

Department of Economic and Social Affairs

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

Kyoto, Japan, 17-26 August 1970

Report prepared by the Secretariat



UNITED NATIONS
New York, 1971

NOTE

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

The Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, meeting at Kyoto, Japan, in August 1970, attended by participants from eighty-five countries representing all regions of the world,

Being deeply concerned with the increasing urgency of the need for the world community of nations to improve its planning for economic and social development by taking greater account of the effects that urbanization, industrialization and the technological revolution may have upon the quality of life and the human environment,

Affirming that inadequacies in the attention paid to all aspects of life in the process of development are manifest in the increasing seriousness and proportions of the problem of crime in many countries,

Observing that the world-wide crime problem has many ramifications, covering the range of conventional crime as well as the more subtle and sophisticated types of organized crime and corruption, and subsuming the violence of protest and the danger of increasing escapism through the abuse of drugs and narcotics, and that crime in all its forms saps the energies of a nation and undermines its efforts to achieve a more wholesome environment and a better life for its people,

Believing that the problem of crime in many countries in its new dimensions is far more serious now than at any other time in the long history of these Congresses, and

Feeling an inescapable obligation to alert the world to the serious consequences for society of the insufficient attention which is now being given to measures of crime prevention, which by definition include the treatment of offenders,

1. *Calls upon* all Governments to take effective steps to co-ordinate and intensify their crime preventive efforts within the context of the economic and social development which each country envisages for itself;

2. *Urges* the United Nations and other international organizations to give high priority to the strengthening of international co-operation in crime prevention and, in particular, to ensure the availability of effective technical aid to countries desiring such assistance for the development of action programmes for the prevention and control of crime and delinquency;

3. *Recommends* that special attention be given to the administrative, professional and technical structure necessary for more effective action to be taken to move directly and purposefully into the area of crime prevention.

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INTRODUCTION

I. Terms of reference

1. The Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was organized in conformity with paragraph (d) of the annex to General Assembly resolution 415 (V) of 1 December 1950, which provided for the convening of an international congress in this field every five years. The First Congress¹ was held at the European Office of the United Nations at Geneva, Switzerland in 1955; the Second Congress,² with the Government of the United Kingdom of Great Britain and Northern Ireland acting as host, at Church House and Carlton House, London, in 1960; and the Third Congress,³ with the Government of Sweden acting as host, at Folkets Hus, Stockholm, in 1965.

2. The Government of Japan generously invited the United Nations to convene the Fourth Congress on the Prevention of Crime and the Treatment of Offenders at Kyoto. The invitation was accepted by the Secretary-General on behalf of the United Nations, and the Congress was held at the International Conference Hall, Kyoto, from 17 to 26 August 1970.

II. Preparation

3. In preparation for the Fourth Congress, a special secretariat was established under an executive secretary. The secretariat arranged preparatory regional meetings at the headquarters of the United Nations Economic Commission for Africa (ECA) at Addis Ababa, Ethiopia, from 3 to 7 November 1969; at the headquarters of the United Nations Economic Commission for Asia and the Far East (ECAFE) at Bangkok, Thailand, from 24 to 28 November 1969; and at Buenos Aires, with the Government of Argentina acting as host, from 1 to 6 December 1969. The United Nations, in co-operation with the League of Arab States and the Government of Kuwait, the host Government, arranged a preparatory meeting of Arab States from 4 to 9 April 1970.

4. In preparing for the Congress, the Executive Secretary consulted a number of Governments in Europe and North America.

¹ *Report of the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No. : 56.IV.4).

² *Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No. : 61.IV.3).

³ *Third United Nations Congress on the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No. : 67.IV.1).

5. The Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, which met at Rome, Italy, in June 1969, considered, *inter alia*, the organization of the Fourth United Nations Congress and gave its advice on the items that might be included in the Congress agenda and on various other questions concerning the preparation and organization of the Congress.⁴ The rules of procedure for the Congress were prepared by the United Nations Secretariat; the text is reproduced in annex II.

6. The responsibility for running the Congress was shared by the United Nations and the Government of Japan. The Government appointed a Japanese Organizing Committee, composed of representatives of various departments of the Government of Japan, under the chairmanship of Mr. Minoru Tsuda, Vice-Minister of Justice. The Ministry of Justice co-operated with the United Nations Secretariat in servicing the Congress.

III. Participation

7. The following categories of persons were entitled to attend the Congress: experts designated by Governments invited to participate in the Congress; representatives of the specialized agencies of the United Nations, of intergovernmental organizations and of non-governmental organizations in consultative status with the Economic and Social Council and interested in, or concerned with, social defence matters; and qualified individuals.

8. All States Members of the United Nations and members of its specialized agencies were invited by the Secretary-General to appoint representatives to participate in the Congress. The United Nations Children's Fund (UNICEF), and three intergovernmental organizations interested in the questions on the agenda were invited to send representatives to the Congress.

9. Invitations to participate in the Congress were also addressed to interested non-governmental organizations in consultative status with the Economic and Social Council and to the International Penal and Penitentiary Foundation (IPPF).

10. Subject to the acceptance of their applications by the United Nations Secretariat, persons having a direct interest in the field of social defence, including representatives of criminological institutes and of national non-governmental organizations concerned with social defence matters, could participate in the Congress in an individual capacity.

⁴ See E/CN.5/443, paras. 10-43.

11. The Secretary-General also invited all the national correspondents with the United Nations in the field of social defence to attend the Congress in an individual capacity unless designated as Government delegates.

12. There were 1,014 registered participants, from eighty-five countries, in the Congress. Of that number, 388 were designated by their Governments. The list of participants, by category, is given in annex I to this report.

13. The United Nations Children's Fund, the International Labour Organisation (ILO) and the World Health Organization (WHO) were represented at the Congress, as were the Council of Europe and the League of Arab States. Five persons attended as representatives of those organizations.

14. Thirty non-governmental organizations in consultative status with the Economic and Social Council sent a total of seventy representatives. The International Penal and Penitentiary Foundation (IPPF) designated four representatives and provided its Japanese members with funds to assist two independent experts, to be selected from any country, to attend.⁵

15. Attending the Congress as individuals were 556 persons, including some experts from countries not officially represented at the Congress and some from Trust Territories and Non-Self-Governing Territories. The United Nations Office of Technical Co-operation approved the use of country funds to assist certain experts from developing countries who were not included in any official delegation to attend the Congress.

16. In addition to those officially registered as participants in the Congress, fourteen persons especially invited attended the Congress (see annex I).

IV. Agenda

17. The programme of the Congress was devoted to the general theme of crime and development. That theme was interpreted broadly so as to focus attention on crime and delinquency, not merely as a problem of behaviour and law enforcement, but as a phenomenon closely associated with economic and social development. The programme comprised the following agenda items:

(1) Social defence policies in relation to development planning;

(2) Participation of the public in the prevention and control of crime and delinquency;

(3) The Standard Minimum Rules for the Treatment of Prisoners in the light of recent developments in the correctional field;

(4) Organization of research for policy development in social defence.

18. The inclusion in the agenda of the third item, the Standard Minimum Rules for the Treatment of Prisoners, which is not so obviously linked to the main theme, was recommended by the United Nations Consultative Group on the Prevention of Crime and the Treatment of Offenders at its second session, held at Geneva, Switzerland, in August 1968.⁶

⁵ The experts thus selected were Mr. Manuel López-Rey (Bolivia) and Sir Leon Radzinowicz (United Kingdom).

19. During the Congress, one and a half days were devoted to lectures. The Secretary-General had invited six persons prominent in the field of the prevention of crime and the treatment of offenders to address the Congress. Summaries of those lectures may be found in part three of this report. A special lecture on criminal justice, correctional treatment and rehabilitation in Japan was delivered by Mr. Seiichiro Ono (Japan) at the first plenary meeting.

V. Documentation

20. The documentation prepared by the United Nations Secretariat for the Congress represented a reversion of the procedure followed for the First and Second Congresses and sought to provide a comprehensive background for the discussions by examining the elements of the problems, indicating the preoccupations of developed and developing countries. An innovation of the Fourth Congress was the consideration at the regional meetings of a discussion guide based on the first draft of the working papers and the incorporation of the results of the regional discussions in the final text of the working documents issued in 1970. That procedure had ensured a wide coverage of the subjects before they were actually placed before the Congress.

21. Four issues of the *International Review of Criminal Policy* also served as background documentation for the Congress. They dealt, respectively, with: (a) the prevention of crime and delinquency in the context of national development (No. 25);⁷ (b) the Standard Minimum Rules for the Treatment of Prisoners and other aspects of institutional treatment in both developed and developing countries (No. 26);⁸ (c) participation of the public in the prevention of crime and the treatment of offenders (No. 27);⁹ and (d) the examination of the manner in which research is being organized and utilized for policy development in social defence (No. 28).¹⁰

22. At the request of the United Nations Secretariat, one of the specialized agencies participating in the Congress, as well as the International Criminal Police Organization (INTERPOL) and several non-governmental organizations, submitted papers in connexion with the agenda items. A complete list of Congress documentation is given in annex III.

23. Throughout the Congress, the United Nations Secretariat issued a daily journal covering the day's proceedings, carrying various announcements and including the agenda for the following day.

VI. Officers

24. At its opening meeting, the Congress elected the following persons as its officers in accordance with rule 12 of the rules of procedure:

⁶ See *Report of the United Nations Consultative Group on the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No.: E.69.IV.3).

⁷ United Nations publication, Sales No. : E.68.IV.7.

⁸ United Nations publication, Sales No. : E.70.IV.1.

⁹ United Nations publication, Sales No. : E.70.IV.7.

¹⁰ United Nations publication, Sales No. : E.70.IV.9.

President:

Yoshitsugu Baba, Attorney-at-Law, former Prosecutor-General, Japan;

Honorary President:

Takeji Kobayashi, Minister of Justice, Japan;

Vice-Presidents:

Maurice Ayclot, President of the Supreme Court, France;

Kristian Block, Secretary-General, Ministry of Justice and Police, Norway;

Alfredo Buzaid, Minister of Justice, Brazil;

C. O. E. Cole, Chief Justice of the Supreme Court, Sierra Leone;

Svetla Daskalova, Minister of Justice, Bulgaria;

Jean Dupréel, Secretary-General, Ministry of Justice, Belgium;

Aly Nour El-Din, Attorney-General, United Arab Republic;

Lennart Geijer, Minister of Justice, Sweden;

Francis Laurence T. Graham-Harrison, Deputy Under-Secretary of State, United Kingdom;

Pietro Manca, Director-General, Correctional Administration, Ministry of Justice, Italy;

Robert Stanbury, Minister without Portfolio, Canada;

Robert J. Traynor, former Chief Justice of California, United States of America;

Minoru Tsuda, Vice-Minister of Justice, Japan;

Boris Alekseevich Victorov, Vice-Minister of the Interior, Union of Soviet Socialist Republics;

Stanislaw Walczak, Minister of Justice, Poland.

Honorary Vice-Presidents:

Herman Mannheim, Emeritus Professor of Criminology, University of London, United Kingdom;

Akira Masaki, President, Japanese Correctional Association, Japan.

25. Mr. Philippe de Seynes, Under-Secretary-General for Economic and Social Affairs; and Mr. Kurt Jansson, Director of the Social Development Division, represented the Secretary-General at the Congress. Mr. William Clifford had been appointed Executive Secretary of the Congress in 1969. Mr. Minoru Shikita, Officer-in-Charge of the Social Defence Section, served as Deputy Executive Secretary.

26. In accordance with rule 13 of the rules of procedure, the Secretary-General designated, in advance of the Congress, the Chairmen, Vice-Chairmen and Rapporteurs for each of the four sections. The list of officers so designated and placed for affirmation before the Congress at its first plenary meeting was as follows:

Section I. Social defence policies in relation to development planning

Chairman: Conrado Sanchez (Philippines);

Vice-Chairman: Josef Brncić (Yugoslavia);

Rapporteur: E. A. Missen (New Zealand);

Panel: Marshall Clinard (United States of America);

Willem Duk (Netherlands); Josef Godony (Hungary);

Dr. B. A. Lebedev (World Health Organization); Peter

Lejins (United States of America); Atsushi Nagashima

(Japan); I. O. Timoshenko (Byelorussian Soviet Social-

ist Republic);

Technical Adviser to Chairman: Torsten Eriksson;

Consultant: Denis Szabo (Canada).

Section II. Participation of the public in the prevention and control of crime and delinquency

Chairman: G. Z. Anashkin (Union of Soviet Socialist Republics);

Vice-Chairman: Andrew Saikwa (Kenya);

Rapporteur: Hamid Zahedi (Iran);

Panel: Adnan B. Haji Abdullah (Malaysia); Dudley Allen (Jamaica); Paul Amor (France); Adolfo Beria di Argentine (International Society of Social Defence); Jean-Pierre Bouba (Central African Republic); Alfredo Buzaid (Brazil); Ahmed Derradji (Algeria); Giuseppe di Gennaro (Italy); Juan Manuel Mayorca (Venezuela); Milton Rector (United States of America);

Technical Adviser to Chairman: Ahmed Khalifa;

Consultant: Norval Morris (Australia).

Section III. The Standard Minimum Rules for the Treatment of Prisoners in the light of recent developments in the correctional field

Chairman: Marc Ancel (France);

Vice-Chairman: L. Nordskov-Nielsen (Denmark);

Rapporteur: Séverin-Carlos Versele (Belgium);

Panel: John Braithwaite (Canada); Brian C. Cubbon (United Kingdom); Jean Dupréel (Belgium); J. C. García-Basalo (Argentina); Tadahiro Hayama (Japan); J. C. Maddison (Australia); Richard A. McGee (United States of America); Erik Nyman (Sweden); Jyotsna H. Shah (India); Valentin Timofeevich Kolomiets (Ukrainian Soviet Socialist Republic);

Technical Adviser to Chairman: V. N. Pillai.

Consultant: Gerhard O. W. Mueller (United States of America);

Consultant to prepare report for Human Rights Division: J. L. Robson (New Zealand).

Section IV. Organization of research for policy development in social defence

Chairman: Thorsten Sellin (United States of America);

Vice-Chairman: Abdellatif Faisal Al-Thuwaini (Kuwait);

Rapporteur: Knut Sveri (Sweden);

Panel: Inkeri Antilla (Finland); Dr. Franco Ferracuti (Italy); Ryuichi Hirano (Japan); Joseph M. Nume Kakooza (Uganda); Vladimir N. Kudriavtsev (Union of Soviet Socialist Republics); Tom S. Lodge (United Kingdom); Elmer K. Nelson (United States of America); Ivan Nenov (Bulgaria);

Technical Adviser to Chairman: Edward Galway.

Consultant: Guy Houchon (Belgium).

27. In conformity with rules 26 and 27 of the rules of procedure, the Steering Committee of the Congress comprised the following members: Y. Baba, President of the Congress (Chairman of the Committee); K. Jansson, representative of the Secretary-General of the United Nations; M. Tsuda, representative of the host Government; R. Stanbury, representative of the host Government for the next quinquennial Congress (Canada);¹¹ C. Sanchez (Philippines), Chairman of section I; G. Anashkin (USSR), Chairman of section II; M. Ancel (France), Chairman of section III; T. Sellin (United

¹¹ Mr. Stanbury was unable to attend and was replaced, at the request of the Canadian delegation, by Mr. J. Braithwaite.

States of America, Rapporteur of the Committee), Chairman of section IV; T. Eriksson (Sweden), co-opted member; F. L. Okwaare (Uganda), co-opted member; R. Traynor (United States of America), co-opted member; B. Victorov (USSR), co-opted member; W. Clifford, Executive Secretary of the Congress; M. Shikita (Secretary of the Committee).

VII. Organization of work

28. In accordance with rule 7 of the rules of procedure, the items on the agenda of the Congress were allocated to four sections. Sections I and III, and sections II and IV met concurrently; each held five meetings. The Congress held three plenary meetings and also met on several occasions to hear the general lectures referred to above.

29. The working languages of the Congress were English, French, Russian and Spanish; simultaneous interpretation into and from these languages was provided, as required, during all plenary meetings, section meetings, and lectures. The host Government provided Japanese participants with interpretation facilities from English into Japanese and from Japanese into English.

30. Discussions were initiated and guided by small panels selected by the Secretary-General, with due regard to geographical representation, as may be seen from the list of officers given above.

VIII. Small-group meetings

31. While it was not possible to service all the small-group meetings with four-language interpretation, all other facilities were made available. Accommodation and secretarial help were provided by the host Government, and the United Nations commissioned a consultant, Mr. Benedict S. Alper (United States of America), to assume responsibility for services to organizations or individuals wishing to convene meetings for groups of participants with common interests.

32. In all, ten meetings providing for a variety of interests were held. Some of these meetings, such as the quinquennial meeting of the International Penal and Penitentiary Foundation, which was attended by thirty participants, were those traditionally held during the Congress. Mr. Jean Dupréel (Belgium) was elected President and Mr. Pier Allewijn (Netherlands) was elected Secretary-General of the Foundation. Other meetings had not previously been held in connexion with the Congress.

33. In view of the fact that a number of alumni and visiting experts of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders were in attendance at the Congress, a meeting of the *Ad Hoc* Advisory Committee of the Institute was held at the International Conference Hall, Kyoto, on 21 August 1970. Representatives of Governments of countries in the ECAFE region were among the participants. The Director of the Institute, Mr. A. Nagashima, led a discussion of the Institute's work and of the training and research activities it planned for the future.

34. The International Association of Penal Law, the International Society of Social Defence, the International Society for Criminology and the International Penal and Penitentiary Foundation held a joint meeting during the course of the Congress; and their representatives subsequently held a special meeting with the Executive Secretary of the Congress to explore the prospects for improving the co-ordination of international work for crime prevention.

35. The representatives of the International Union for Child Welfare and the International Catholic Child Bureau convened a meeting on the subject of families of prisoners, which was attended by participants from five countries. Several special aspects of the problem were discussed, including the lack of research on the effects of the imprisonment of a father (or a mother) on the family and children.

36. Participants from eight countries attended a special meeting on the topic of the police and social defence, which was addressed by Marshall Clinard (United States of America). That exchange of ideas and experience led to a unanimous suggestion that one of the subjects for the next Congress might be the role of the police in social defence.

37. Probation and parole officers held a meeting which was attended by twenty-nine persons. Work-release, staff-training, the procedure for parole hearings and possible representation by counsel were among the subjects discussed.

38. Some twenty-four criminologists and sociologists joined in a far-ranging discussion of the place of criminology in the field of sociology, which included consideration of the non-legal treatment of juvenile delinquents, the criminological training of research workers to meet the demand and the place of criminology in the training of law students. At a follow-up meeting attended by seventeen teachers of criminology and penology, various conceptualizations, curricula content and the expectations of students were discussed. It was decided to exchange information on curricula being used by participants.

39. A joint meeting of the International Society of Social Defence and its Japanese counterpart was held with some twenty persons in attendance. Mr. Marc Ancel (France), President of the Society, gave a short address in which he defined social defence and traced its development as an idea. Japanese participants then described their programmes and their objectives, and a discussion followed, which led to the Japanese being requested to provide a report detailing their thinking and activities for the benefit of the other social defence groups.

40. Two meetings were held for representatives of the African region and the Caribbean area with the United Nations Interregional Adviser on Social Defence, to discuss the questions of technical assistance in those areas and in the prospects of future improvement. Before the Congress, the quinquennial meeting of the International Prisoners Aid Society had been held at the International Conference Hall at Kyoto, by arrangement with the host Government.

