condition of not violating the law, the conditions most commonly imposed upon prisoners who are granted conditional release are:

- (a) Supervision by the police or by an after-care worker to whom offenders must report at certain fixed intervals;
- (b) Offenders must have a place of residence to go to upon release and, in certain cases, they must also live in a specified place or avoid certain quarters;
- (c) Offenders must have the prospect of steady employment upon leaving the institution;
- (d) They may be forbidden to engage in certain activities or to exercise certain professions;
- (e) They may have to agree to undergo special treatment.

30. Of these conditions, supervision is the one most generally imposed; however, either one or several of the other conditions are also imposed in a number of instances.

31. Supervision of released offenders means different things in different countries and the methods used range from a purely automatic periodic report to the police to supervision and counselling on personal and employment problems by after-care workers especially trained for this task. The current trend is away from automatic periodic reporting to the police which is increasingly recognized as being of little value as a method of control, and which must be rejected as an efficient means for the adequate supervision of the offender. The question now arises as to the degree to which the application of other methods should be recommended. Realistically speaking, supervision combined with effective aid can only be applied to a limited number of offenders in any prison system, owing to the financial requirements entailed, as well as to the lack of sufficient personnel to follow up the cases in a satisfactory manner. Other opinions to the contrary, it would seem that supervision during conditional release could often be dispensed with entirely. This would have to be decided on the basis of the offender's personality, record and offence, and would probably have better chances of success in countries which are not as yet highly industrialized, where the offender may be reabsorbed without any difficulty into the rural community and economy and where there is little likelihood of achieving that anonymity which may have some bearing on a renewed violation of the law. Nonetheless, a large number of offenders remain for whom supervision combined with some aid is necessary and desirable; while priorities to be given in this respect could be discussed, these would depend very largely on variations in conditions and resources in different countries.

32. Particularly as regards restriction of the place of residence and of proof of employment there is frequently a conflict between the protective policy exercised towards the offender and certain human rights which are considered to be the prerogative of every adult. In some penal systems the conditional release of offenders is deferred, notwithstanding their eligibility when they cannot prove that they have an employment. In some countries, persons trained in prison who have developed skills which are considered to be assets to the national economy are able to find employment immediately. In other countries, such factors as full employment or economic depression may make it very difficult to fulfil this condition for release even when all others have been met.

33. It would also be relevant to discuss how employment is to be found for prisoners who are to be released conditionally. Frequently the prison administration is charged with this task, which places a burden on its resources

quite apart from the fact that such a method more clearly identifies the person concerned as an ex-offender. Although this is a complex question, involving such matters as social security regulations, considerations should be given to the desirability of obtaining employment for conditionally released prisoners through the regular labour exchange. This should not exclude assistance from the prison administration which should co-operate with the labour exchange.

34. Certain activities may be forbidden for example, this may often include prohibiting released offenders from engaging in commerce connected with alcoholic beverages or in other occupations which by their nature might lead to undesirable associations and environments. Another prevalent practice is to debar released offenders from most, if not all, types of government service. Inquiry might be made into whether this prohibition, as also the permanent loss of certain civil rights, could not be left to the decision of the releasing authority rather than be automatic under the law.

35. The requirement of special treatment seems for the time being to exist only in a few countries and be limited to alcoholic and psychopathic offenders. Ways and means could profitably be explored with a view to extending to more than a few experimental groups this type of special assistance safeguarding the offender's final return to the community, and information on the results obtained could be more widely disseminated.

36. Further subjects recommended for inquiry in connexion with conditions for release are:

- (a) The desirability of follow-up studies of conditionally released offenders by requiring them to report to the prison administration five years after their release. Such notification could be one of the conditions imposed;
- (b) The advantages or otherwise of military service as a possible condition for release of young offenders;
- (c) The relationship between the need for supervision, the length of sentence and the age of the offender;
- (d) The desirability of a periodic review of conditions in long periods of conditional release;
- (e) The more extensive use of the proviso that offenders must return to their native village as a condition of release. This is the practice in at least one country and has the advantage that it may serve as an incentive

to the offender to go back to the land, remove him from undesirable slum surroundings and relieve over-taxed city welfare services. This may be a method particularly applicable in countries which are still predominantly agricultural.

(4) Administering authority and personnel

37. Different practices and theories govern the administration of after-care in different countries: sometimes after-care is statutory; sometimes it is voluntary; frequently it is both, responsibility for administering the various types of assistance given being divided between official and private organizations.

38. Practice and theory also differ as to the authority which should be responsible for official after-care personnel: this authority could be the social service attached to the court, the prison social service, an independent governmental after-care authority or a government department of social welfare. In the first two cases it is felt that supervision and assistance in freedom are a continuation of the treatment begun at the time of sentence and that the court or prison personnel have the added advantage of a thorough knowledge of the offender. In the third case, the argument is the one put forward earlier in favour of an independent releasing authority. Lastly, authority may be vested in a department of social welfare or similar body, either because it is felt that this function should be a part of general social welfare provisions or because, on account of insufficient personnel or a relatively small number of offenders, it is decided to employ multi-purpose personnel to carry out after-care duties.