41. All the meetings were found to be useful and it was proposed that they should be continued at future Congresses.

IX. Other activities

42. The Government of Japan generously organized group visits to a number of institutions for adult and juvenile offenders in and around Kyoto each working day, a special group visit to various social defence institutions outside of Kyoto on 21 August 1970 and a group visit to Expo 70. More than one hundred Japanese families extended invitations to their homes to participants. A programme of interest to the wives of participants also was organized.

43. The Government of Japan also organized an international exhibition in which all Governments invited to participate in the Congress were asked to take part. The purpose of the exhibition was to show new developments in the planning, construction and administration of penal and re-educational institutions. The display was arranged in the International Conference Hall at Kyoto.

44. Hospitality extended to the Congress included receptions by the Minister of Justice, Japan, the President of the Congress, the President of the Japanese Correctional Association and the Mayor of Kyoto, as well as dinners offered by the Government of Japan and recep-

tions given by the United Nations, by various delegations and by several non-governmental organizations.

45. A bookstall for the sale of United Nations and other publications in the field of social defence was provided at the Conference Hall.

X. Publicity

46. The work of the Congress was covered extensively by television, the press and radio. A United Nations press officer issued press releases and arranged for press conferences with United Nations officials and Congress officers, as well as interviews with delegates for broadcasting to their respective countries. Articles concerning the Congress appeared in newspapers throughout the world.

47. While the Congress was sitting, a Japanese air liner was hijacked and to meet the demands of the press for additional information on the hijacking of aircraft from experts attending the Congress, a special meeting of selected experts was convened and an informal discussion of this subject was televised. The following experts attended the meeting: Remiguisz Bierzanek (Poland); W. Clifford (Chairman of the meeting); C. O. E. Cole (Sierra Leone); Dr. Franco Ferracuti (Italy); Omar Lima Quintana (Argentina); Holger Romander (Sweden); Roger Traynor (United States of America); Tatsusaburo Tsuji (Japan); Ivan Nicolle (Secretary of the meeting).

PART ONE. DELIBERATIONS OF THE CONGRESS

I. Opening plenary meeting

48. The Congress was graced at its opening, on 17 August 1970, by the presence of Their Imperial Highnesses Prince and Princess Takamatsu, who were introduced by Mr. Taro Otake, Parliamentary Vice-Minister of Justice of Japan.

49. His Imperial Highness Prince Takamatsu extended a warm welcome to all participants, wished them success in their work and expressed the hope that the Congress would contribute to the achievement of a better quality of life for all mankind.

50. A personal message to the Congress from Mr. Eisaku Sato, Prime Minister of Japan, was read by Mr. Yoshiho Yasuhara, Deputy Vice-Minister of Justice of Japan. The Prime Minister warmly welcomed the participants who had come from all over the world to attend the Congress, which had such a distinguished tradition and which was being held in Asia for the first time. Recent progress in the technological and industrial spheres had been astounding, but it had not brought about the harmonious advancement of peace to man's society as a whole; in fact, it seemed to produce newer, more diversified and more complex types of criminal phenomena. The theme of the Congress, crime and development, was meaningful and timely; and it provided an opportunity for international discussion on the many problems facing all countries. It was the first step in the establishment of the most appropriate social defence policies for the 1970s and should contribute to the realization of a peaceful international society and harmonious progress for all mankind. He wished the Congress success and hoped that participants from overseas would take the opportunity to broaden their understanding of Japan and its people by familiarizing themselves with its social and cultural situation, including a visit to Expo 70, which had the theme of progress and harmony for mankind.

51. Mr. Kazuto Ishida, Chief Justice of the Supreme Court of Japan, observed that, with economic expansion and the technological revolution, life had become a great deal more complicated; and, consequently, the problems of crime prevention and control had become more complex and subtle. He observed that it was not enough to rely on the deterrent effect of punishment as a counter-measure to crime. The prevention and control of crime, under modernizing conditions, required many and varied measures to be considered in relation to national economic and social policies. The prevention of crime could not be left solely to the police, prosecutors, courts and correctional institutions, but required the full and co-ordinated co-operation of all segments of society. It was also important to safeguard due process in criminal procedures

and humane principles in the treatment of offenders. As society became more complex, increasingly important and subtle questions were raised concerning the harmonization of the need for the preservation of offenders' rights with the requirements of more effective crime prevention.

52. Mr. Takeji Kobayashi, Minister of Justice of Japan, traced the history of the Congress to the First International Prison Congress, which had been held in 1846, and observed that, on the eve of the Second United Nations Development Decade, it was particularly significant that the Congress had been convened to discuss the subject of crime and development and to lay down guiding principles for the most effective and humanitarian social defence policies for the Decade.

53. In formally opening the Congress, Mr. Philippe de Seynes, Under-Secretary-General for Economic and Social Affairs speaking on behalf of the Secretary-General of the United Nations, thanked the Government of Japan for its generous hospitality. He observed that the innovative passion of the country, which had been the motive power of its recent success, was well exemplified by the fine cultural centre in which the meeting was being held and by the subjects selected for discussion, which had so many novel features. He said that since the Third Congress in 1965, the problem of criminality had assumed new proportions; and it could no longer be regarded as a social blemish which might be kept to tolerable levels by a combination of more or less effective preventive and repressive measures.

54. Mr. de Seynes called for bolder and better co-ordinated action, both nationally and internationally, to meet the problem of crime. He said that internationally too little energy and too few resources were being devoted to the elucidation of a problem that was beginning to be recognized as being of major importance to the future of society and to the humanitarian ideals which inspired the Organization. The past few years had had the dual effect of acceleration and revelation. Crime was acknowledged as a current socio-political problem of the first order—a problem which was substantially altering and, at the same time, calling into question some of the fundamentals of society, and one which, if it were to be dealt with successfully, demanded not just measures of a technical nature, but comprehensive action conceived at the highest political level.

55. Violence as a form of protest, as well as drug addiction, he said, had assumed a significance nobody could have foreseen at the time of the Third Congress. The need to cope with them effectively was engaging a considerable proportion of the activities of the law enforcement agencies, many of which had been over-

whelmed by the very scale of the phenomena and surprised by their unconventionality. Fear was affecting more and more of people's daily habits and decisions as the danger grew of kidnappings, the "hijacking" of aircraft and the wave of crimes committed with impunity in the huge urban conglomerations whose complexity frustrated ordinary police techniques. The function of protection, which had long been considered a public responsibility, was being assumed more and more by private persons. From social defence the public was turning to self-defence. The situation in some modern apartment buildings, where people retreated behind double-locks, television cameras and private security services from the dangers in the streets outside, might even be compared to the situation at mediaeval Kyoto, with its seigniories offering protection to the local population. The methods adopted by certain groups to protect themselves were frustrating efforts to promote social integration; and the resulting polarization and insularity would tend to enlarge social rifts, creating opportunities for those with criminal ingenuity and a capacity for playing off one interest group against another. Doubt, too, had crept in with respect to many of the values that were considered safe and stable, and the very content of criminality was changing rapidly. Consequently, a dilemma had arisen—that of keeping order in a world in which social stratification and the power structure were being repudiated by a large fraction of the population, which did not always possess constitutional means of bringing about the desired changes. That dilemma was crucial in all major industrial societies; but, through a process of osmosis characteristic of the modern world, it was being rapidly transmitted to those countries which were currently grappling with the first dislocations of modernization.

56. Following the election of Mr. Yoshitsugu Baba as President of the Congress, and of its other officers, the Executive Secretary of the Congress outlined the structural, procedural and technical features of the meetings which were to follow. In accordance with rule 13 of the rules of procedure, he read the list of section Chairmen, Vice-Chairmen, Rapporteurs and Panel members, and stated that Sir Leon Radzinowicz had been designated as an independent General Rapporteur.

57. Mr. Boris A. Victorov (Union of Soviet Socialist Republics), speaking on behalf of his own delegation and those of the Byelorussian and Ukrainian Soviet Socialist Republics, welcomed the opportunity that the Congress presented for participants to exchange views and experience in the field of crime prevention. He stressed the principle of universal representation at the Congress and protested the fact that the German Democratic Republic had not been officially invited.

58. The President thanked Mr. Victorov for his remarks and said that the meeting fully understood his point of view; the Congress, however, being a professional one, was not really competent to pronounce on political questions.

59. Mr. Seiichiro Ono, Professor Emeritus of Tokyo University and Special Adviser to the Minister of Justice, then delivered the opening lecture. He observed that crime was a universal phenomenon though its manifesta-

tions varied. The function of modern penal codes was to protect and preserve society while guaranteeing individual freedom and human rights. Those functions, which were the basic tenets of criminal policy, had to be properly co-ordinated not only in the criminal justice process, but also in the correctional treatment of offenders during the execution of the sentence and subsequent rehabilitation. Mr. Ono then outlined the patterns of crime in Japan from the Meiji Restoration to modern times and traced the development of Japanese penal legislation and various institutions responsible for implementing criminal policy. He described the procedures followed in the administration of criminal justice, corrections and rehabilitation, including the sentencing practices, probation system and treatment of juvenile offenders, stressing the need to ensure the co-operation and participation of private citizens in those matters.

60. In Japan, rapid economic and social change had generated many problems which exerted a profound impact on the administration of criminal justice and the processes of correction and rehabilitation. He stated that a review of the Japanese penal code was envisaged, as was new legislation dealing, *inter alia*, with the treatment of mentally disturbed offenders, drug-addicted offenders and juvenile delinquents. Emphasis was also being placed on the further development of community-based treatment. Although criminological institutions varied in character, they had to be integrated within a single national system. There was an essential need for an objective approach to crime and criminal policy, based on sufficient empirical data, a deep understanding of human nature and respect for human beings. Criminal policy reflected the historical and dynamic aspects of human society; and, like criminal law, it must be integrated in the understanding of the interplay of liberty and responsibility that characterized human existence.

II. Reports on the discussions

A. REPORT ON AGENDA ITEM (1) : SOCIAL DEFENCE POLICIES IN RELATION TO DEVELOPMENT PLANNING

Rapporteur: E. A. MISSEN (New Zealand)

61. At the beginning of the discussion of social defence policies in relation to development planning, it was observed that measures taken to prevent or control crime were investments; they attracted scarce resources from alternative uses. Development that did not lead eventually to a more equitable distribution of benefits was a questionable endeavour. Therefore, any dichotomy between a country's policies for social defence and its planning for national development was unreal by definition.

62. The relationship between development and crime had been considered within the United Nations framework for some time, and the Fourth United Nations Congress became both the vantage point for reviewing and co-ordinating past endeavours and the venue for formulating practical guiding principles for policy and for devising imaginative programmes for action.

63. More specifically, the purpose of the discussion

was to consider the facts and problems confronting countries at various stages of development, to provide information on national policies and programmes concerned with the prevention of crime and the treatment of offenders, and to examine conditions in society that could be criminogenic, with a view to exploring ways and means of planning to prevent, contain and combat crime, and to establish a better society.

64. As a background for its discussion, the Congress had a working paper prepared by the United Nations Secretariat (A/CONF.43/1) and a paper entitled "Health planning in relation to social defence planning" (A/CONF.43/L.1) contributed by the World Health Organization. The Congress was also provided with the report of the *Ad Hoc* Meeting of Experts on Social Defence Policies in Relation to Development Planning (E/CN.5/443), held at Rome in June 1969, and the reports of the regional meetings held in Africa, Asia, Latin America and the Middle East in preparation for the Congress. Those papers are referred to as appropriate in this report.

1. CRIME AND DEVELOPMENT: THE SOCIO-ECONOMIC CONTEXT

65. It was acknowledged that although the pattern of crime varied according to the political and social structure of a country, the subtlety of the relationship between crime and change in a society could not be oversimplified. While it might appear that as a country began to open up, outgrow its traditionalism and respond to outside influences or to new internal ideas and pressures, there tended to be an increase in crime, particularly youthful crime, there was agreement that the relationship between changes in a country's economic and social structure and people's attitudes and modes of behaviour was one not yet adequately traced nor properly understood; the most that could be said, perhaps, was that increasing crime was often associated with rapid change.

66. On the other hand, it was observed that whether development actually caused crime could depend upon the nature of the development process itself; it would be unjustified to state categorically that development caused crime. Such certitude was excluded not only because "crime", "prevention" and "development" were multisignificant terms which varied according to culture and interpretation, but because the concept of causation was itself subject to interpretation. Nor should any inexorable correlation between urbanization and criminality be assumed. Urbanization itself took a variety of complex social and economic forms in different countries.

67. While different economic and social backgrounds would give different aspects to the phenomena of crime, there was, in general, agreement that the main aspects of development considered potentially criminogenic were urbanization, industrialization, population growth, internal migration, social mobility and technological change; they were so considered because of their indirect effect upon the behaviour of some people.

68. The relationship of urbanization and industrialization to criminal behaviour was discussed extensively. It was, in general, agreed that many of the factors asso-

ciated with development, such as temporary housing, disorientation of family life and residual unemployment, were conducive to crime and delinquency. The rate of change was also seen as a significant factor. Rapid population growth, whether from natural increase or massive immigration, accentuated the pressures within the changing societies. It was emphasized, however, that with adequate forethought and planning, positive steps could be taken to alleviate and obviate what was referred to as the "negative" effects of developing societies. That effort would entail the provision of adequate housing and educational and recreational facilities, and assistance in job placement and in the general process of resettlement.

69. Crime currently was largely a manifestation of urban life, but it would be a mistake to associate it only with the slum areas of large cities. The Congress took note of the observation of the Under-Secretary-General for Economic and Social Affairs, who, in opening the Congress, had drawn attention to the amount of organized crime and "white-collar" crime perpetrated by the more affluent and "respectable" residents of such cities. Considering the climate of life in many large urban areas, their shifting populations, with their anonymity and opportunity, this tended to breed a variety of criminal subcultures. The formation of those undesirable subcultures, however, could be avoided by wise planning.

70. The increasing rate of crime by young offenders was of special concern to modern society; and, indeed, it was felt that the future of societies could be threatened if answers were not found to the problem. Juvenile delinquency, according to several speakers, derived from changing values in society and the questioning of traditional forms of authority and behaviour, the absence or inadequacy of normal family life, and, often, from a failure, for one reason or another, to reach normal standards of achievement. In the latter connexion, it was observed that many juveniles were drop-outs from the educational system and hence were limited in their earning capacity. Mental and physical disabilities were recognized also as being important factors in certain cases.

71. The crime problem in many areas of the world was intensified by youths in large numbers leaving their homes in rural areas to seek work in the cities. Difficulties of adjusting to new standards, expectations and conditions, and problems of finding work or suitable employment, and in facing the new social environment without adequate support, often led weaker personalities into deviant behaviour. It was further observed that in some countries the process of physical transfer was compounded by cultural change inherent in the shift of minority racial groups to the cities; many youths were thus deprived of the supports and sanctions of the well-understood traditional culture. Bewilderment, extreme loneliness and frustration led all too frequently to unlawful adjustments to new situations.

72. In some countries, the existence of graft and corruption also was seen as a threat to progress.

73. Considerable discussion centred around the new and emerging forms of crime. The increase of so-called

"white-collar" crime, currently assuming new dimensions; drug abuse and addiction, credit-card offences, false advertising and packaging, and stock manipulation were cited as examples. The most recent and dramatic of such crimes was, however, the hijacking of aeroplanes. On that matter, one speaker affirmed that from 1967 to July 1970, there had been 120 instances of illegal seizures in flight and fourteen cases of sabotage and armed attack affecting eighty-seven countries. In all, the lives of 7,000 passengers had been placed in jeopardy; ninety-six persons had been killed and fifty-seven wounded. Of the persons committing those crimes, only seventy-two had been apprehended and presumably more than 500 of them has escaped. Kidnapping, as a means of obtaining unlawful concessions from Governments, was also giving increasing cause for alarm. The situation thus called for immediate international intervention.

74. The Congress considered also the matter of the "creation" of crime, or the inducement of crime-generating conditions by the inappropriate use of criminal justice for purposes for which it was ill-suited and in situations it frequently distorted. It could well be that social change brought problems of division and inadaptability which must be dealt with, but which could not be solved by law. The readiness of many societies to seek refuge in penal legislation before considering other legal and, perhaps, more practical social outlets and administrative solutions could increase the crimes reported. That increase might then appear to be a result of development but, in reality, it would be an unwarranted extension of law over human conduct not previously considered criminal. A progressive build-up of unnecessary legislation could profoundly change the very meaning of crime in any society and make the administration of justice cumbersome, if not, indeed, oppressive.

75. The Congress felt it to be pertinent to mention that over the preceding twenty years there had been an increasing trend in many countries towards the use of sanctions aimed at reducing recourse to imprisonment. The greater use of the fine, probation, the suspended sentence and periodic detention were well-known instances of such procedure. The advantages of allowing the offender to remain in employment and thus to be able to continue support of his family were clear.

76. There was also evidence of an increasing interest in, and a growing desire to supplement, the processes of law (and, in some cases, to supplant them) by the use of informal, non-legal sanctions within society itself. Existing types of social control in the form of people's or comradeship courts were cited. Not only the limitations, but the positive dangers of branding juveniles as criminals or of punishing already deprived or inadequate or medically unfit persons were reviewed. It was recognized as important that public measures to prevent and combat crime were only part of the total systems of social control. Broad social planning had to address itself to the functions and efficacy of other than purely legal forms of control. Methods of strengthening informal social controls through the family, the neighbourhood, the peer groups and the local community were thought to be particularly valuable and in need of further development in all parts of the world.

2. PLANNING

77. The view that social defence planning should be an integral and essential part of planning for national development was accepted without question. Planning should provide for the total well-being of the community—economic, social and cultural. It should seek to preserve and to build up those things recognized in society as enabling each member to live a full, satisfying life, to achieve his aspirations for a better future, to have work and to enjoy justice and decency. Over-emphasis on the purely material objectives of planning should be avoided. In that way, planning would be an investment for the future—an investment which society could scarcely afford to neglect.

78. The development process had a bearing on the prevention and control of juvenile delinquency and criminality. The question for the planner, however, was how to deal effectively with the various aspects of development so as to achieve economic growth and higher levels of living, while at the same time preventing delinquency or containing it within limits acceptable to the society. Criminologists could help in answering this question by maintaining a constant dialogue with the economic and social planner; and by paying particular attention to the modification, changes and shifts of policy needed in education, health, housing, industrial and regional development, and legislation. The modalities for effective communication depended, of course, upon the situation in each country. One means of institutionalizing such communication was the use of standing *ad hoc* consultative committees composed of criminologists, social defence administrators and representatives of the police, the courts and the correctional and social welfare agencies. In that way, advice on the criminal justice system and its operation, and on questions of prevention could be given to planners, to the legislature and to others designing social action.

79. The interdisciplinary nature of planning was emphasized. Crime was a complex phenomenon springing from the interaction of social, economic and cultural forces. Consultation and communication must therefore be secured across the whole spectrum of planning activity if proper balance was to be established and maintained. It was pointed out that planning, if it was to be truly interdisciplinary and intersectoral, must be informed by the social and behavioural sciences. Furthermore, planning must provide for both long-term and short-term needs. As one speaker put it, planning was needed on broad fronts to secure community services to support the family and, in turn, to support, in a social defence context, the judicial services with alternatives to custodial and institutional treatment. Planning was also needed to provide support to known high-risk groups of the population and to deal with specific problems of crime and delinquency.

80. Discussion on educational policies and programmes emphasized that education should be for "living" and not just for "working". However, education needed to be geared to the needs and demands of the society for which a person was being educated. Proper place should be given to the development of attitudes and behaviour that would give youths a proper appreciation of their responsibilities

methodology and content most relevant to the current economic and industrial setting. It recognized the fact that industry was becoming increasingly knowledge-based and that many young people would find their future limited if they were not capable of school-work and academic study with a practical application. It was felt important to involve parents themselves more closely in the educational institutions for the local groups and in the learning process itself.

99. Ways and means of meeting the special needs of young people were outlined by a number of participants. Young persons comprised a very significant proportion of the population of most countries. That fact in itself highlighted the importance of seeking new and more effective ways of dealing with juvenile delinquency. It had been repeatedly suggested that for programmes dealing with juvenile delinquency to be successful, youth itself must be involved actively in its rehabilitation; the resources of non-delinquent youth must be used in both short-term and long-term social defence programmes; opportunities must be provided for training in leadership and the exercise of leadership in peer groups. In order for efforts undertaken with and on behalf of youth to be successful, they must be accepted by youth as meaningful and relevant.

100. It was mentioned that some countries had a ministry of youth charged with special responsibilities in that field. In other countries, the responsibilities for youth services were distributed between two or more ministries (education, health, welfare, labour, etc.); sometimes co-ordinating committees had been set up to rationalize and direct the work of several ministries with responsibilities for youth.

101. One speaker described the development and activities of a national youth service. There was provision for advisory group counselling and vocational guidance facilities, as well as a street-worker service and night hostels for temporary accommodation. Considerable emphasis was placed on the work of sports and cultural organizations through youth clubs, with well-qualified leaders and communal intermingling of youth in outdoor life and sports. Among the activities were special tours for handicapped and maladjusted children. Experience had shown that the therapeutic value of the group was significant in that project.

102. Measures provided to overcome the negative effects of urban shift and to give immediate support to people in new urban areas included: (a) vocational guidance and employment agencies; (b) temporary low-cost accommodation by way of housing or hostels for single youths; (c) special advisory bureaux to assist, advise and support young people, as necessary; (d) special educational and vocational training facilities better to equip youths to find suitable work and to understand and cope with city life; (e) recreational facilities in the form of sports fields and youth clubs. In the developing countries, special measures were required to cope with the serious problem of unemployed young people in urban areas where education had outstripped employment possibilities. In the industrialized countries, the problem was less one of unemployment than one of suitable employment. In both cases, however, the need was

clearly to avoid the frustration of young people in their quest for a meaningful role in modern society.

103. While in the above mentioned case particular reference was made to youth, the measures described, together with others, such as child-care facilities, could be and, in some cases, were being provided to serve the age groups within the area of assistance.

104. An important lesson to be learned from past assistance programmes was that they should contain the elements of consultation, information and education, and participation. One device used in consultation was the anonymous survey—a sort of marketing research project that told the potential buyer what the product was, sought his reactions and views, and made modifications accordingly. Thus, the final product was geared to the interests and motivations of the consumer. Secondly, the use of information services and of mass media was repeatedly stressed as being relevant to all levels of planning and social defence intervention. A conscious and continuing effort must be made to inform the public what was being done and why, and to gain its understanding, confidence and support. Ignorance could breed only suspicion and opposition. Lastly, there was the question of the active participation of the persons affected by the programme. The question of participation applied throughout the whole spectrum of social defence activity, but it was seen as particularly relevant to those programmes affecting young people. That area was, in fact, a vital facet of citizen participation in dealing with deviant behaviour. It was basic to the concept of dealing with juvenile delinquents through community agencies and sanctions.

105. The elements were aimed at securing community participation in the formulation of the plan and in its implementation.

4. PRAGMATISM IN PLANNING AND PROGRAMMING

106. It was stressed that in seeking to profit from what others had done, adaptation and not mere adoption should be a guiding maxim. If planning and programming were to be meaningful, they must be derived from the social, economic and cultural realities of the country concerned.

107. It was also stressed that the problem of criminality itself must be dealt with differentially: that the nature, dynamics and structure of criminality and its causes differed in various socio-political systems. That factor should be taken into account when planning social defence in the context of national development.

108. On behalf of the developing countries, a question was raised as to what broad political concepts should govern national planning. While that area was recognized as being unavoidable for the determination of policy in each country, and while modern dimensions of crime made it an obvious and important political issue, it was felt that such considerations were beyond the scope of a meeting of such short duration. None the less, the question deserved more careful study by follow-up conferences and seminars to be held at the national, regional and international levels.

109. The fact that planning should be both preventive and curative was firmly underlined, and there was a call for maximum flexibility in the use of resources so as to bring appropriate measures into operation when and where the occasion demanded. Such flexibility required more careful determination of priorities in the disposition of money, manpower and other resources. In curative planning, the pressing need in most countries was for measures to deal with the problems in high-risk urban areas, particularly with respect to juvenile delinquency.

5. CONCLUSIONS

110. The following conclusions were reached concerning social defence policies in relation to development planning:

(1) *Proper relationship between social development planning and national planning.* Social defence planning should be an integral part of national planning. No country can afford to exclude the social defence element in its over-all social and economic planning and its allocation of adequate resources to that end. The prevention of crime and the treatment of offenders cannot be effectively undertaken unless it is closely and intimately related to social and economic trends. Social and economic planning would be unrealistic if it did not seek to neutralize criminogenic potential by the appropriate investment in development programmes;

(2) *Considerations governing social defence planning and programming.* To ensure effective planning, proper provision must be made in terms of information (reliable and comprehensive statistical data), of trained personnel over the whole range of disciplines involved and in all participating government agencies, and of money. The universities have a special role to play in assisting in research and in the training of personnel for all areas of crime prevention, as well as in the wider area of inter-sectoral planning;

(3) *Special importance of the prevention of crime as related to youth.* Planning for social defence should be oriented towards more effective crime prevention, especially in relation to unrest and deviancy among youth. In many countries, the larger part of the population is less than twenty-one years of age. To fail to give urgent attention to youth in social defence planning could give rise to a dramatic increase in crime throughout the world;

(4) *Social and economic changes and changes in the legal and criminal justice structure.* There is an increasing disparity between the rates of social and economic change in the community and the changes in the legal system. This is a source of serious conflict. Social defence planning should be concerned not only with criminal justice as such, but with the basic legal principles for the maintenance of law and order. In this connexion, there is special need to combat new forms of crime with international implications, such as hijacking;

(5) *Development and refinement of social defence planning and programming techniques.* In order to develop and refine techniques of social defence planning and programming, there is a pressing need for:

- (a) Special courses with emphasis on the problems and methodology of quantitative measurement;
- (b) Research to develop appropriate models;
- (c) National, regional and international meetings to evaluate results;
- (d) Increased communication between countries, using to this end such resources as data banks.

B. REPORT ON AGENDA ITEM (2): PARTICIPATION OF THE PUBLIC IN THE PREVENTION AND CONTROL OF CRIME AND DELINQUENCY

Rapporteur: Hamid ZAHEDI (Iran)

111. No participants in the Congress dissented from the importance of bringing the public to a closer knowledge of, participation in and collaboration with governmental efforts in the prevention and treatment of crime and delinquency. It had become clear that, throughout the world, a rapidly developing partnership towards those ends was being experienced between Governments and public groups. That unanimity of purpose tended to conceal the remarkable diversity of relationships between centralized authority and community groups which made up the mosaic of public participation in different regions and in different countries. Public participation reflected the political, economic, social and cultural processes in each country; and a great range of experience was thus reported to the Congress. The arrangements for community group collaboration with governmental efforts in Eastern Europe, diverse and extensive though they might be, varied from the relationships which had emerged in Africa and Asia, and from those which had developed in other regions of the world; though all had as their purpose the pursuit of a more effective programme of social defence. The problems facing the Congress had never turned on whether public participation should be fostered; they had turned only on how to define the proper roles of government and community groups in social defence and how to develop still further community participation.

112. The Congress expressed its appreciation of the work of the regional meetings of experts convened by the United Nations in 1969 in Africa, Asia, Latin America and the Caribbean, and of the 1970 regional meeting of representatives from the Arab States. At all four of those regional meetings, the subject of public participation in social defence had been discussed. Those meetings and the working paper prepared by the United Nations Secretariat (A/CONF.43/2), which drew heavily on the regional meetings, formed an excellent basis for the Congress discussions. There was general endorsement of the views concerning public participation expressed in the working paper. Discussions at the Congress were treated as supplemental to, and not in derogation of, the views and advice that had emerged from the regional meetings and were expressed in the working paper. This report is therefore confined to selected problems within the topic of public participation and is not intended to provide exhaustive coverage of that topic.

1. GENERAL PERSPECTIVES ON PUBLIC PARTICIPATION

113. It was recognized that the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders were themselves models of collaboration between governmental representatives, non-governmental organizations, and skilled individual citizens for the purpose of discussing topics of social defence and planning for a more effective treatment of crime and delinquency. In a similar manner, social defence programmes in every country should involve community groups at every stage of planning and implementation of plans for the better protection of the community against crime. A central difficulty, however, was recognized: there was a tendency in many countries towards centralization of governmental power and towards the centralized control of finances; those tendencies must be balanced by increased local participation of voluntary groups in social defence programmes and planning. If such participation was to be achieved, there must be active governmental effort to form such groups and continuously to support their endeavours. Those relationships needed to be planned. Governmental support of community groups was necessary both for greater efficiency and so that government itself might have feedback from private efforts on the successes and failures of its programmes.

114. All participants agreed that plans must be made for co-operation between governmental and group efforts in that field. Professional and voluntary group efforts were complementary and must not be seen as competitive. For example, in those countries where probation and after-care involved the work of both volunteers and governmental officers, it was of primary importance that research and planning should be devoted to an appropriate allocation of cases between them. It might be that certain types of socially more threatening or psychologically disturbed offenders could be better treated by professional probation and after-care officers than by volunteers; or sometimes collaboration between them, even on one particular case, might be desirable. The central point was that community group efforts must be seen as an integral part of all programmes dealing with the prevention and treatment of crime and delinquency, not just as extra help to governmental efforts handling the left-over and less important problems. Furthermore, it was wise, where practicable, to involve community groups and voluntary workers in planning social defence programmes, as well as in implementing them.

115. Governmental efforts were required if effective partnership with community groups was to be achieved. In that connexion, it was pointed out that there were particular problems of dissemination to the public of information concerning social defence programmes and of the training of individual citizens to collaborate in the prevention and treatment of crime. Those problems are discussed later in this report. Further, the public must have confidence in the criminal justice system; and that confidence would be present only if the police, courts and correctional processes of the State were indeed ethically sound, fair and efficient.

116. In order to involve an adequate range of citizens and groupings of citizens in social defence plans and

programmes, it would be necessary that particular attention be devoted to the recruitment of those citizens who volunteered for that work. In many countries, it would be necessary and desirable to pay volunteers for the time they would be willing to devote to such work. They must not be seen as a cheap substitute for governmental efforts, but as essential elements of an effective programme. It might be that they would also show a favourable cost/benefit ratio, but the justification for their involvement was efficiency and not economy. Hence, if payment was necessary to recruit and retain volunteers from a sufficiently wide range of skills and positions in society, such payments should be made.

117. In many countries, it would be desirable that the recruitment of volunteers should not be exclusively under State control. Voluntary groups must be a true expression of community values. Recruitment plans, therefore, must be carefully devised with that end in view.

118. Many participants stressed the importance of youth groups. Crime, including serious crime, had long been and remained predominantly a problem of youth and of young adulthood. It was important to build upon existing youth groups in the community and to introject into their existing group efforts work on the prevention of crime and delinquency. Furthermore, existing youth groups should be involved in rehabilitation work with youths and young adults who have broken the law. It was not only the older and more mature members of the community who must make public participation a reality in social defence; young people themselves must be more effectively involved as agents of delinquency and crime prevention and treatment. In that connexion, efforts should be made to harness the energies of some university student groups for those important social processes.

119. It was recognized that, in many countries, some elements of youth appeared to have ideas and attitudes antagonistic to governmental efforts relating to the prevention and treatment of crime and delinquency. It was difficult to enlist their co-operation; but it was important to do so. One means—the involvement of youth groups—has been mentioned. Another means would be the introduction, even as early as secondary school, into formal educational processes of information on the prevention and treatment of crime and delinquency. Thus, a larger sense of social responsibility might be inculcated. To assist in such educational efforts, UNESCO might be willing to prepare textual and audio-visual teaching materials suited to that purpose for use in those countries which might welcome such assistance.

120. Another "community group" that should be involved in planning social defence programmes and collaborating in their implementation were the ex-offenders. Experimentation was being pursued in many countries with the use of ex-offenders in parole, after-care and probation work, with the use of ex-addicts in the treatment of drug addiction, and with similar arrangements by which those who had had close personal experience of the problems of crime and its treatment brought their experience and willingness to help others to the tasks of social defence. Provided recruitment screening was careful, there was widespread enthusiasm for more

extensive use of ex-offenders in the tasks of preventing and treating crime and delinquency.

121. All types of community groups must be involved not only in the execution of plans for social defence, but in the shaping of those plans. Participants in the Congress discussed a variety of means to that end, such as the use of advisory committees for various aspects of social defence planning, the publication of proposed legislation and regulations for community groups prior to the promulgation of the law, and similar ways of involving the community at the planning stage.

122. In an important sense, there was an even earlier stage at which the community and individual citizens must be involved—community groups were essential agents of primary prevention of crime and delinquency. Many countries appeared to allocate too little of their budget to the support of community groups which were involved in enriching those many aspects of community development—education, housing, social welfare, recreation, culture, health—all of which were of prime importance in the prevention of crime and delinquency. The Congress was strongly of the view that Governments should be urged to allocate an increasing proportion of their funds to assisting those significantly important crime prevention groups.

123. Participants from several countries mentioned the tendency for voluntary efforts to begin with one aspect of the prevention and treatment of crime and to spread to other aspects. For example, a voluntary after-care group would find it desirable, with governmental assistance, to establish an after-care hostel; it would then move on to establish a rest centre for families and friends visiting prisoners; then to help form a club for ex-offenders; next, to provide some longer term residential facilities for ex-offenders; and subsequently to grow, through meeting the then manifest needs of certain socially, educationally or intellectually handicapped offenders, to the provision of sheltered workshops. That natural expansion of voluntary services should be welcomed and encouraged, and given governmental support. What had frequently happened was that as volunteers met some needs, they came to recognize the existence of other needs which had been overlooked, and became ingenious in developing new methods of collaboration between themselves and the Government in the work of social defence.

124. Community groups might also serve the function of providing measures for the prevention of the abuse of State power by governmental officers; they tended to be supportive of such developments as the ombudsman and citizen complaint committees in many countries. Several participants were of the view that the aspect of public participation aimed at the diminution of the abuse of power against citizens should be fostered and encouraged by the State, particularly in so far as the protection of prisoners and their families was concerned.

2. THE INDIVIDUAL CITIZEN

125. The reports of four regional preparatory meetings and the working paper gave primary consideration to those aspects of the citizen's participation in social

defence in which he was brought into collaborative group relationships with other citizens. The Congress recognized, however, that attention should also be devoted to ways in which the individual citizen's collaboration with, and support of the social defence work in each country might be improved. It was apparent that all legal systems depended to a large degree upon the support of the individual citizen. It was he who must report most crimes to the police. It was he who must appear as a witness. It was he, in the last resort, who must provide that community support on which all correctional processes ultimately depended. It was the individual who must accept the ex-offender as neighbour and co-worker upon his return to the community. The Congress recognized that in some countries, for a variety of reasons, there were problems of persuading citizens properly to fulfil those roles; the Congress therefore gave attention to the ways in which that situation might be remedied.

126. The police could deal only with those crimes which they saw or which were reported to them. The "dark figure" of crime could be reduced only if the individual citizen were willing to report that knowledge to the police. If he felt apathetic towards crime or tolerant of it, if he had no great confidence in the criminal justice system of his State, if he feared that his time would be wasted or even his safety imperilled, he would be less likely to report crime of which he knew. It was, in general, agreed that governmental efforts, drawing community groups to their aid, should be used in public educational programmes on the significance of crime in the community and on the citizen's duties in its prevention and treatment. It was stressed that such educational programmes could scarcely be sufficient in themselves if citizens lacked confidence in the courtesy of the reception of their complaints and in the speed of official response to them, and if they were in doubt whether they would be adequately protected if they came forward as informants and witnesses. Systems must be created that in practice would give the citizen a sense both of the receptivity to complaints of crime and of the expeditious and efficient processing of such complaints. The Congress was of the view that such a reliance on an educational programme, together with ensuring courtesy and efficiency when the citizen would come forward, held greater promise of increasing the reporting of crime than did statutory sanctions for failure to report, though such sanctions were not meant to be excluded as appropriate in some cases.

127. A somewhat similar analysis was offered in relation to the citizen's moral obligation to come to the aid of his fellow citizen being imperilled or injured by crime, and to the aid of the police in the execution of their duty. Again, public educational programmes were stressed; but the practice in some countries of providing compensation to those citizens who suffered injury or loss in the execution of those duties was also welcomed as a step towards a better relationship between the citizen and the State in that field.

128. Citizens sometimes failed adequately to protect themselves and their property against criminals and potential criminals. Public educational programmes should be directed to assisting citizens to a better understanding of how that protection could be achieved.

129. The individual citizen also had the major responsibility of helping to eradicate organized criminal activities which required corruption of public officials and tolerance of such corruption by individual citizens. Public educational efforts towards adequate community support of government activities against organized crime and corruption should also stress that as crime moved beyond national boundaries, citizens of one country must avoid supporting corrupting influences and criminal activities that crossed state and country lines.

3. COMMUNITY GROUPS

130. The Congress followed the analysis of public group participation offered in the working paper, which treated it in terms of increasing degrees of reliance by the State on community groups. Such reliance ranged from political support of social defence programmes to public co-operation with such programmes, through the delegation to community groups of elements of those programmes, and ultimately to the provision by community groups of entirely autonomous social defence programmes. An extremely rich and diverse range of experience in different countries was reported to the Congress. Community groups were involved in various ways in police, judicial and correctional programmes; they were involved in rural areas, villages and cities; they were relied on increasingly by all forms of political, social and economic organization of the State; they provided a major thrust of planning for the more effective prevention and treatment of crime in every country represented at the Congress. The modalities of public participation were already numerous and they were increasing. The Congress took note of a degree of reluctance in certain countries to use community group representatives in judicial processes; it was the general view, however, that the lay volunteer had as important a role to play in judicial work as in that of police and corrections. Most of the discussion on the whole topic of public participation was devoted to an exchange of understanding between participants of the many various ways in which groups functioned in the social defence field in the cultural, political, economic and social diversity of countries represented at the Congress. It is impossible to reflect this wealth of knowledge in this report. What did emerge with clarity, however, was the need to provide means to continue the supply of interesting information on which social action and experimentation could so readily be based. What also emerged was that the general attitude of the Congress was energetically to encourage community group roles in all aspects of the prevention and treatment of crime, with their ever-increasing collaboration with and participation in police, judicial and correctional work being warmly welcomed.

131. Another unifying thread that drew together the variety of modalities of community group participation was that all required of governmental authority a deliberate policy to support those efforts and to collaborate in relating them to the totality of social defence programmes, and sometimes required that government should be willing to divest itself of authority in some aspects of the criminal justice system and to pass that authority on to community groups. At least two advan-

tages beyond those of efficiency and economy flowed from such a deliberate use of or reliance on community groups: the "labelling effect" of criminal convictions could often be reduced so that rehabilitative efforts were less impeded; and sometimes criminal offences could wisely be reduced in seriousness from criminal offences to breaches of administrative regulations, by such delegation of power outside officialdom.