39. After-care personnel may include specialized after-care workers on the staff of official agencies, semi-official organizations, private organizations or they may be volunteers who must usually report to trained after-care workers. There is a chronic lack of after-care personnel in most countries, partly because not enough public and private funds are available for the purpose and also because an insufficient number of persons have been trained in this field. With respect to the latter problem, it may be profitable to discuss the possibility of remedying this situation to some extent by eliminating some of the more theoretical requirements for the training of after-care personnel. Moreover, already existing social welfare bodies, even though not specifically established for the purpose of giving after-care, could be used to provide some of the services lacking in this field. Volunteers could also be allowed wider scope in after-care work, provided that they are properly selected and given certain preparatory training. They can often devote

more individualized attention to the released prisoner than does the specialized after-care worker, who usually has a heavy case-load, and for that reason they may contribute more effectively to the prisoner's return to freedom.

(5) Types of assistance given

40. The types of assistance most commonly given either singly or in combination to conditionally released prisoners in many parts of the world, can be divided into material and non-material aid. Material aid includes clothing; transportation to place of residence; subsistence money; providing necessary documents; shelter and help with employment problems. In addition to the detailed description of this aid given in the consultant's report, the following points may be raised.

41. In several countries, special homes have been established for conditionally released offenders and some of the questions which have arisen in connexion with pre-release hostels also apply to those homes. While such homes and hostels may fulfil a very useful purpose in providing the ex-prisoner with lodging and more immediate access to guidance, they may also do him a disservice in some respects by creating undesirable associations with other ex-prisoners, by possibly identifying him as an ex-prisoner in the community, and perhaps by serving as a "crutch" to avoid the achievement of independence. It may be useful to discuss the regulations and limitation to which such after-care should be subject.

42. Finding employment is, in many cases, the most serious problem which confronts the released offender. The usefulness may be discussed of establishing work shops on a wider scale for released offenders who cannot find employment on the normal labour market; this device is used in at least one country. One reply reported an experiment now being conducted whereby, through the device of accepting his work in the institution as his previous employment, the released prisoner is allowed to obtain the usual employment benefits to tide him over while he is looking for work. This idea may serve as a point of departure for other innovations. Another topic for discussion could be the removal of obstacles raised by labour unions to the employment of ex-prisoners, which make it very difficult in some countries for released offenders to use their skills.

43. Non-material aid consists of counselling the individual on problems which may make his readaptation to life in freedom difficult; group therapy; and special treatment for alcoholic and psychopathic offenders. In this connexion, it may be recalled that Rule 83 of the Standard Minimum Rules for the Treatment of Prisoners recommends that:

"It is desirable that steps should be taken, by arrangements with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social psychiatric after-care."

Available information indicates that thus far this Rule has not been extensively applied. It may be desirable to consider methods for increasing the extent of its application and also to consider whether it would be desirable and feasible to require drug addiction treatment as a requirement for conditional release for adults in countries where this particular problem occurs.

IV. ASSISTANCE TO DEPENDANTS OF PRISONERS

44. Assistance to dependants of prisoners is the one matter touched on in this report, which has not been previously discussed on a major scale and the exchange of views as well as proposals for innovation in this field would be particularly desirable.

45. The imprisonment of one of the parents may often disrupt the family and present serious emotional and material problems. In some cases, there may be sufficient stability and income in the family to weather this period; in others, the removal of the delinquent parent may actually afford psychological and even financial relief.

46. In most cases, however, emotional and financial hardship are likely to result for the remaining parent and for the dependent children. Members of the family may experience complex emotions such as anxiety, shame, resentment against, and concern for the prisoner. The family income may disappear or be considerably diminished if either parent is sentenced to imprisonment since either or both parents may be the source of the income. The children, particularly if they are very young, will be seriously affected whichever parent goes to prison. If it is the father, the mother may be obliged to leave the home to go out to work for the first time. If it is the mother, no one is left at home when the father goes out to work. Family attachments and the feeling of security are particularly important to small children. Behavioural problems, affective and material neglect, marital difficulties and the dissolution of the family may result in irreparable harm to all concerned.

47. Assistance to dependants of prisoners may be provided from many sources such as:

(a) Official agencies, which may provide assistance under the law subject to certain conditions mentioned below. Sometimes such aid must be specially requested by the prison or by the dependants, but dependants generally qualify for it under the general social welfare schemes which assist the needy in various countries;

(b) Semi-official and voluntary bodies, which are under no obligation to give assistance. Such bodies may range from the semi-official discharged prisoner's aid societies and highly diversified private social agencies to charitable associations whose help may consist of occasional gifts in kind;

(c) Prisoners' wages, which, in most countries where they are paid, tend to be more symbolic than real. Differences occur, however, in the provision made for dependants out of whatever wages the prisoner receives. In some countries a certain percentage is ear-marked for the family. In others the prisoner may give some of his earnings under ordinary or special circumstances. In still other countries, the prisoner's earnings may be given to his dependants without his consent;

(d) Family and neighbours who in certain societies may be the only source of help for the prisoner's dependants. This seems to be the case in some countries which are mainly agricultural and where the traditional structure of the society relies predominantly on the extended family.