4. PUBLIC INFORMATION

132. It was the view of the Congress that it was the duty of government to help to form and lead public opinion in relation to social defence and that such leadership required the provision to the public of accurate information about the criminal justice system and its work on which the public could base its views. Hence, proper use of the mass communications media had become a matter of predominant importance. The impact of the mass media on youth and the value of educational programmes for youth were stressed. It was recognized that the mass media frequently give a distorted and sensational perspective on problems of crime; the Congress did not give consideration to any attempt to limit inaccurate reporting, but devoted the discussion to ways in which government and community groups could collaborate to ensure that the mass media should give the public a more complete and true image of the problems of crime and its treatment, and of the citizen's role in social defence. The public must know what had been accomplished and what was proposed to be achieved by existing and planned legislation for the prevention and control of crime; they must know what values and interests the State sought to protect and the extent of individual social responsibility to collaborate for those purposes.

133. Effective collaboration between the governmental bodies and community groups and individuals in the prevention and treatment of crime required that those responsible for the criminal justice system be neither secretive nor unduly sensitive about its operations. In particular, in relation to prisons, it was recognized that the walls sometimes served not only to keep prisoners in, but to keep responsible moulders of public opinion out. Correctional administrators must exercise initiative and leadership in providing full and open information on their work; in the light of the unfair criticisms to which they were sometimes subjected, that would take patience and courage.

134. In seeking to inform the public, the means chosen must be adjusted to the literacy and reality of life of the mass population to which information should be disseminated; the press, radio, television, the cinema and other audio-visual techniques were of value. Community groups and individual citizens of public prominence could often be used to assist government representatives in public educational programmes. It was suggested that efforts should be made to interest editorial writers on newspapers, and television and radio commentators in problems of social defence, not only in times of crisis and difficulty, but at times when an effort could be made through short seminars, and planned visits and discussions

to give them that broad background of information on which it was hoped their future commentaries would be based.

5. TRAINING

135. The Congress attached great importance to offering training programmes in many aspects of the prevention and control of crime, suited to the work of volunteers prepared to assist as individuals or in community groups. It was stressed that if a proper collaborative relationship was to be achieved, the design and implementation of those training programmes presented quite as much challenge as the design and implementation of training programmes for the professional staff. Training courses for volunteers must not be seen as mere recruitment instructional devices whose purpose would be to give the volunteer the minimum knowledge, on the basis of which he could relate to official agencies. A great deal was being expected of the volunteer; intelligence, effort and funds should be devoted to training him for his work. His training should involve continuing in-service training opportunities. He should be supported, as had been done in some countries, by journals devoted to his work and by being brought into contact with the other elements of the criminal justice system to which his work related. In effect, a communications system must be built up by which the volunteer would know his place in the larger perspective of social defence, would see the challenge of his work, would be given the training necessary to meet it, and would have an opportunity to express his views about desirable developments in the entire system.

6. SUGGESTIONS FOR INTERNATIONAL ACTION

136. The Congress reiterated its indebtedness to the preparatory regional meetings convened by the United Nations in 1969 in Africa, Asia, Latin America and the Caribbean. That recognition included the value of the meeting in 1970 of representatives of the Arab States, which also had discussed the topic of public participation. It was suggested that regional meetings of that character should be continued to follow up the work of the Congress. At such meetings, country reports could be submitted on developments in modalities of public participation, close analysis of their successes and failures could be pursued, and a continuing effort could be made to assist in furthering that partnership in the prevention and control of crime. It was reported that the Venezuelan Government proposed to convene a regional seminar for South American countries in 1971 or 1972. Meetings of that kind might also deal with questions of international crime. It was also the view of the Congress that in regions lacking the funds to organize such meetings (and the same applied to the interregional meetings and country seminars and workshops discussed below), it would be highly desirable for United Nations funds and other international development funds to be allocated for that purpose.

137. Regional or subregional seminars and conferences were thought to be of particular value because public participation was so closely linked to the economic,

industrial, cultural, political and social forces in each country that the relative homogeneity of those forces within regions facilitated regional meetings; and personal contact between those facing similar problems was of importance. However, the bringing together of larger geographical groupings, such as those at the Fourth Congress, was also sometimes highly desirable. It was suggested, therefore, that an interregional seminar on public participation in the prevention and control of crime and delinquency should be held at Budapest, as soon as it could conveniently be arranged, so that the important experiences of the countries of Eastern and Western Europe, with their different processes of public participation in social defence, might be brought into sharper focus, as had been done in the four recent regional meetings.

138. Apart from meetings to discuss public participation, the Congress saw merit in holding workshops and seminars in each country for that purpose. One means of conducting such workshops would be through the use of United Nations study teams, possibly provided from such institutes as the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (Fuchu, Tokyo) or the United Nations Social Defence Research Institute (UNSDRI) at home, to serve as discussion leaders. If such teams were to be effective, they would require knowledge of public participation in countries other than that in which the workshop was being held. It was therefore desirable that, in the regional institutes, surveys should be made of public participation in social defence in the respective regions. It was likewise desirable that United Nations interregional advisers should make particular efforts to gather information on public participation so that they could play a role of leadership in workshops and seminars on that topic. Countries conducting such workshops and seminars should also try to arrange exchange visits of experts from neighbouring countries who had faced similar problems in developing public participation processes.

139. In the light of the eight years of experience accumulated at the United Nations Asia and Far East Institute and its successful completion of three survey projects (one on an aspect of public participation), it was suggested that those responsible for the work of that Institute should consider launching a general survey of the modalities of public participation in the prevention and treatment of crime and delinquency in the region served by the Institute. It was pointed out that a major asset in undertaking such a survey was the fact that there were currently over 500 alumni, from twenty-five countries, on training courses held at the Institute; many of those alumni remained in touch with the Institute and could play a major role in a comprehensive survey of public participation in their region. A somewhat similar opportunity might be pursued by UNSDRI, which had been studying a problem in public participation in social defence in Tunisia.

140. An important means of supporting developments in public participation was a more adequate programme of publication of information on that topic than currently existed. It was urged that consideration be given to devoting an issue or some issues of the *International*

Review of Criminal Policy to that increasingly important topic. To achieve sufficient impact, it might be necessary for the journal either to produce some special issues on that topic or (what many, in any event, considered desirable) to increase the frequency with which the journal was published. The *International Review of Criminal Policy* constituted by far the most appropriate vehicle for the international dissemination of information on the topic under consideration. The *Review* should not publish only "success stories" on public participation; failures and difficulties also should be analysed so that they might be avoided by others. Research on public participation of a practical and accurately descriptive nature should be encouraged and published.

141. It might also be appropriate for consideration to be given to the preparation and publication, in the *International Review of Criminal Policy*, of a list of names and addresses of specialists in each country, to whom inquiry might be directed concerning developments in that field in their country. Such communication would permit a continuing dissemination of information on public participation of a type that was being so interestingly and helpfully pursued at the current Congress.

142. The conclusions reached with respect to participation of the public in the prevention and control of crime and delinquency were as follows:

(1) Social defence programmes in every country should involve community groups at every stage of planning and its implementation for the better protection of the community against crime, and Governments should support such efforts;

(2) Community group efforts should be seen as an integral part of all crime and delinquency prevention and treatment efforts and not merely as an adjunct thereto;

(3) There should be careful recruitment, appropriate training and, if necessary, remuneration of volunteers;

(4) An adequate range of citizens and groups of citizens should be involved in social defence activities, including such groups as youth, ex-offenders, etc.;

(5) There is a variety of ways in which the public can be involved in the prevention and control of crime at different levels and in different areas (for example, prevention, judicial process, treatment of offenders, fight against organized crime, corruption) and a variety of means of promoting such involvement (including more effective dissemination of information, the use of advisory committees etc.);

(6) International action to promote public participation in social defence should include:

(a) The holding of regional and subregional meetings on this subject to permit personal contacts, the exchange of information on developments in this field, an analysis of successes and failures, and a sustained effort to promote public participation in social defence;

(b) Interregional meetings of this kind, beginning with one bringing together the experience of the countries of Eastern and Western Europe;

(c) Workshops and seminars held with United Nations support in the various countries to consider modalities of public participation and ways of enlisting broad public support of social defence programmes;

(d) Surveys of modalities of public participation in social defence in the region served, to be undertaken by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (and future regional institutes), and a similar opportunity to be pursued by the United Nations Social Defence Research Institute at Rome;

(e) More intensive steps to disseminate information on this subject, through the *International Review of Criminal Policy* or otherwise; the possible inclusion, in the *Review*, of a directory of specialists in each country to whom inquiries on developments in this area may be addressed; special issues of the *Review* dealing with public participation; and increased frequency of publication of the *Review*.

C. REPORT ON AGENDA ITEM (3): THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS IN THE LIGHT OF RECENT DEVELOPMENTS IN THE CORRECTIONAL FIELD

Rapporteur: Séverin-Carlos VERSELE (Belgium)

143. The Congress took note of the fact that there was nearly half a century of history behind the Standard Minimum Rules for the Treatment of Prisoners as they currently stood, although humanitarian concern for prisoners had preceded that period by yet another one and a half centuries. There were three particularly important reasons that the questions of revising the Rules and their implementation had arisen for current consideration. The first was the lapse of a period of time similar to that between the first formulation of the Rules in 1933 and the consideration of a revision in 1949. Secondly, the United Nations Economic and Social Council, in its resolution 663 C (XXIV) of 31 July 1957, had included a recommendation that the Secretary-General of the United Nations be informed every five years of the progress made by Governments in the application of the Rules. Thirdly, it was widely felt that there had been developments in the field of corrections in the past fifteen years which should be reflected in the Rules.

144. On an initiative taken by the United Nations Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders in December 1965, international attention had been refocused on the Rules, particularly in the light of developments in the correctional field, and the subject had been featured as an item on the common agenda of the four regional preparatory meetings of experts convened by the United Nations in Africa, Asia, Latin America and the Middle East in 1969 and 1970, in preparation for the Fourth Congress.

145. The Congress discussions were given substance by the reports of those four meetings, the basic working paper prepared by the United Nations Secretariat (A/CONF.43/3), the *Report of the United Nations Consultative Group on the Prevention of Crime and the Treatment of Offenders* (Geneva, 1968)¹ the national reports submitted in response to the note verbale of the Secretary-

¹ United Nations publication, Sales No.: E.69.IV.2.

General of the United Nations in November 1967,² and the reports submitted by non-governmental organizations by individuals and by research institutes interested in that field.

146. As an initial step, a distinction was made between pseudo and real problems. The following areas were considered to be pseudo problems, which were clearly outside the ambit of discussion as prescribed by the item on the agenda:

(a) Questions pertaining to the range of substantive criminal law or questions concerned with the reasons for the imprisonment or detention of persons. It was suggested that the range of substantive criminal law, despite its great significance for social defence policy, should not be discussed, as it clearly fell outside the ambit of the Standard Minimum Rules. Naturally, all concerned might hope that penal prohibitions would be used more sparingly in the future so that eventually fewer persons would need be subjected to detention and, consequently, to the protection of the Standard Minimum Rules;

(b) The identification of specific offences or offender types. While the Rules themselves contained references to distinct types of detainees (for example, mentally abnormal offenders, pre-trial detainees, civil prisoners), they did not contain any identification of offender or offence types, making it clear, therefore, that the Rules were equally applicable to all prisoners detained, regardless of the nature of the crime of which they were charged or convicted;

(c) Cultural or regional differences. Those differences were considered not to require any discussion, particularly in view of the fact that all prior documentation had proved that compliance or non-compliance with the Rules was independent of the cultural or regional identification of the reporting country. The Rules themselves did not refer to cultural or regional differences and had proved to be flexible in setting standards of compliance which were adequate or suitable under the cultural or regional conditions or traditions in existence;

(d) The use of alternative methods of treatment in lieu of traditional types of imprisonment. While the past few decades had witnessed the emergence of imaginative, humanitarian correctional methods in all countries, those new correctional developments, as such, were not germane to the topic at hand. What was relevant, however, was the problem of the possible extension of the Standard Minimum Rules to new forms of correctional treatment which had not been in existence at the time the Standard Minimum Rules were drafted. That topic is dealt with under problem area (b) below.

147. After identifying and separating the problems not relevant to the specific purpose of the discussions, the following five problem areas were identified as being those which almost all documentation at hand had singled out as the most crucial:

(a) The question of the nature and scope of the Rules, with particular emphasis on the possible need for recasting the Rules so as to correspond with the two distinct subject areas they covered: the human rights aspects; and sound correctional practices;

(b) The extent of applicability of the Rules, or the question of jurisdiction, i.e., who was to be covered by the Rules. There was also the question of extending the Rules to persons subjected to new correctional practices which did not fall into the category of full-time institutionalization;

(c) The status of the Rules, or the question of elevating the Rules, or a part thereof, to the level of a General Assembly resolution, declaration or convention;

(d) The question of the implementation of the Standard Minimum Rules, whether national or international, or the search for new and improved methods of implementing the Rules through education, reporting, monitoring, seminars, travelling faculties, etc. Allied to that area was the question of financial and budgetary allocations to develop implementation programmes;

(e) The question of the need for technical revision, with particular emphasis on the possible need for simplifying and redrafting the Rules in a manner which would make possible uniform reporting and data collection; the use of a questionnaire for the purpose of data collection; the question whether revision of individual rules should be entrusted to a committee, commission or working party, and specific recommendations for amendment.

1. NATURE, CONTENT AND SCOPE OF THE STANDARD MINIMUM RULES

148. The Congress was unanimous in recognizing that the Standard Minimum Rules corresponded to an increasingly deep-felt need. Since 1955, the principles underlying the Rules had assumed greater importance because of the development of contemporary thought about criminality and of attitudes towards offenders.

149. Several speakers, nevertheless, warned against the danger of any effort to revise the Rules merely out of a concern for "perfection". It was the majority view that any future revision should be limited to what was really necessary—to such improvements as were necessitated by the results achieved and by whatever new problems might arise. To those who held the view that a revision might serve as a pretext for those who did not want to put the Standard Minimum Rules into effect, others replied that their fear was unfounded, since the principles on which the Rules were based were concerned with abiding human and social values, which were becoming ever more deeply rooted in the conscience of individuals and of countries.

150. A revision, if carried out, must not be improvised. It must be entrusted to a working group of experts, to be designated by the United Nations. Those experts must be given the task of developing the trends that had emerged on each of the five issues discussed. Thus, they would be expected to specify which aspects of human rights required specific application to persons in detention in order to bring about a better understanding and hence a broader recognition of their rights. Lastly, they should study the progressive application of the Standard Minimum Rules to the new sanctions and to the new ways of executing them, which were under experimentation in some countries. Thus, for example, the visiting rights provided for in rule 37 might be interpreted as being capable of exercise in premises enclosed by grills or by

² For a summary, see A/CONF.43/3, annex.

glass partitions (regressive), or in unsupervised public rooms or in the form of conjugal visits (progressive).

151. It was necessary to envisage a very flexible application of the Standard Minimum Rules so as to respect the special local conditions deriving from the history, traditions, socio-economic structures and socio-cultural aspirations of the different regions and countries. The need for a degree of flexibility is referred to again under subsection 5 of this report, which is concerned with possible future revisions of the Standard Minimum Rules.

2. RANGE OF APPLICATION OF THE STANDARD MINIMUM RULES

152. The discussion began with the observation that, *expressis verbis*, the Standard Minimum Rules of 1955 were applicable to, or referred to, the following:

(a) Persons in prison by virtue of a criminal sentence and persons in prison awaiting trial;

(b) Insane and mentally abnormal persons who, as a result of the commission of a crime, were being treated in the closed wards of a psychiatric institution;

(c) Persons imprisoned for debt or for the execution of a judicial decision of a non-penal nature.

153. It was readily acknowledged that a very large majority of the participants were of the view that the Standard Minimum Rules should be applicable to any person deprived of his freedom regardless of whether a criminal charge had been lodged against him. It would be easy to satisfy that wish by amending rule 84 (1) of the 1955 text.

154. Some participants expressed the view that special mention should be made of some categories of persons who would be able to benefit from the guarantees granted under the Standard Minimum Rules, particularly the so-called "political" prisoners. The following arguments were adduced in opposition to that suggestion:

(a) If the Standard Minimum Rules were made applicable to any person who had been deprived of his freedom, whatever the cause of his incarceration or whatever the deciding authority, there would be no need for an explicit mention of any specific offender category;

(b) There was no justification for singling out one of those categories—the so-called "political" prisoners—without mentioning others, such as cases of quarantine for health reasons;

(c) The problem of defining the so-called "political" prisoners did not fall within the mandate of the Congress.

155. The extension of the range of the Standard Minimum Rules should not depart from the concept of "deprivation of freedom". Any such extension should be limited to the circumstances of "part-time or quasi-detention", under which the execution of a prison sentence could be accomplished by time spent in prison, alternating with visits outside, on a systematic basis rather than as the result of *ad hoc* decisions taken in individual cases. Similarly, it would embrace week-end detention, semi-detention, half-way houses, agricultural settlements, work in outside factories or in enterprises serving the public interest, and so on, the list given being in no way exhaustive.

156. The Standard Minimum Rules should not be extended to penalties involving restriction, rather than deprivation, of freedom, i.e., not to offenders whose freedom was merely limited by particular duties or prohibitions. Consequently, the Standard Minimum Rules would not apply to conditionally released offenders, to persons on parole, or to persons subject to local banishment or to house arrest, etc., again the list not being exhaustive. Those categories of penalties might be the subject of a special chapter in some future revision or restructuring of the Standard Minimum Rules.

157. The complexity of the task of revising the whole of the Rules, either by improving previously adopted provisions or by adding new provisions, justified the establishment of a working group of experts. The working group should attempt to evaluate the changes that had taken place since 1955, to take into account totally new situations which had arisen; and to consider ways and means of dealing with them, with particular reference to the various new forms of quasi- or semi-detention and all non-institutional sentences.

3. STATUS OF THE STANDARD MINIMUM RULES

158. The general development of criminal policy derived from a better understanding of deviant behaviour and the democratization of authority and social relations had given rise to some questioning of the status of the Standard Minimum Rules and the need or advisability of conferring upon them a more binding authority. The 1955 text enjoyed great moral authority as the result of its painstaking preparation by the International Penal and Penitentiary Commission, its adoption by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and later by the Economic and Social Council of the United Nations. Because of the desire of most of the participants to promote an even clearer awareness of the Rules, however, the desire was expressed that the Standard Minimum Rules should be couched in such a form as to provide greater assurance of their implementation.

159. Some participants proposed that the guarantees embodied in the Standard Minimum Rules should be incorporated in the internal positive law of each country. Some thought that the Standard Minimum Rules could be given legal force by incorporating the 1955 text *en bloc* into national legislations. Others thought it would be better to insert the substance of the various articles making up the Standard Minimum Rules in separate provisions of the codes of criminal procedure, dealing with sanctions, whether in the form of penalties, security measures or measures of social defence. The choice between those alternatives seemed to depend directly upon the systems of criminal policy peculiar to each country or group of countries.

160. Some participants went even further, by suggesting the conclusion of an international convention that would be open for signature by the States Members of the United Nations. Their arguments rested on the need for making the guarantees, which were currently no more than mere recommendations, more legally binding. The majority of the participants, without rejecting, in principle, the

possibility of elevating the Rules to the level of an international convention in the future, felt that such a step would be premature at the current time, having to be preceded by a more thorough study of its multifarious implications.

161. Nevertheless, the Congress was virtually unanimous in hoping that the moral authority, and hence the relatively mandatory nature, of the Standard Minimum Rules could be reinforced by a resolution of the General Assembly of the United Nations. Such a resolution, originating in the highest policy-making body of the United Nations, would be justified by the consideration that the Standard Minimum Rules were the concrete application of human rights in the sphere of social defence, which was currently being approached from an ever more scientific, humanitarian and social point of view. The General Assembly resolution, which was earnestly desired by the Fourth Congress, should embody the new spirit that imbued the prevention of crime and the efforts being made for the treatment of offenders.

162. At the time of that resolution, the Assembly should invite the Secretary-General to make greater use of the authority—which he already enjoyed—to request of Member States periodic information on the quantitative and qualitative developments in the application of the Standard Minimum Rules; and on the new problems arising, the experiments being carried out, the difficulties being encountered and the results being achieved. It was proposed that that information should be provided periodically in the form of replies to a questionnaire so devised as to cover the main problems, couched in specific terms, and so formulated as to ensure comparability of the replies.

163. A more formal international legal status for the Standard Minimum Rules would almost inevitably bring with it a more effective implementation of them, in respect of both the number of rights, and the reality and effectiveness of their observance. Experience had shown that a General Assembly resolution elicited more favourable response from the Member States. Lastly, the beneficial results of a dialogue between those at the national and international levels were well known.

4. IMPLEMENTATION OF THE STANDARD MINIMUM RULES

(a) *Current situation*

164. Several participants pointed out that the Standard Minimum Rules were not everywhere equally well known and that, more particularly, there was practically no country in the world that had already succeeded in applying them in their entirety without reservations. That situation existed primarily because the progressive spirit of the Rules went beyond the classical or neo-classical notions of punishment. Not all countries had overcome the gap between the abstract notions or criteria of their penal codes and the more rational and more definitely social approaches of the Standard Minimum Rules.

165. The exceptional interest the Congress was showing in the Standard Minimum Rules brought prominence to a problem that, to some extent, had been lying dormant in some countries, and in others had been dealt with only

in the past few months. The Fourth Congress marked a new stage in the treatment of prisoners: the various viewpoints, although differently expressed, had something very definitely in common so that one could speak of a convergence of aspirations.

(b) *Programme of implementation*

166. As to the current status of the Standard Minimum Rules drafted in 1955, the discussion confirmed, on the one hand, the social philosophy embodied in the Rules as a whole and, on the other hand, underlined their practical application. With respect to the humanitarian and social spirit of the Rules, a warning note was sounded against the tendency to be overly literal in their interpretation. It was evidently necessary to recall that the 1955 text of the Rules constituted a "minimum" and that, far from justifying any kind of inaction, it should encourage attempts to go even further through experimentation aimed at broadening the rights of prisoners.

167. It should also be recalled that the Standard Minimum Rules provided a supple and flexible framework allowing scope for the inclusion of the most demanding ideals, the most modern aspirations and prudently audacious experimentation. The 1955 text of the Rules must be taken as a starting-point for successive stages of progress as represented by advances in science and an increasingly real socialization of human relations. Several speakers thus emphasized the need for increasing contact between prisoners and the outside world, and for making those contacts more socially meaningful. The way in which that aim could be realized necessarily depended upon national and regional traditions. Among the areas in which such contacts could become more frequent and lively, the following were specifically mentioned:

(a) The family and, in particular, the emotional environment and economic situation of prisoners' children;

(b) Employment, not only with respect to the relationship between employer and employee, but with respect to the relationship among teams of workers;

(c) Social service organizations that were not part of the prison, which might either belong to the public sector or be the outcome of private initiatives;

(d) The community itself, taken in accordance with its widening circles from the neighbourhood, to the town, the province and the country.

168. A similar concern underlay the suggestions made in the course of the discussion that efforts should be made towards developing the closest possible correspondence between living conditions within the correctional institutions and those of persons living in freedom in the region in which the institution was located.

169. The principal means proposed for achieving such a correspondence of conditions were as follows:

(a) To organize life in the correctional institution in such a way as to enable prisoners to play a part in determining their daily routine, to exercise their initiative and thereby to assume responsibilities—because participation of that kind would be less artificial than passive obedience and closer to social reality;

(b) To rationalize the work of the prisoners as much to secure for them the vocational training which would

promote their reintegration into society as to select those activities which would permit the social education and the economic profitability of the work of prisoners at one and the same time;

(c) To allow the inmates to spend part of their wages freely, after deductions had been made for the cost of their board and lodgings;

(d) To draw up a daily schedule of working hours, meal times and recreation and rest periods which would correspond as closely as possible to the pattern followed by the residents of the region.

170. A further need was stressed in the same context: that of ensuring reliable and regular communication between the various branches of the correctional system, taken in the broadest sense of the term, and encompassing all methods for the treatment of offenders. Clearly, the facts noted about probationers or conditionally released offenders could be advantageously used in developing an institutional system. It was also clear that the experience gained with prisoners could play a useful part in improving non-institutional methods of treatment. There also, one might hope that many benefits would flow from a spirit of emulation between the various parts of the correctional system, such as the correlation of experiments with their results, which would, in turn, suggest further experiments.

(c) *Methods of implementation*

171. It appeared to the Congress that some consideration might usefully be given to practical methods of implementing the Standard Minimum Rules. Those methods were classified under the following general headings: (a) dissemination; (b) training; (c) information; and (d) establishment and use of the machinery most appropriate for such purposes. Each of those four areas can be considered in turn at the national level, the regional level and the United Nations level.

(i) *Dissemination*

172. The first method of ensuring the more effective implementation of the Standard Minimum Rules would be, naturally, to make them better known and understood and hence more easily and generally acceptable. It would therefore be necessary for the spirit of the Rules to be propagated and the text to be disseminated.

173. At the national level, the following methods could be considered:

(a) Translation of the Standard Minimum Rules not only into the national language, but into other languages used in particular areas of a country;

(b) Dissemination of those translations not only among the prison authorities, but among all other authorities, services and social groups, since the fate of offenders was the concern of society as a whole. It was pointed out, in particular, that those translations should reach all members of government, including the legislative branches; all parts of the correctional system down to the last prison warder and the prisoners themselves; and all agencies and associations in the public and private sectors that were concerned with any aspect of the social reintegration of offenders.

174. The diversity of those recipients necessarily implied different methods of dissemination: on the one

hand, scientific commentaries and, on the other hand, readily understandable synopses available to everyone; on the one hand, articles in specialized journals, such as periodicals of general interest and, on the other hand, the drafting of simple texts in such a way as to force attention.

175. One sector of distribution deserved a special effort: that of the judicial world. The traditions of the magistrature had not usually included any direct and personal contact with prison life. It had been said—perhaps exaggeratedly—that some judges did not know exactly to what they condemned an offender when they inflicted a sentence of imprisonment. The real problem was that judges applied a juridico-penal system which did not correspond exactly to the new horizons of the sanctioned treatment. For that reason, it would be highly desirable that the Standard Minimum Rules should be widely distributed to judges and prosecuting attorneys, not forgetting the members of the bar, many of whom were still subject to the effects of their training in retributive penal law.

176. Lastly, it was recommended that a special effort should be made to reach public opinion, which necessarily lagged somewhat behind the scientific progress that affected the understanding of criminal behaviour and tolerance in that respect. The reaction of public opinion to criminality was one of aggressive defensiveness which did not always take account of the real factors involved in crime and its prevention. The dissemination of the Standard Minimum Rules through the mass media would enable the public to gain better understanding and acceptance of modern correctional methods. The public would, moreover, be more disposed to make a place for the prisoner in society upon his release from prison; and would also more readily accept sanctions that restricted the prisoner's freedom only partially, such as quasi- or semi-imprisonment.

177. At the regional level, consideration should equally be given to the methods suggested for the national level in order that they might be co-ordinated. It was considered likely, moreover, that joint efforts by several countries having common aspirations would make it possible to effect economies. In that respect also, some benefit could be expected from emulation between countries.

178. At the United Nations level, the dissemination of the Standard Minimum Rules would naturally imply the objectives of persuasion, co-ordination and technical assistance, although the precise ways and means of so doing could not yet be detailed.

(ii) *Training*

179. If the publicity recommended above was designed to increase the understanding and acceptance of the humanitarian and social principles underlying the Standard Minimum Rules; development and improvement of methods and techniques was needed for the actual implementation of the Rules.

180. At the national level, training must be provided throughout the hierarchical pyramid of the correctional administration. For the Rules to be really applied in the daily life of institutions, all institutional staff must have the opportunity to familiarize themselves thoroughly with

the objectives of the Rules and to acquire an outlook that would enable them to implement them in practice. Such instruction in new techniques for the treatment of offenders should also be given to those on the outside co-operating with the correctional system. Although a humanitarian approach was essential, certain forms of old-fashioned paternalism and of a narrow philosophical outlook would run the risk of evoking an undue reaction. Lastly, some instruction in new techniques could usefully be given to those individuals or agencies which ensured some liaison between the institutional and the outside world. Such training could be undertaken at the national level through courses, conferences, in-service training, seminars or colloquia, exchange of personnel etc.

181. At the regional level, the objectives and methods suggested for the national level could also be taken into consideration. In addition, however, it should be stressed that regional institutes should also be utilized for that purpose since their usefulness in the area of scientific evaluation and in dealing with the direct and specific problems of training and specialization had been proved.

182. At the United Nations level, the problem of training for the treatment of offenders required several types of action. The suggestions made by the Congress included, in particular:

(a) Intensification of technical assistance, the possibilities of which had not been fully explored in requests from Member States;

(b) Support for, and co-ordination of, national and regional efforts, for example, through periodical publications or the provision of teaching materials;

(c) Financial support, by complete or partial absorption of costs, according to the resources of the countries or regions concerned;

(d) The setting-up of regional social defence institutes for research and training;

(e) The setting-up of teams of international experts (travelling faculties), which, with the help of national or regional specialists, could hold seminars in different places.

(iii) Information

183. The implementation of the Standard Minimum Rules should be facilitated by co-ordinating efforts designed to effect an exchange of information on the Rules themselves and on their underlying rationale, on the methods used for their implementation; and on the difficulties encountered in, and the results obtained by, their application.

184. At the national level, co-ordination of information should be achieved systematically, so that a synopsis allowing international comparability could be prepared.

185. At the regional level, co-ordination of information should be the responsibility of regional institutes, particularly with respect to the standardization of reporting practices.

186. The question of information was considered to be of particular importance at the United Nations level. It might be possible to co-ordinate efforts by drawing up a questionnaire to which Member States would be invited to reply. The questionnaire would deal with the existing status and application both of the humanitarian and

social principles of the Standard Minimum Rules and of the practical achievements in correctional techniques. The questionnaire should include a blank section in which new problems, experiences and difficulties could be noted. Importance should be attached to terminology, to ensure that a word would be interpreted identically in all languages. The expressions to be used in the questionnaire would therefore have to be "codified" in advance. Ways should also be considered of overcoming the reluctance of some countries to report on their less successful experiences. Since all countries had experienced some failures, international co-operation required that those failures be reported so that other countries could avoid making the same mistakes. Lastly, the United Nations should distribute, on a regular basis, the information received from all countries.

(iv) Establishment and use of agencies

187. Once the broad outlines of the programme for the implementation of the Standard Minimum Rules had been indicated, provision must be made for agencies to put it into effect at various levels.

188. At the national level, several participants suggested that each country should establish a national agency specifically charged with the task of ensuring and supervising the implementation of the Standard Minimum Rules. Several suggestions were made concerning ways of officially enforcing respect for human rights as laid down in the Standard Minimum Rules. Some participants felt that courts of special jurisdiction or special judges should pronounce on questions arising out of the execution of sanctions and measures; others preferred the system of the ombudsman, who would have jurisdiction over all authorities; still others felt that it would be sufficient for prisoners to have recourse to a special tribunal. Nearly all participants felt that provision should be made for recourse procedures consistent with national traditions without, however, deciding in favour of a particular form of recourse.

189. At the regional level, the same function might be fulfilled by international conventions. Some groups of countries had already signed conventions establishing conciliation boards which acted as arbitration courts.

190. At the United Nations level, the steps to be taken must depend upon the experiences gathered at the national and regional levels.

5. REVISION OF THE STANDARD MINIMUM RULES

191. During the discussion on the revision of the Standard Minimum Rules, a large majority of participants expressed the view that it was more important to ensure the more effective application of the Rules than to revise the 1955 text. It was also agreed, however, that the Rules as drawn up in 1955 marked a particular moment in a long process of evolution and that any country could undertake experiments without waiting for a possible revision of the Standard Minimum Rules as a whole.

192. It was recommended that only those rules which truly required modification should be revised. The general principles underlying the Standard Minimum Rules, which were their foundation and justification, were

still valid. Some minor changes might have to be made in the rules relating to methods and techniques of treatment. That problem, however, did not appear ripe for specific proposals by the Fourth Congress. Methodological questions that might require reconsideration would include the division of prisoners into categories and the extension of the Standard Minimum Rules to persons detained in the absence of any criminal charge, as well as the consideration of the dependants of prisoners. Emphasis was also placed on the importance of approaching the Rules in the light of the continuing need for scientific knowledge relating to human behaviour and the personality of the individual if the treatment of offenders was to be truly effective.

193. The division of prisoners into categories appeared to be justified only if special treatment was required. The mentally ill and severe cases of drug addiction clearly constituted such special categories. On the other hand, separation into different age-groups did not appear to be justified in all cases, as a mixed group might more accurately reflect the actual make-up of society. Lastly, a more flexible attitude might be taken towards separation on the basis of sex, following the example of psychiatric treatment in groups.

194. Almost general agreement was expressed with the view that States should be requested to apply the Standard Minimum Rules to any person deprived of liberty, for any cause and by any authority. The extension of the 1955 text to cover such cases did not appear to raise any particular problems.

195. Lastly, it was acknowledged that steps must be taken to help the dependants of prisoners in order to avoid harmful disruptions and problems in the education of children, which hampered their integration into society. Those problems had not been overcome in many countries.

196. The revision of the Rules must, of course, be entrusted to the working group of experts referred to earlier and must extend to the following areas:

- (a) Assessment of new problems and needs;
- (b) Minor changes in the 1955 text required in certain Rules;
- (c) Further study of a possible subdivision of the Standard Minimum Rules into a first part incorporating the basic principles of the Rules and a second part dealing with methods and techniques of treatment, which might be subdivided, in turn, into sections dealing with the various specific forms of treatment;
- (d) Consideration of all the implications of a possible future international convention on the fundamental principles of the Standard Minimum Rules.

6. CONCLUSIONS

197. It was decided that no formal resolutions or recommendations concerning the Standard Minimum Rules would be submitted. Certain key concepts, however, emerged from the preparatory work as a whole and from the Congress discussions:

(a) The problem of the Standard Minimum Rules has elicited sustained attention and has given rise to important comment at the highest level. The problems remain

very acute and continue to give rise to increasingly difficult questions, because of their human and social implications;

(b) A programme of persuasion and action was recommended to promote the spirit of the Rules and training in the specific methods required for their implementation.

198. In order to respond to the clear wishes expressed, it was suggested that the following steps should be taken:

(1) The General Assembly of the United Nations should adopt a resolution approving the Standard Minimum Rules and recommending their implementation to Member States;

(2) The Economic and Social Council and the Secretary-General of the United Nations should immediately take the necessary steps to encourage scientific research and develop technical assistance, and should provide the United Nations social defence programme with the means needed to promote such implementation, in particular, by establishing a working group of specially qualified experts to study the numerous complex problems relating to the Rules;

(3) The working group should: (a) undertake an international evaluation of needs, means and results, relating to the implementation of the Rules; (b) devise a system that would ensure that the information periodically requested from Member States or voluntarily submitted by non-member States should be pertinent and quantitatively and qualitatively comparable; (c) consider the desirability of dividing the Standard Minimum Rules into a general part, containing a more refined statement of the basic principles which might form an international convention; and a special part, devoted to the technical questions relating to treatment, to which amendments and additions could be made in the light of favourable experience; (d) study all the implications of a possible future "internationalization" of the various types of remedies open to persons detained who claim that they have not received the benefits of the guarantees laid down in the Rules; (e) undertake the amendment proposed above, in particular, to ensure the application of the Rules to all prisoners, regardless of whether they are charged with, or convicted of, crime.

199. The next United Nations Congress should receive a report on the action taken on those conclusions. If it is not possible to submit a report to the plenary session of the Fifth Congress, such a report should be submitted to the working party, the setting-up of which is strongly recommended.

D. REPORT ON AGENDA ITEM (4) : ORGANIZATION OF RESEARCH FOR POLICY DEVELOPMENT IN SOCIAL DEFENCE

Rapporteur: Knut SVERI (Sweden)

200. The aim of the Congress was to discuss how criminological research should be organized in order to give maximum assistance to policy-makers in their task of formulating, and to administrators in the carrying-out of, the most effective criminal policy. It was not the aim of the Congress to determine suitable topics for

research, although examples of research useful to policy-makers were cited. The common agreement not to discuss such matters, which clearly would have led to a debate on criminal policy in general, made it possible to focus the discussion on the main problem of the organization of research.

201. A wide variety of opinions was expressed and the discussions were far-ranging. Three main reasons for the difference in opinions may be mentioned: (a) whether the speaker had had any experience in research work; (b) what kind of position he occupied; (c) the particular social and economic structure within which he functioned in his home country.

202. The Congress took note of the fact that differences of opinion could even be found among policy-makers, administrators, practitioners; and the two types of research workers, namely, those whose area of research was determined and directed by their Governments and those of the academic world to whom those constraints did not apply. The way one decided how criminological research should be carried out in a country affected people in those different positions differently. There were likely to be instances in which policy-makers would want the results of research to support or prove the rightness of their policies, or to disprove contrary policies; the administrator would like to know whether he was carrying out his duties for the Government in such a manner that it had the prescribed effect; the practitioner often wanted to have research organized in such a way that it could prove injustices in the law and illumine the contradictions and confusion between casework requirements and sentencing practices. Lastly, differences of opinion derived from national differences in political philosophy and orientation, in social structure and in levels of economic and social growth; differences in definitions of crime and different crime rates had thus been produced.

203. It was therefore to be expected that opinions might differ on what could be expected of research, what types of research would be desirable, and how research should be organized and integrated in the social defence policy of a country. A common agreement on those points was difficult enough to reach at regional or even national meetings; it could scarcely be expected at an international meeting of the scope and character of the Congress.

1. SCIENTIFIC APPROACH TO PROBLEMS OF CRIME

204. The opinions were set forth concerning the use of "science" and "research" in the scientific approach to problems of crime. The most commonly expressed view was that through use of science, society would be able to solve those problems. From that view, it may be inferred that the majority of the participants had great expectations of the usefulness of future criminological research aided by computers to collate and evaluate data. A contrary view was that crime, as a deviation from social norms, was a natural social phenomenon and would never disappear, simply because social norms of one kind or another would always have to be present. Adopting that sociological viewpoint, a social defence policy should aim at reducing crime to a tolerable level and should

concentrate on those types of behaviour which could be said to be really harmful to the citizens.

205. If the former viewpoint were adopted, it would lead to a type of social defence organization where scientists would be expected to play the key role, since, in the course of time, they would be expected to know all the answers. As stressed by some of the sociologically oriented speakers, however, social scientists could never solve political problems; those problems must be solved by politicians. Scientists and research workers could only give policy-makers the basic data and eventually probabilities concerning the results of choices for future action. In that case, the organizational structure must necessarily be different, with the interaction between decision-makers and research workers being a close, but not a key, one. The participants were cautioned, however, against assuming that a decision-making body became a scientific one simply by the inclusion of scientists in its membership.

2. RESEARCH

206. Research has been defined in the Secretariat working paper (A/CONF.43/4) as "the pursuit of truth through the application of scientific procedures designed to reduce bias". Although all speakers seemed to agree on that definition, it was quite obvious that the term "scientific procedures" was used in different ways, without clarification. Some speakers used the term "scientific procedures" to connote an empirical method to gather facts; others used it to include even "logically derived conclusions from a political theory". One possible way of defining research in social defence was suggested, namely, activities falling within one of the following types: (a) statistical research (mainly gathering and control of criminal statistics); (b) operational research (e.g., the study of police systems and institutions); and (c) "pure" research, either of a descriptive kind or with the aim of testing hypotheses derived from a theory.