48. Several conditions must usually be fulfilled before dependants of prisoners are granted assistance, whatever its source may be:

(a) The degree of dependency must be proven. In most countries aid is limited to the legal spouse and children and, usually, to the dependent parents of the offender. Some laws do, however, allow the extension of aid to the common-law family;

(b) The need for assistance must be established; if sufficient income is available, dependants are not given help.

(c) The willingness to work of the adult responsible for the family must be shown. Assistance is sometimes delayed if the need for funds is traceable to negligence of the prisoner's dependants.

49. The types of assistance most frequently given are:

(a) Funds to cover the essentials of rent, food and clothing. These and other aid for children are usually provided by the general social welfare scheme;

(b) Counselling on family problems, which may be given by official, semi-official or voluntary agencies or by religious bodies;

(c) Placement of children in foster homes or in child-care institutions, which may be necessary in some cases, but which frequently cannot be considered desirable from the point of view of the child;

(d) Gifts in the form of clothing, occasional sums of money of a purely charitable nature which may be provided by voluntary agencies or by religious bodies;

(e) Money for travel to and from the institution to visit the prisoner in order to maintain family relations. Indications are that this type of occasional help may come from the after-care associations, the institution itself, and sometimes from a fund to which the prisoners contribute part of their earnings.

50. It would seem desirable to establish firmly the principle that assistance to needy dependants of prisoners is a right rather than a privilege. As is the case in many countries, the granting of such assistance should therefore be regulated officially by government agencies or by semi-official bodies with government subsidies rather than being in the nature of contingent aid provided by charitable organizations whose scope may be limited in spite of their willingness and competence.

51. The limited information available on assistance to dependants of prisoners indicates that their status as dependants does not usually seem to have an unfavourable bearing on the aid they may request under the general welfare provisions which exist for needy persons in many countries. It should, however, be stressed that the conditions for aid enumerated above, which presumably apply to all needy persons requesting welfare assistance, should not have discriminatory stipulations attached, such as, for example, the provision that a prisoner has to be sentenced for a minimum of six months before his dependants are eligible for help.

52. Ways and means should be studied to avoid placement of children in institutions or foster homes whenever possible, and provided the atmosphere in their own home is not harmful to them; such placement represents a step further in breaking up the family and may make its reconstitution impossible after the offender's return to freedom. In this connexion, it will be recalled that certain countries permit the offender's family to live with him in the open institution; this policy, which was stressed earlier as benefiting the offender, should also be recommended as a positive method of assistance to his dependants.

53. It would be extremely useful to discuss the use of part of the prisoner's wages for the benefit of his dependants. If prison labour were to be adequately remunerated in a larger number of prison systems, such a discussion could be less

academic in nature. Little progress has been made in this direction,^{6/} however, and the need for the expanded application of the principle of equitable remuneration for prison labour cannot be sufficiently stressed. It should be given particular consideration in connexion with the support of dependants of prisoners, since in many cases it would serve a threefold purpose: (1) to establish or maintain an effective bond between the prisoner and his family, (2) to aid his dependants, and (3) to reduce, at least in part, the financial burden at present imposed upon the bodies which assist dependants of prisoners.

54. It has sometimes been argued that having the prisoner contribute regularly to the support of his family would in many cases be an excellent treatment technique. Such contributions might help both to develop his sense of responsibility and to aid his dependants to stay together, making them feel to a certain extent that no major break had occurred in the family relationship. Even at best, it is unlikely that full support of a family with part of a prisoner's wages would ever be possible; a certain proportion of his wages could, however, be set aside as a contribution to the support of the family. The allocation for family support should be mandatory, since some prisoners, when given a choice, may not want to give a large part of their earnings to their family; there is, however, no reason why the obligation of support which exists for all heads of family should not also apply to prisoners. On the other hand, it would seem inappropriate to permit the prison administration to give the entirety of the prisoner's earnings to his family without his consent, although this practice is permissible at least in one country.

^{6/} This holds true in spite of the resolution on prison labour adopted on 2 September 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Recommendation VII of this resolution states:

"Prisoners should receive an equitable remuneration for their work. This remuneration should be at least such as to stimulate keenness and interest in the work. It is desirable that it should be sufficient to enable prisoners at least in part to help their families,..."
op. cit., p. 77.

55. It has also been said that, under present circumstances, the sum which the prisoner could give regularly to his family would be so limited as to be useless and that, therefore, it would be preferable to accumulate these small sums so that the total could be used for the family upon the prisoner's release. Although there may be considerable merit in this view, one difficulty might be that the released prisoner would not necessarily use the sum for this purpose once he is in freedom and that further complications might arise if this were to be stipulated as a condition for release.

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