207. The old contrast between pure and applied research was touched upon by many speakers. Some of the policy-makers present wanted to restrict pure research as much as possible, because such research had no bearing on the existing problems with which they had to deal. The consensus, however, was that there should be room for research undertaken purely for the sake of knowledge and understanding; not all research had to be directed towards immediate practical aims. It was mentioned that an interesting development appeared to have taken place during the past years, namely, some Governments and larger research funds expected plans for development to include some kind of "evaluation research design". That design made it possible to wed practical and theoretical elements in such a way that the plans were acceptable to both decision-makers and research workers.

208. Another type of research development was mentioned: systems analysis, which had recently been introduced. That type of analysis was directed towards the decision-making processes, and it viewed the judicial system as a corporate entity. By studying the persons passing through the system, one could find the important points where different decisions might be taken. System-

atic studies of the outcome of those decisions provided constant feedbacks to the decision-makers and helped them re-evaluate their future decisions. In that way, time and money might be saved and higher efficiency attained.

3. CONDITIONS FOR RESEARCH

209. There was complete agreement that the most important condition for research was simply that the value of the results of research must be realized by the policy-makers. If the policy-maker believed that the system he had been responsible for was the best available, he would not be particularly interested in studies concerning the system as such; but certainly he might want to have research that could help him improve the details of practice. In that connexion, it was observed that research should have the broad aim of studying the entirety of a specific and desired programme or policy, as well as the hidden or unforeseen consequences which might emanate from it. Such research could be expected to have an influence on policy-makers by making them aware of problems and consequences which they might not have anticipated.

210. A number of reasons were adduced for the scepticism of policy-makers concerning different types of research undertaken so far. It was observed that in some of the developing countries, research often was undertaken by persons who did not understand the importance of the cultural context in which the studies were being conducted and therefore often misinterpreted their results. It was also mentioned that material often was gathered from unreliable sources and the findings coloured by the personal preconceptions of the research worker. Such short-comings were not alien, moreover, to the developed countries. Thus, even if the policy-makers were interested in different kinds of research results, many studies undertaken so far had either had only "academic" interest or had been of poor quality. In the relatively few cases (outside of purely statistical trends and studies of work-loads) where reliable results had been reached (e.g., prison studies and studies concerning the effects of institutional *versus* non-institutional treatment), those results usually had been neglected by policy-makers. There was agreement, therefore, that in order to solve the conflict of mutual scepticism, some kind of dialogue between research workers and policy-makers appeared to be a prerequisite.

211. While that state of affairs prevailed in most parts of the world, some countries were exceptions, and in those countries, the mutual scepticism of research workers and policy-makers was not usual. Some of those were countries where research was centrally organized by Governments and executed according to specific plans based on concrete political ideas and carried out by Civil Servants.

212. The Congress stressed that in order to obtain good research work, it was essential to have highly trained research workers. Most of the work done thus far, it was stated by one speaker, had been carried out by unqualified part-time workers. Training and positions for research workers were essential not only to obtain better work, but to assure continuity and to be able to

plan long-term research. In that connexion, it was suggested that universities, primarily, should give the necessary training in research and that the State should employ the most qualified researchers and give them either positions at governmental research institutes or similar positions at university research institutes. It was also suggested that the United Nations Social Defence Research Institute at Rome should initiate training programmes for research workers and that, in general, the United Nations should explore possibilities of sponsoring training in research, including international fellowships, for that purpose.

4. STRUCTURE OF ORGANIZATION FOR RESEARCH

213. Among the different countries, organizational structures for research varied considerably. Most countries appeared to have at least some type of organization, i.e. some place where criminal statistics were gathered. There seemed to be full agreement that that type of data collection should be the duty of the Government. It was stressed, however, that the different types of criminal statistical data could be of greater use to research workers if they were gathered in a data bank and not kept by different authorities. It would then be possible to make use of the information for studies, such as on the criminal careers of offenders, and for systems analysis.

214. Other types of research—operational and pure research—were currently undertaken in part by governmental institutes or bureaux, and in part by university institutions. Some countries even had local or national planning boards for such research.

215. The problem of the organization of social science research was a political one, which had to be solved according to the historical and political traditions of a country. The main reason for that might not necessarily be differences in the political structures of the countries, but simply because social research could be extremely expensive and thus required proper budgeting. On the other hand, it became clear that even motives connected with political ideology might have a direct bearing upon the organizational structure. Thus, it was reported that in one country, a national planning board for social research had been set up and invested with the right to refuse publication of the results of research which it had authorized.

216. It was therefore suggested that considerable attention should be given to the way in which policy for research activities should be organized. Research work, it was stressed, should not be concentrated in governmental institutions alone, since those institutions themselves were biased. Studies of prisons, for example, should be performed by research workers from "the outside", since prisoners often were afraid of revealing the truth (as they saw it) to officials who might convey the information to the prison personnel. An ideal organization, which satisfied all concerned, probably could not be found anywhere. It appeared, however, that after a long period of experimentation, many countries were following the same general pattern: political authorities (for example, a parliament) decided the proportion of the budget that should be given to social defence research

(or social research); whereas some kind of a planning board selected the research projects on which the money should be spent. That planning board might include research workers, politicians and administrators.

217. Another issue, where differences among countries were even greater, concerned the balance between free academic research and research by institutes directly attached to the Government, for example, the ministry or department of justice.

5. PRIORITIES

218. The differences of opinion between policy-makers and research workers were stressed mainly by speakers from countries where social sciences had reached a certain level of sophistication. It was observed that it had not always been the "practical" approach which had brought insight and, in the long run, had had revolutionary influence on mankind; there should be an academic world without constraints so that work which might appear, at the current time, quite impractical and useless could be undertaken.

219. Apart from that consideration, there still remained the problem of allocation of resources (money and personnel) to the type of research directed towards practical aims. Two main topics were emphasized in that respect: the study of crime in itself, and the study of the effectiveness of existing policies and programmes.

220. Concerning the first problem, there appeared to be full agreement that all criminological knowledge should be based upon exact information, which meant knowledge of the quantitative and the qualitative aspects of the phenomena of crime. The former type of data would primarily be the official criminal statistics of a country (crimes known to police, court statistics and correctional statistics). Such statistics were frequently used as indexes of changes in "criminality" over time, although, as such, they might only reflect changes in police activity. Controls were therefore necessary, for example, through studies using interviews with victims of crimes in samples of the population, to find the actual number of persons who had committed crimes but had never been caught. The study of the "quality of crimes" was also mentioned. Such studies often showed that some of the social behaviour called "crime" was harmless and only to be called "nuisances" having no great importance.

221. Secondly, policy-makers and administrators might be interested in studies that could show the usefulness of their policy, and there was obvious interest on the part of the participants in such studies. Those projects usually had as their main objective to give a description of the situation (for example, of a prison or of the recidivism rate from different kinds of measures) in order to determine whether any change of policy might be appropriate. Studies of that type might not only include studies of offenders and their way of reacting to the measures enforced, but even direct themselves towards offenders.

222. A small minority of speakers expected research to solve the problem of the "causes" of crime. With a few exceptions, however, agreement seemed to exist that the primary objective of research should be mainly the

identification of sociological and psychological factors which could be used for planned action.

223. As one of the types of studies raising special difficulties, but considered to be of the utmost interest, the experiment with differential treatment of samples of offenders was mentioned. Outstanding examples of such research were cited, for example, studies that had shown that effective probation with a casework approach for offenders from fifteen to eighteen years of age had given significantly lower recidivism rates than the usual commitment to industrial schools. That result, however, was not necessarily universally valid; results might differ in another cultural setting.

6. SOME ISSUES IN RESEARCH

(a) *The research team*

224. There was general agreement that at least the larger research institutes should have a staff of research workers and practitioners trained in different fields of human behaviour (law, sociology, psychiatry, psychology, etc.). Only by the fusion of such a team, covering all aspects of the same phenomena, could one expect the maximum effect of a research project involving the study of human behaviour. Interdisciplinary research work, however, had as a prerequisite some kind of an agreed theoretical framework. Without that framework, it would be impossible for the findings of the different specialists to be fitted together in a meaningful way.

(b) *Co-ordination*

225. As had been mentioned early in the discussion, many countries had national planning boards for research. In that connexion, the opinion was advanced that these boards should also co-ordinate research and direct it towards practical objectives. While that function would be fairly easy in countries where the planning board in question was situated in the ministry or department of justice, difficulties might arise where the board decided its own policy of research. Moreover, general research councils might have interests too broad to give social defence the attention it required—however logical it might seem, administratively, to give them the responsibility for practical research in social defence. If they were to assume responsibility for the kind of policy-oriented research that was required, it might be necessary to provide for special subcouncils or for a structure adequate to take full account of policy needs in social defence. Then, the broader interests of a general research council and the specialized interests of social defence could be harmonized.

226. Some kind of co-ordination was obviously necessary, however, in order that research of more immediate practical value could be undertaken. Some countries has established committees for the co-ordination of research within their respective ministries of justice, which had the task both to act as a clearing-house of information and to encourage research in the neglected area of social defence.

227. International and regional co-ordination of research was stressed by many speakers, and it was

proposed that the United Nations should give assistance in those matters.

(c) *Limitations*

228. Four main questions were raised in connexion with limitations: (a) the question of free access to data by research workers outside the Government; (b) the rights of the research worker to freedom of action and freedom to publish; (c) the right to undertake research and the individual's right to privacy; and (d) experimental research with human beings.

229. On the two first questions, there was no great diversity of opinions. Although those speakers who touched upon the problems agreed that the confidentiality of data on individuals must be strictly upheld, there seemed to be agreement that competent and reputable researchers should be given access to official data. Concerning the right to publish, the problem of disclosing the identity of and data on the offender might be solved by having some kind of censorship by the authority giving the research worker access to the data. Such censorship, however, should be restricted to the question whether the confidentiality rule had been broken.

230. The question of experimentation was considered to be, in some instances, a more difficult one; and that question was the object of some discussion. It was stated that some types of experimentation raised no ethical problems, for example, the effects of changes in police methods. Since clinical experience seldom provided an answer which could have general applicability and retrospective studies were difficult to check except with more or less dubious statistical research designs, there was no doubt that controlled experiments with different treatment of samples of offenders might yield the best scientific results.

231. The principle was suggested, therefore, that as long as the experimental groups were exposed by common agreement to less suffering and hardship than they would have otherwise experienced, no ethical objections should be raised against using the experimental method.

(d) *Communication*

232. The Congress considered that the question of communication and common understanding between policy-makers and research workers was a crucial issue. It was clearly stated that although policy-makers might want research undertaken, they were very often quite sceptical of the research worker's ability to understand their points of view. That scepticism was, however, very often mutual, at least for research workers who were not a part of a governmental research organization. The research designs, the complicated theoretical framework and the technical language used by many research workers often proved a traumatic experience for the policy-maker. It must be realized, however, that "crime" was a legal definition of a certain type of behaviour and that the subject-matter of scientific research could not always be defined in legal terms. The research worker, therefore, was often sceptical of the policy-maker's ability to understand anything outside of matters having immediate practical value.

233. Many suggestions were put forward as to how that problem could be solved. All of them had as a common base that, in order to understand each other, people must meet and present their opinions, and have a free exchange of views. That communication could be done through seminars, workshops and conferences. Reference was made to the important role played by private institutions and foundations in many countries.

234. Another issue that was mentioned was the question of how to acquaint a broader public—among them, for example, the judges—with the results of scientific studies. The prerequisites appeared to be, first, that the presentation should be made in such a way that it could be understood; and, secondly, that it should be available to the persons one wanted to reach. One country had made a survey of the reading habits of judges in order to find out how those could be used in public relations activities. Other countries had very active private associations which were used for the purpose of spreading information of that kind. Lectures sponsored by Governments might also be of value, and even refresher courses for administrators.

235. Very often, a country did not have the resources and trained personnel to undertake research and to organize the necessary communication between research workers and policy-makers. One of the best ways out of that dilemma was some kind of regional organization. It was suggested that the United Nations could be of great help in sponsoring and assisting such organizations in different parts of the world to develop the necessary communication.

236. It was observed that communication could, and should, be looked upon as a long-term undertaking. That matter, however, was primarily a question of higher education at the universities. Many groups of students who were important for the future development of social welfare should be included in that type of education in social defence, for example, medical doctors, city planners; and, in many countries, even lawyers.

7. SUGGESTIONS FOR INTERNATIONAL CO-OPERATION AND UNITED NATIONS ASSISTANCE

237. The question of more effective aid to developing countries through multilateral and bilateral aid programmes was considered. The problem of providing staff and facilities for training was raised by several developing countries. The United Nations and other technical assistance agencies were asked to make available fellowships for training at home or abroad at internationally recognized institutions. Emphasis was placed on having the United Nations sponsor regional and subregional systems of collaboration in research training; and existing United Nations resources, such as the United Nations Social Defence Research Institute at Rome and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (Fuchu, Tokyo) were asked to give a special place in their work programmes to training research personnel. It was foreseen that the newly appointed interregional advisers on social defence could play an important role in developing that kind of work among Governments. The area of

social defence also was one for regional or subregional collaboration and services. The United Nations should conduct seminars and workshops; and the Congress learned with interest in that connexion of the national workshop recently held in India, with the support of the United Nations, on the utilization of research in policy development in the social defence field. There were also suggestions that the United Nations should itself intensify international research, and particular attention was given to cross-national comparative studies.

238. In recognizing the importance of developing adequate awareness of the place for research in policy development in the social defence field, the suggestion was put forward that the United Nations should convene a conference of ministers of justice. The successful experiences of the Council of Europe in convening European conferences of ministers of justice supported the wisdom of such a conference on a world-wide level.

8. CONCLUSIONS

239. Different countries and regions of the world have different problems of social defence. No universal plan for social defence is therefore conceivable; each country must solve its problems in the light of its own tradition. The principles and methods of scientific research, however, are valid everywhere. The following specific conclusions were reached in connexion with organization of research for policy development in social defence:

(1) When empirical science is thought to be useful to those who formulate or implement policy, research workers should be called upon to assist them in their difficult task;

(2) While the practical utility of research findings may not be readily perceived at the time they are made, pure research, which may appear to have no immediate practical value, should not be neglected;

(3) Mutual distrust, often found between policy-makers and research workers, should be dispelled, possibly through joint seminars, workshops and conferences;

(4) Governments should establish research and planning bureaux and institutes to gather facts and to carry out research needed by the Government. Universities and other academic and scientific institutions should be utilized for this purpose, when appropriate, without imposing restrictions on them that would hamper free inquiry;

(5) Systems of criminal statistics, based on the decisions of all public agencies dealing with crime or offenders, should be established, because they are an essential source of information on which planned social action can be based;

(6) There is imperative need for the training of research workers and for the employment of such workers by policy-making organs. Universities should be called upon to provide appropriate training programmes. United Nations agencies, such as the regional and research institutes, should provide research training fellowships and, in their work programmes, provide research training courses, seminars and workshops aimed at utilizing research for policy development in social defence.

III. Closing plenary meeting

240. In view of the fact that the Congress had affirmed the appointment of an independent General Rapporteur and in consideration of the arrangement whereby the reports on the four agenda items had been adopted within the respective sections, the closing plenary meeting was divided into three parts. The first period was devoted to the presentation of verbal summaries of the final reports on the four agenda items, delivered by the respective Rapporteurs; and the analysis of the Congress proceedings, presented by the General Rapporteur. The second part was reserved for the closing addresses of the representative of the Secretary-General of the United Nations, the heads of a representative number of delegations, the President of the Congress and the Chairman of the Japanese Organizing Committee. Those addresses were followed by the formal closing of the Congress.

241. In their reports, the Rapporteurs of the four sections highlighted the main issues that had been faced in their meetings and the conclusions that had been drawn, including any recommendations for future action. Their reports are fully covered in this report on the Congress (paragraphs 61-239).

242. The General Rapporteur followed the section spokesmen, stressing that his analysis of the Congress would be personal and in no way an official review of the proceedings. He recalled, however, that he had been the first head of the Social Defence Section of the United Nations, and he observed that with him at the Congress were four of his successors. He called upon the Organization to set up a series of working groups to implement the Congress recommendations. Beginning with agenda item (3), he reviewed the progress of the work of the Congress on the Standard Minimum Rules for the Treatment of Prisoners, welcoming the flexible and realistic attitude of the discussions and suggesting that the next United Nations Congress should receive the first progress reports on the discharge of responsibility for promoting international progress in correctional work. Concerning participation of the public in the prevention and control of crime and delinquency (agenda item (2)), he felt that the excellent work of the Congress called for the formation of a working group to scrutinize the report, to evaluate the practical significance of so many existing schemes and to select the best among them for international promotion. Sir Leon also felt that there needed to be a working paper for the implementation of the recommendations concerning research in relation to policy development (agenda item (4)); he felt there should be more United Nations support of the research work currently being undertaken throughout the world and suggested the dissemination of information on existing centres and facilities. Welcoming the study of social defence policies in the context of national development planning (agenda item (1)) he, nevertheless expressed concern that social defence as an entity might be lost if the integration of planning and the co-ordination of official policies went too far. He suggested that links had to be developed between social planning and social defence, but he hesitated to go far beyond that step. Lastly, Sir Leon drew attention to the limitations of the

United Nations structure in meeting an expanding international need for crime prevention. He dwelt on the smallness of the Social Defence Section and the need for structural change. He hoped it would be possible to have a working group of high quality to connect one Congress with the next. A fuller summary of the General Rapporteur's address is given below (paragraphs 268-295).

243. Speaking as the representative of the Secretary-General, Mr. Kurt Jansson, congratulated all participants on what had been the most hard-working conference in his international experience. It had reached notable conclusions at a very crucial time, when the United Nations was entering its Second Development Decade. The reassessment of the very meaning of the term "development" had just been completed by the international community, and he read to the Congress the statement of objectives for the Second United Nations Development Decade and the Declaration on Social Progress and Development. Those documents stressed the fact that the final goal of all development was not merely economic growth, but the well-being of the individual and, in a wider sense, social justice and equal opportunity. The social aims currently being adopted gave full recognition to the importance of policies and measures for the prevention and control of crime and delinquency. Coming at the threshold of the Second Development Decade, the Fourth Congress had dramatically attracted the attention of the world to the great need to intensify international action in the field of social defence. For the first time in the history of such Congresses, more than half of the Government delegations represented developing countries.

244. Mr. Jansson promised the Congress a vigorous, systematic and careful follow-up of its work by the United Nations. The Advisory Committee of Experts, appointed by the Secretary-General to provide substantive advice on social defence activities, would meet immediately after the Congress to review its results and to make recommendations to the Secretary-General and the Commission for Social Development for appropriate action arising therefrom. At its next session, in March 1971, the Commission would, for the first time in fifteen years, undertake a major policy discussion on crime and delinquency, on the basis of the report of the Congress and a policy paper prepared by the Secretariat, setting out the major problems and issues concerning criminality in the context of social change and development, and submitting proposals for international action in the future. The Economic and Social Council would consider the Commission's report in May 1971 and would report thereon to the General Assembly at its twenty-sixth session.

245. Arrangements had already been made for the appointment of two interregional advisers on social defence to be available at short notice to provide expert advice on social defence to any country requesting it. Every effort would be made by the United Nations Secretariat to strengthen international assistance at the regional and country levels, and he noted that the Advisory Committee for the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders had held a highly successful meeting during the Congress.

246. The United Nations Social Defence Research Institute at Rome was ready to play a central role in the advancement of action-oriented research, which was so badly needed for policy-making and programme development in social defence.

247. The Congress had shown clearly that social defence must be the concern of the community and the country as a whole, and that it had become a problem requiring considerable expenditure on the part of Governments. Mr. Jansson suggested, therefore, that officials and bodies at the national level concerned with the allocation of a country's financial and human resources should be involved in future Congresses, with a view to convincing them that investment in social defence was investment in progress and development, and not a diversion of funds to a marginal field from which no substantial returns could be expected. That would be particularly important for developing countries where social defence in general, continued to be outside of the plans controlling development expenditure. He expressed the hope that future social defence Congresses might eventually serve as an international forum not only for professional discussions among specialists on social defence, but, for debate and "confrontation" between specialists and those responsible for making decisions affecting the use of resources and the quality of life in all its aspects.

248. In their final addresses, all representatives of countries and groups of countries expressed great satisfaction with the organization and work of the Congress and congratulated the Japanese Organizing Committee and the Secretariat of the United Nations for their excellent work.

249. Speaking on behalf of the participants from all the socialist countries represented at the Congress, Mrs. Daskalova (Bulgaria) expressed their highest satisfaction with the work done by the Congress, which had provided an opportunity for lively and useful discussions on very important issues between representatives of countries with different social systems in a climate of co-operation. She hoped that the work of the Congress would be followed up and its recommendations translated into action.

250. Mr. Traynor, head of the delegation of the United States of America, also expressed gratification with the results of the Congress and stressed that participants had the responsibility for ensuring the implementation of the recommendations of the Congress and expanding the frontiers of social defence in their own countries. He emphasized that social defence must be given new emphasis in over-all national planning.

251. Mr. Aydalot (France) stressed the need to ensure that material progress should not, in the future, be accompanied by an increased crime rate. There was a need to achieve a balance between the individual's rights and those relating to the protection of society, especially in the light of the recent trend towards violent demonstrations by young people. The responsibility, however, should not be left to Governments alone. He made an appeal to the time-honoured values of moderation, tolerance, beauty, peace and love.

252. Mrs. Shah (India) said that her delegation was reassured to hear from the representative of the Secretary-

General that the recommendations of the Congress would not remain a dead letter. She urged States Members of the United Nations to continue to take an interest in UNAFEI and to give it financial support.

253. Mrs. Anttila (Finland), speaking on behalf of the Scandinavian countries, expressed their gratitude to the host Government for the generous hospitality extended to the participants in what had been an extremely well-organized Congress. While the meeting had drawn attention to some of the serious problems facing the world today, the picturesque surroundings had made possible a respite from those pressing concerns. The ideas voiced at the Congress and the memories of their sojourn in Japan would remain with the participants.

254. Mr. Soler (Argentina) said that the Congress must be viewed as a further successful step in the progressive endeavour, begun in the eighteenth century, towards the treatment of offenders on a technical basis and in a way consistent with human dignity.

255. Mr. López-Rey (Bolivia), commenting on the excellent work being done by the United Nations Asia and Far East Institute, said that more institutes of a regional nature were required, for instance, in Latin America. He was confident that the United Nations would pay due attention to social defence policy. The nature of the conclusions and recommendations of the Congress showed that its work was not concluded; the participants should endeavour to ensure that the recommendations should be implemented in their own countries. Proper attention should also be accorded to social defence in national requests for technical assistance, since the provision of United Nations aid depended upon the priority assigned to it by the respective Governments.

256. Mr. Manca (Italy), said that the sadness at the conclusion of the meeting was offset by the satisfaction with the results achieved. The work of the Congress had been both intensive and fruitful, and its success had been due in large measure to its scientific approach and excellent organization, for which he thanked the host Government and the United Nations Secretariat. He felt that the optimism with which he was returning home was well justified.

257. Mr. Graham-Harrison (United Kingdom) emphasized that it was of crucial importance that the report of the Congress should not remain a point of rest, but that it should rather be a point of departure. He hoped the lead given by the Congress would be energetically followed by all countries and by the United Nations, both centrally and regionally, to the greatest extent that resources permitted.

258. Mr. Okwaare (Uganda) pointed out that the presence of participants from so many countries was evidence of the concern throughout the world over the problem of crime. The Congress had provided a deeper insight into the question of how to deal with that problem. He proposed that a continuing Congress secretariat should be established immediately to continue the work of the Congress and that the United Nations Social Defence Section should be expanded and allocated increased resources. He appealed to the United Nations to establish a United Nations social defence institute for

Africa south of the Sahara and to increase technical assistance in social defence to the developing countries of Africa.

259. Mr. El-Din (United Arab Republic), speaking on behalf of the Arab delegations present, said that he hoped due attention would be given to the safeguarding of human rights, particularly in connexion with the implementation of the Standard Minimum Rules. He was confident that the Secretary-General would ensure that all regions should be represented on the Advisory Committee of Experts which would follow up the work of the Congress. The Arab League was very concerned with social defence matters, and he hoped that the United Nations would provide the technical assistance it required.

260. Mrs. Ramaholimihaso (Madagascar) expressed the hope that the recommendations of the Congress would promote a general desire to find solutions to social defence problems. She was concerned that no resolutions had been proposed and that it had been left to the discretion of the participants to follow up the Congress recommendations; she wished to propose that a standing secretariat of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders should be established to ensure continuity of the work.

261. Mr. Muipatayi (Democratic Republic of the Congo) said that, in view of the increasing crime rate in the developing countries, it was important that they should not commit the same errors as the developed countries had done. He suggested that the United Nations should establish an African social defence research and training institute and that the developed countries, through the United Nations, should provide technical assistance to help the developing countries to combat crime.

262. Mr. Bouba (Central African Republic), speaking on behalf of the other French-speaking States of Central Africa, endorsed the proposal for a standing Congress secretariat to carry forward the work from one meeting to another.

263. Mr. Cole (Sierra Leone) fully subscribed to the proposals submitted by the representatives of Uganda and Madagascar for continuing action on the Congress work not only in Africa, but in the Secretariat of the United Nations. He felt that the Declaration adopted by the Congress was merely a starting-point, and he trusted that the participants would return to their countries with a firm determination to persuade their Governments to put into effect the ideas put forward by the Congress. He proposed that a cable should be sent to the Secretary-General of the United Nations, expressing appreciation for the work done by the United Nations Secretariat in preparing for, and ensuring the success of, the Congress. It was so decided and the following cable was sent to the Secretary-General by the President of the Congress: "The Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders instructed me, at its final plenary session held on 26 August, to convey to you by cable the congratulations of the Congress on the superb organization and the very fine preparations made for this Congress. The Congress was particularly impressed with the learned working papers, the way in which section and plenary sessions were conducted,

the appropriate choice of representatives from the various geographical regions and the technical excellence of the Congress servicing. I am instructed to say that the participants were most grateful to the United Nations for a really outstanding piece of work. Many participants believe this to have been a Congress marking a new dimension in international co-operation for crime prevention."

264. Mr. Cornil (International Society for Social Defence, International Council on Social Welfare, International Society for Criminology), speaking on behalf of the non-governmental organizations and the individual participants, noted that the non-governmental organizations had an important role to play in encouraging public participation in the prevention and control of crime. He welcomed the statement of the representative of the Secretary-General concerning the follow-up being planned for the work of the Congress. The crime situation in the economically developed countries was alarming, and he hoped that under the leadership of the United Nations a strengthened programme of work could be undertaken to help turn the tide.

265. Mr. Tsuda, Chairman of the Japanese Organizing

Committee, then made a closing statement in which he thanked the representatives for the expressions of appreciation voiced and expressed gratitude to the United Nations and to all participants for their fruitful co-operation, which had assured the significant results the Congress had achieved.

266. On behalf of the Government of Canada, Mr. Grossman extended a formal invitation to the United Nations to convene the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1975 at Toronto.

267. On behalf of the Congress, the President expressed appreciation to the Government of Canada and Mr. Grossman for that generous offer, which he then placed before the meeting. The proposal to hold the next Congress at Toronto was accepted by acclaim. After expressing his gratification with the results of the Congress, the President thanked the participants and all those who had ensured the success of the work; and he declared the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be formally closed.

PART TWO. SUMMARY OF REPORT OF GENERAL RAPPORTEUR

268. Sir Leon Radzinowicz began his address by expressing his gratitude to the President of the Congress and the Japanese Organizing Committee, to the Executive Secretary, and to all those who, like the Chairmen of the four sections and other participants, had contributed to the success of the Congress and to his comfortable stay in Japan. He felt it to be a great honour to have been invited by the United Nations to be General Rapporteur for the Congress; and recalling that he had been the first head of the Social Defence Section of the United Nations, he noted that four others who had since succeeded him in that position were present at the Congress.

269. Sir Leon then followed with an analysis of the work of each section, beginning with agenda item (3).

THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS IN THE LIGHT OF RECENT DEVELOPMENTS IN THE CORRECTIONAL FIELD

270. The first international "set of general Rules" on the treatment of prisoners had been proposed and drafted in England for the International Prison Commission as long ago as 1925. Since then, work on the Rules had been pursued consistently and in many directions.

271. The scientific and professional organizations, the specialized agencies, the League of Nations, the International Penal and Penitentiary Commission, the Secretariat of the United Nations, the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Benelux Commission, the Council of Europe through its Special Committee on Crime Problems—all those bodies and others had worked on the Rules at one time or another. Penological thought had been meticulous, and the bulk of the Rules had grown from the fifty-five articles endorsed by the League of Nations in 1934 to the current total of ninety-four.

272. Revision of the Rules had taken three directions. First had been changes in particular sectors of the Rules, in particular, classification and treatment, discipline and restraint, work, religious care, prison staff and after-care. Secondly, attempts had been made to distinguish between the rules relating to basic human rights and those concerned with more detailed aspects of prison régime or treatment. Thirdly, there had been concern with enforcement of the Rules.

273. Important as they were, those preoccupations could be carried too far: "*le mieux est l'ennemi du bien*". It would be justifiable and practicable to incorporate several of the modifications in form and substance, proposed during the past twenty years, into the existing draft of the Rules, giving greater prominence to funda-

mental ends. But the effectiveness of international conventions could be overrated. The United Nations Institute for Training and Research had attributed national failures to ratify human rights conventions largely to the following causes: (a) newly independent countries, called upon for the first time to ratify international treaties, might lack as yet the expert legal and administrative staff to examine the implications; (b) the constitutions of many countries made ratification of such agreements a slow and difficult process; (c) ratification sometimes requires alteration of existing national law; (d) regional treaties covering similar ground might already exist; (e) there might be clashes between national ministries of law (or justice) and of foreign (or external) affairs; (f) political, social or economic situations in particular States might be a bar to certain provisions of the treaties.

274. To those obstacles to ratification must be added the difficulties of enforcing conventions even when ratified—difficulties only too similar to those of enforcing unpopular criminal laws, and only too similar in their consequences. Moreover, the wrangling and the procedural complications involved in a convention might well prove fatal to the Rules as such. One's endurance, interests and resources were not limitless; and unless one directed them to what was immediately practical, they would soon wither.

275. For all those reasons, Sir Leon stated, it was good that the report on agenda item (3) showed a flexible and realistic attitude. It might be that, to secure enforcement of the Rules in individual cases, it would be necessary for countries to bring prisoners within the jurisdiction of an ombudsman, or of bodies like the French Conseil d'Etat or the Japanese Civil Liberties Bureau; or perhaps courts should accept more responsibility (as some had done in the United States of America) for appeals from prisoners against breaches of their civil rights. Nevertheless, even apart from such additional safeguards, the Prison Rules could have a major function in penal evolution.

276. Their adoption had never been more urgent. The expansion of prison systems had failed to keep pace with the increase of crime, and especially of serious crime. That failure had been due in part to lack of foresight, in part to over-optimism about alternatives and in part to the low priority given to prison reform. It would be very valuable if the United Nations could carry out a new international census of prison populations throughout the world. In addition, the upsurge in crime might well provoke calls for greater severity. That factor made it essential to preserve the balance by evolving guarantees and checks in the penal sphere, in the interests not only

of prisoners, but of staff. A strong sub-committee of the Advisory Committee, or still better, a small authoritative working party, should be set up to give the final touches to the Standard Minimum Rules and to present them to the appropriate authorities of the United Nations for their speedy adoption and gradual implementation.

277. The next United Nations Congress, instead of debating the question again, should receive the first progress reports on the efforts to promote prison reform throughout the world.

PARTICIPATION OF THE PUBLIC IN THE PREVENTION AND CONTROL OF CRIME AND DELINQUENCY

278. Sir Leon began his analysis of the report on agenda item (2), participation of the public in the prevention and control of crime and delinquency, by stating that such participation could mean many things, from the jury, treasure of liberalism, to the sordid exploits of the Ku Klux Klan. First, it affected the whole spectrum of control: direct prevention, criminal law and procedure; police; courts; treatment; discharge and after-care of offenders; central direction, planning and research. And the mass media were being used to intensify it. Secondly, its influence took different forms: public action might be direct or indirect; sustained or sporadic; expanding, static or contracting; isolated from the official machinery or co-operating with it; competitive or supplementary. Thirdly, its form depended largely upon the diversity of cultural, political and social situations existing in different countries at different stages of their development. The developing countries were moving towards unity and consistent legal systems, with formal procedural safeguards and official systems of enforcement. At the same time, they were anxious to retain what was best in the traditional norms and controls. The major developed countries, at the other extreme, were trying to recover something of the feelings of local identity and mutual responsibility, and to bring them into partnership with the modern systems of crime control. Yet, the virtues of liberalism, the recognition of the rights of individuals and groups to their varying beliefs and ways of life, brought a beneficial awareness of the pitfalls of attempts by one group to "rehabilitate" those of another.

279. Public participation could not be assumed to be good in all circumstances; nor could it be rejected altogether. It was necessary to distinguish gradations in its appropriateness and efficiency, in relation to different kinds of participation and at different historical stages of development. Some forms could be considered to be, in general, desirable (for example, the visiting and after-care of prisoners). Some were usually dangerous (such as assumption by the public of the duties of the police or the imposition of penalties by untrained laymen). Some should only be undertaken by way of experiment, with careful weighing of the evidence and regular review. All should be subject to scientific and detached reevaluation at intervals.

280. It was also important to acknowledge that public participation could never become a major instrument of crime control. Calls for its increase reflected official recognition of the need for allies in combating crime;

but they were sometimes a reflection of public doubt and insecurity, reflecting a sense of emergency, a political device to rally society behind a régime, an ideology or a slogan. The building-up of an effective system of criminal justice might be jeopardized if any expectation were to be created that public participation would supply a substitute for the professional and technical skill needed in modern societies to deal with crime, with other undesirable forms of deviant behaviour and with threats to public order. The mobilization of adequate resources of money, manpower and skill, for the purposes of criminal justice, which even the most affluent societies found so obdurate a problem, would be made even more difficult if the belief were to gain ground that that formidable task could be discharged by cheaper means and by short cuts.

281. Nevertheless, Sir Leon stated, the report on agenda item (2) showed that in many parts of the world forms of public participation in controlling crime had played, and were continuing to play, a fruitful and socially inspiring role. The topic should be retained on the agenda of the United Nations; indeed, a working group should be established to scrutinize it. Its first responsibility should, perhaps, be to select a few of the most significant schemes of public participation in the control of crime currently operating in the world, and to sponsor a thorough and honest evaluation of each of them. Such a study would be of value to all countries, irrespective of their current involvement.

ORGANIZATION OF RESEARCH FOR POLICY DEVELOPMENT AND SOCIAL DEFENCE

282. In analysing the report on agenda item (4), organization of research for policy development and social defence, Sir Leon observed first that the United Nations has consistently endeavoured to promote criminological research.¹ Regionally and nationally, there had been a similar growth of interest. Directors of criminological institutes had been meeting at Strasbourg under the aegis of the Council of Europe. In the United States of America, there were plans to organize criminological research as a national commitment. Those plans included the proposals advanced in the report of the President's Commission, *Challenge of Crime in a Free Society* (1967); the report entitled *A National Programme of Research, Development, Test, and Evaluation*, prepared by the Institute of Defence Analysis (1968); and to the first report of the recently established National Institute of Law Enforcement and Criminal Justice (1970). Directors of criminological research centres in North America were

¹ See, for example, *Second United Nations Congress for the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No.: 61.IV.3); *International Review of Criminal Policy*, No. 23 (United Nations publication, Sales No.: 65.IV.4); the discussion on research in *Third United Nations Congress for the Prevention of Crime and the Treatment of Offenders* (United Nations publication, Sales No.: 67.IV.1); *International Review of Criminal Policy*, No. 28 (United Nations publication, Sales No.: 70.IV.9); and working papers prepared for the Fourth United Nations Congress, Kyoto, 1970 (A/CONF.43/1; A/CONF.43/2; A/CONF.43/3; A/CONF.43/4).

coming together for critical assessments. In Canada, the Committee of Corrections (1969) had outlined a project for the organization of research. England (United Kingdom), like Japan, had an outstanding official research unit, and smaller research units were developing in Australia and New Zealand. Outside the English-speaking world, many other examples could be given, including the re-emergence of criminological research in the Union of Soviet Socialist Republics.

283. It was not, therefore, surprising, Sir Leon said, that much of the discussion of methodology and organization seemed commonplace. There could scarcely be any disagreement on a number of questions:

(a) That distinction between so-called "basic" and "applied" research currently had little real meaning;

(b) That there was need to have criminological research carried out in universities, as well as in ministries;

(c) That, as far as possible, research should always be planned to anticipate any new piece of legislation;

(d) That it was imperative to set up research whenever new experiments were launched;

(e) That it was essential to pursue research as a continuing process in all the most important sections of criminal justice, criminal law enforcement and treatment;

(f) That research, in order to be fruitful, must be conducted with the aid of different methods and promoted from different points of view; and if specialists from different disciplines were not actually working together in teams, there still was need to have at least some of each of them available for consultation;

(g) That long-term, medium-term and short-term projects should be shrewdly distributed because there was, and would continue to be, a scarcity of highly qualified researchers and of ample financial means, and because there should be a sense of urgency about criminological work;

(h) That results of research should not be kept secret, but should be published and made the subject of wide discussion and criticism;

(i) That the researcher and policy-maker were two different kinds of animal; there might be a difference, and indeed sometimes a clash, between their approaches;

(j) That research should be presented in a readable way so as to be understood and appreciated by those outside a necessarily restricted circle of experts;

(k) That research relating to one particular country would gain in significance and appreciation if it could be compared with similar research carried out in another country.

284. Methodological problems of great complexity and importance remained, of course, and should be vigorously explored by appropriate scientific bodies. It was vital, however, that criminologists in general should not become obsessed with the purposes and mechanics of research. The most urgent task for the United Nations in that sphere, in pursuance of the work done on agenda item (4), was, first, to ascertain what Governments were going to do to adopt systematic criminological research of high quality as an essential national commitment and as an integral part of governmental machinery; secondly, to acquire a much more thorough and critical knowledge than was currently available at the official criminolo-

gical centres and institutes already in existence in many Member States; and thirdly, to help to improve them, to enable them to profit from each other's experiences, as well as their own, and to promote their spread across the world. Sir Leon stated that the report on agenda item (4) provided a powerful case for the setting-up of a working group or a committee under the auspices of the United Nations, with those objectives in view. It was also high time to bring the subject of the training and status of criminological researchers to the forefront.

SOCIAL DEFENCE POLICIES IN RELATION TO DEVELOPMENT PLANNING

285. Sir Leon opened his discussion of the report on agenda item (1), social defence policies in relation to development planning, by stating that the United Nations, in its earliest years, had seen social defence primarily in terms of specific problems, such as trends in crime and methods of treating offenders. Similarly, national planning had been seen in terms of specific needs, such as the rebuilding of industries or homes for refugees, which had called mainly for economic solutions and massive material resources.

286. As the vision had widened on both sides, the two had been brought closer together. The Meeting of Experts on Social Policy and Social Planning (Stockholm, 1969) had welcomed a new recognition that economic development was only one aspect of social development and that planning which concentrated upon that aspect alone was self-defeating. It had stressed that the marginal groups in a country—especially the young among them—must be brought into the full stream of development. While not denying the importance of the economic goal, it had emphasized the dangers of seeking it with blinkered concentration.

287. It was that basic shift from purely economic to broader social objectives that had brought social defence policies closer to development planning. Planning was no longer merely a matter of first aid, or of economic assistance. It aspired to guide all aspects of social development, to control destructive by-products of change even while fostering creative potentialities. Crime was a by-product: it was not a separate problem or a superimposed pattern, but part of the warp and weft of social development; and its remedies were to be looked for not only in specific measures, but in the very processes by which the texture of society was woven.

288. Since the third Congress at Stockholm, the United Nations had devoted much thought to persuading countries not to deal with social defence in isolation from development planning as a whole. It would be helpful if the United Nations could produce, and keep up to date, a small manual on social change, social planning and social defence.

289. Sir Leon said that the only point on which he ventured to disagree with the report on agenda item (1) was the proposition that "social defence planning should be an integral and essential part of planning for national development". That view appeared too rigid and sweeping. Each of the elements essential to advanced social development—industrialization, urbanization, population growth,

a higher proportion of young people, mobility, willingness to take risks and the rest—had been branded criminogenic. Though none caused crime on its own, and even combinations did not cause crime in all cases, yet they might be associated with it.

290. Nevertheless, none of the major features of development was likely to be abandoned, or even pushed into second place, for the sake of crime prevention. With limited resources, some patterns of crime might have to be accepted as "costs" of development. Nor was there any certainty that greater prosperity would bring a reduction in crime. Nor were there specific measures of social policy that could guarantee such a reduction. Moreover, he observed that since social planning was so much vaster a complex than social defence, the fusion of the two might mean the disappearance of the latter as a matter of special and specialist concern. Lastly, too close an integration might give the public the dangerous impression that dealing with crime called for no more than a form of social service.

291. Many activities of social defence, especially in the machinery of justice and the treatment of offenders, called for study and solutions *sui generis*. Hence, the warning that social planning must not be allowed to take the place once held by the search for the causes of crime: it must not be considered the key to all problems, the one answer to crime that would make all other answers redundant. The need for police, for courts, for probation, for devices for the treatment of offenders, even for prisons, would remain. So would the need to investigate their working, to evaluate their effectiveness, to weigh up their costs, and constantly to seek more potent devices for the control of criminality.

292. Summing up, Sir Leon stated that what was needed was the building of genuine links and reliable bridges between social planning and social defence, at the central and local levels and in all countries, whether developing or developed. But one should not go beyond that point.

INTERNATIONAL PROSPECTS

293. As concerned international prospects in social defence, Sir Leon posed the question whether the United Nations was in a position to carry endeavours further.

During the past two decades, the Social Defence Section had not been enlarged. Applications for technical assistance in social defence had decreased alarmingly. Of the four regional institutes accepted as basic objectives, only one had been established. Although the United Nations Social Defence Research Institute at Rome had begun to function at the beginning of 1968, much hard thinking was still needed to clarify its real functions in practical terms. Each of the quinquennial Congresses left behind a tremendous amount of work. Sir Leon pointed out that he had suggested seven undertakings arising out of the Fourth Congress alone; and there was always the next Congress to be planned. A standing working committee of high quality was required to connect one Congress to the next. Further thought should be given to the organization of regional conferences; and, in selecting topics for discussion, it might be timely to scrutinize more thoroughly the work of police and prison staff.

294. The very status of social defence within the structure of the United Nations gave rise to uneasiness. He queried whether the Advisory Committee of Experts could be extended to become a commission for the prevention of crime and the treatment of offenders, on a par with the Commissions on Human Rights or Narcotic Drugs. It was the very fact that the Secretariat of the United Nations had achieved so much that was worth while in difficult circumstances that prompted one to press for fuller recognition and support for that phase of their endeavours, both from the United Nations Organization as a whole and from individual States. Social defence had found its place in the Declaration on Social Progress and Development and in the programme of the Second Development Decade. It deserved a new deal.

295. In his opening address, the Under-Secretary-General for Economic and Social Affairs had emphasized the grave international responsibility for meeting the disturbing manifestations of crime. The other aspect of that responsibility was in many ways more grim than crime itself. In 1781, Sir Samuel Romilly had said of John Howard's book, *The State of Prisons*, "What a singular journey! . . . to compare the misery of men in different countries, and to study the arts of mitigating the torments of mankind". That misery, Sir Leon stated, still prevailed.

PART THREE. SUMMARIES OF LECTURES

I. Criminality and deviance in a changing world

296. The first lecture, on criminality and deviance in a changing world, was delivered by Mr. Paul Cornil, Honorary Secretary-General of the Ministry of Justice, Belgium. He explained his lecture as an attempt to trace the frontier between two ideas closely linked in the custom, law, morality and language of each country, namely, criminality, a juridical concept; and deviance, a construct of sociology. He pointed out that traditional methods of social defence were no longer adequate to meet the new demands of technological change and that legislators had too often found refuge in more laws and new prohibitions which created so many crimes that it was impossible to control them; a large number of offenders against old and new laws were never detected or prosecuted. One of the main reasons for that failure was the application of repressive methods not only to criminal acts, but to deviant behaviour which required other forms of control.

297. Mr. Cornil went on to describe the two central concepts of his lecture. Crime was defined by reference to the law, as being a violation of the law; deviance might be taken as behaviour that was beyond the range of the individual variations from the "normal" tolerated by a culture. Like deviance, the legal definition of a crime changed continuously for, though fixed by law, the idea of crime changed as the law was affected by social changes. Some forms of behaviour were no longer considered "criminal"—a phenomenon known as "decriminalization"; on the other hand, some forms of behaviour could be made punishable or be more severely punished than before, and that was "criminalization".

298. The repression of a crime diminished when it was punished less severely than provided for by the criminal law, as in cases of adultery or certain types of petty theft. Decriminalization assumed a more radical form when the law itself was formally repealed, as in the case of suicide, which had been prohibited by French Ordinance in 1670, but which had ceased to be prohibited a century later. Homosexuality, prostitution and vagrancy were also cases in point.

299. Criminalization was as frequent as decriminalization. The prohibition of alcohol in the United States of America in 1920 was an example of the criminalization of a problem. Recent events were good examples of the demand for the criminalization of certain acts, notably the hijacking of aircraft. Hijacking could be subdivided into the "derouting of aircraft" and "acts of terrorism against the security of aerial navigation". As concerned the derouting of aircraft, which had become common of late, the general notion was to have penal measures taken by the countries adhering to the Tokyo International

Convention of 1963 on offences committed aboard aircraft. Such penal measures might not be very effective, however, because usually political offences were involved, which hampered extradition. In the same context, terrorist action against airlines, jeopardizing plane, crew and passengers, also used threats. In that case also political factors were often, if not always, operative. Criminology tried to meet that challenge not only by preventive measures, but by criminalizing those acts, which undoubtedly constituted a "social danger".

300. Mr. Cornil observed that another grave form of crime long known, but currently assuming new and disquieting forms, was the kidnapping of children followed by blackmail or an attempt to obtain a high ransom. The life of the hostage was in danger; and, as in the Lindbergh case in 1932, the payment of the sum demanded might not prevent the child's killing—sometimes because of the fear of detection and the danger to the offenders of leaving a living witness. Seizure of hostages, often the holding of notables, such as diplomats or foreign officials, has increasingly been used to bring pressure to bear on a Government, e.g., for the release of political prisoners. Any negative reaction by the authorities could endanger the life of the hostage and throw discredit upon a Government unable to protect diplomats on its soil.

301. Recourse to violence occupied an equally important place in serious crime of common law—especially in the United States of America. Such violence could take multiple forms, some of which were out-of-date, such as the forcible recruitment or "shanghaiing" of sailors for ships of the "white-slave" traffic. Apart from spectacular crimes, however, the Presidential Commission had described a powerful and clandestine network of criminals operating all kinds of business and protection rackets in the United States of America. Corruption of certain public authorities was often accompanied by brutal intimidation, but it could also be more insidious. The fight against it, according to the Commission, called for a national strategy and might even involve methods intruding on the private lives of citizens by monitoring telephones or a variety of "bugging" devices.

302. Those few examples of serious criminal activities showed that if the forms of criminality and the seriousness of crime changed with development, the volume of crime did not necessarily diminish with technical progress or with improvements in levels of living.

303. In addition to criminality—and sometimes within it—one found a growth of social ailments reflected in abnormal and deviant behaviour. In that connexion, Mr. Cornil gave two typical examples which, though quite different, would permit conclusions to be drawn as to the effectiveness of remedial measures. He de-

scribed deviance, first in relation to driving. In quoting figures for the tremendous growth in the number of vehicles, transforming the ways of life and causing the death of many people in road accidents, Mr. Cornil said that while one could not hope to suppress that development, it was not necessary to accept the situation fatalistically. Although one might be forced to adapt the trend of urbanization to the motor-car, and that adaptation involved improvements in motor-cars, roads and cities, the primary factor in accidents would remain the human one. It was necessary to get the driver to avoid dangerous conduct, but the complication was that in the majority of cases, a dangerous driver risked his own life first and did not seem intimidated by the fear of death. What deterrence could then be expected of a medium prison term for an offence that did not carry a dishonourable stigma? The efforts of legislators were directed mainly towards preventive regulations. They expected the driver, for example, to ensure that he should have the physical and psychological qualifications for driving in accordance with the United Nations Convention on Road Traffic of 1968. That requirement, however, did not go very far since the interested person was the worst judge of his physical condition and ability to drive. More useful was legislation prohibiting driving under the influence of alcohol, which offence showed a tendency to become a crime in the full sense. One might well use the same measures against persons taking the wheel while very tired or under the influence of hallucinatory drugs, but convenient methods for detection and measurement of those conditions were not yet available.

304. Obviously, traffic offences were somewhat different from criminality. In most cases, the penalty was a fine to be paid on the spot. If the acts were serious and were repeated, Mr. Cornil said, it appeared that the temporary or permanent cancellation of the driver's licence was appropriate—although legal safeguards must be provided to ensure that such measures should be taken only when justified by a real incapacity for normal driving.

305. In that context, traffic offences might be decriminalized on the grounds that the traffic police were fighting deviant conduct more than crime. Thus, in 1968, the Federal Republic of Germany had removed traffic offences from the penal code. There were, however, many problems still to be solved.

306. Mr. Cornil went on to describe the relationship between drug addiction and deviance. The drug problem, although not a new one, had reached huge proportions in some countries, and exceptional preventive and repressive measures were needed to cope with it. The reasons that drugs were taken varied greatly. They might be employed for medical reasons, for aesthetic reasons, in sports, to create a feeling of euphoria or to relieve pressures of all kinds. Abuse of coffee, tea or tobacco might also be dangerous; but such abuse did not appear to justify restriction despite the evidence of a connexion between smoking and disease. By contrast, the abuse of alcohol had invoked legislation in many countries. While the medical doctor was concerned about the danger of an individual becoming dependent on alcohol, the legislator had long been concerned about public drunkenness. Nevertheless, that was an area in which the tendency

towards decriminalization was manifest. In the United States of America, the President's Commission set up in 1967 had proposed the radical decriminalization of drunkenness; and there was a feeling that criminal justice could not deal with it. Certainly public opinion had ceased to regard drunkenness alone as a crime so that it currently fitted more properly into the category of deviance. The number of offences committed under the influence of alcohol, however, indicated that it would not disappear altogether from the penal law. More important was the recent problem of the use of chemical drugs or narcotics of a natural origin. There was legislation to regulate the medical use of those products and to penalize their irregular use. Many industrialized countries were experiencing a growing vogue of consumption of drugs, among which hard drugs, such as heroin, occupied an important place. The problem was the physical and psychological dependence of the drug addict, which kept him at the mercy of the supplier. Mr. Cornil stated that repressive measures against addicts, as well as suppliers, impeded preventive action. Drug addiction made illegal became secret, drugs became more expensive and the addict had to find the money by illegal means, becoming a seller himself, or obtaining it through theft, fraud or prostitution. Since addicts seeking the money by illegal means did not usually have previous criminal experience, they were likely to resort to the crudest forms of crime, such as street "mugging" with violence, which created a widespread feeling of public insecurity.

307. That secondary criminality was promoted, if not created, by the excessive criminalization which struck at the user as well as the supplier. To escape that vicious circle, the United Kingdom had recently decided to provide legally drugs to the addicts, as an experiment, thus avoiding the need to act illegally to obtain drugs and cutting out the black market in their sale.

308. In concluding, Mr. Cornil stressed that there was a great difference between those two social dangers, criminality and deviance, and that they must be controlled by different means. Penal measures against culpable motor-car drivers would only bring failure; and, in dealing with the drug problem, repressive measures would wreak havoc, leading many deviants to criminal behaviour. He urged a reorganization of effort to separate, as far as possible, the treatment of deviants from the measures to control criminality.

II. Crime and the penal system

309. The second lecture, on crime and the penal system, was delivered by Mr. Manuel López-Rey, Professor of Criminal Law and Criminology, Bolivia. He said that the purpose of his lecture was to show that with some exceptions, the penal system of the current time did not correspond to current and future evolution of society; that it was, in general, obsolete and manifestly unjust; and that, as a whole, it was a contributing factor to the increase of crime.

310. The organization and functioning of any penal system was mainly determined by certain factors: (a) the concept and extent of crime; (b) the socio-economic and political structure of society; (c) the kind of criminal

policy adopted; (d) the role played by criminology and allied disciplines.

311. Mr. López-Rey dealt with each of those factors in turn. Crime was essentially a socio-political concept defined by criminal law which performed a socio-political function, i.e., that of protecting the historical continuum of a particular society in which the individual was not the only element to be considered. His co-existence with other elements made the protection of human rights imperative. Therefore, crime and criminal justice, though related to socio-economic structures and development, went beyond both; and the socio-political character of crime as a concept made it clear that the prevention of crime and the treatment of offenders could not find their solution solely in the process of economic and social development.

312. One of the greatest difficulties was to decide the objective of the criminal policy. For many, that objective was still the rehabilitation of the offender, which had, in most cases, failed utterly because many offenders were not interested in being rehabilitated as long as the socio-political system remained the same; others could not be rehabilitated; and no penal system would ever be able to counteract in short periods of time the impact of unfavourable general living conditions. The objective could not be social defence, which was, at best, equivocal and relied too much upon a prophylaxis which frequently ignored the limits imposed by human rights. Mr. López-Rey said that the only feasible and justifiable purpose of criminal policy was that of ensuring justice.

313. One of the great obstacles for effective criminal policies was the lack of financial resources. France, in 1969, had assigned less than 1 per cent of its total budget to the "administration of justice"; and the developing countries annually spent over \$6,000 million on armaments, in comparison with which the amount devoted to criminal policy was ridiculous.

314. In dealing with the subject of criminology, Mr. López-Rey suggested that although it had contributed to a better knowledge of the crime problem, it reflected, with some exceptions, an image of society which no longer existed. Even assuming that criminology, as a discipline, was scientifically sound, a distinction must be made between that soundness and the attitudes and preoccupations of criminologists, whether from the right or from the left. Distinction was also necessary between "establishment" criminology—government-directed criminology—and independent criminology. For financial reasons, the latter was not always as independent as it claimed to be. The shortcomings would be considerably reduced if a substantial part of criminological research were part of a planned criminal policy set up jointly by governmental agencies and those in charge of research in criminology, criminal law, penology, criminal justice and allied fields.

315. Mr. López-Rey then dealt at length with the penal system. He held that many penal codes were obsolete and gave many examples derived from modern codes. He traced aspects of a considerable number of penal codes to the Italian, or Zanardelli, Code of 1888, which was largely based on the Sardinian Code of 1859, so that an appreciable number of countries of different and even opposing characteristics shared to a great extent the same

penal source, originating in a kingdom which had long since disappeared. There were, however, two codes—that of Sweden (1965) and that of the German Democratic Republic (1969)—which Mr. López-Rey thought to be short, concise, flexible and relatively free of casuistry.

316. Even model penal codes raised two questions: a general one concerning the validity of penal models in a rapidly changing society; and a technical one, whether a penal code should deal with treatment and correction, including probation. While national penal codes did not exclude some transplantation of what was done elsewhere or the retention of part of what had been inherited or created, such areas should conform to the penal needs of the current and immediate future of the country concerned: the drafting of a legal code demanded as much collection of facts and formulation of projections as the planning of national economic development.

317. Mr. López-Rey then considered the slowness of the administration of justice as a result of antiquated court machinery, cumbersome criminal procedures, unjustified habits and practices in the legal profession and the growing extent of crime as a socio-political phenomenon. The "negotiated plea of guilty", as used in the United States of America, shocked the honest first offender, discredited the penal system and made the promised rehabilitation more suspicious than ever. Nor did it prevent frequent delays in the administration of justice, ranging from six months to two years. That practice, together with abusive arrest, detention and bail practices, accounted in part for the chronic overcrowding of most jails and prisons in the United States, in spite of accelerated probation and parole systems.

318. Though the "negotiated plea of guilty" was not practised in the United Kingdom, there, too, a slowness was spreading through the system. Mr. López-Rey then gave examples of slowness in procedure in other countries—France, Colombia, Argentina, Venezuela, Iran, Thailand, India, Ghana and Liberia.

319. With respect to the prison system itself, there were still too many countries in which no prison administration existed or what was regarded as such was run by the army, gendarmerie or the police, or reduced to a small section of the ministry of justice. The huge closed penal institution still prevailed, currently disguised as a complex or satellite institution. To the modern mind, the contemporary criminal justice machinery, rather than inspiring respect and understanding, was a contributing factor to crime, as well as an expression of socio-political injustice.

320. On the problem of juvenile delinquency, Mr. López-Rey said that the concept evolved around a fictional meaning of "child", which should be abandoned. That did not mean that juveniles should be treated as adults; but the growing role of youth in contemporary society and the fact that crime was a socio-political concept meant that the individualization of the treatment of offenders could not be based on the dividing line of a particular age-limit. The determinant must be the role played by the individual in society and his personal and environmental conditions. Currently, the so-called "child" was trying hard to reform a society that, in many respects, had failed: it was therefore naive to say that the growing protest and intervention were subcultural expressions.

321. The triple correlation between the socio-political structure, the socio-political character of crime and the socio-political role of the individual led to the conclusion that the individual was always responsible in accordance with a system of social expectations and roles; i.e., in the same way that society was expected to take care of the individual, the latter was expected to take care of society. It was that concept of social responsibility which should replace the current concept of criminal responsibility. In other words, criminal responsibility should not be based, as it currently was, on the individual act as an isolated act.

322. Lastly, dealing with penal sanctions, Mr. López-Rey criticized the transformation of the non-payment of fines into imprisonment. That practice was a significant source of criminal injustice throughout the world. He was critical also of short-term imprisonment, which, by its time limitation, excluded the prospects of rehabilitation. He calculated that the average daily world prison population (excluding political prisoners) was from 1.5 million to 2 million; and that of that number, about 1.3 million were imprisoned for less than six months, actually, in many cases for less than three months. Of the remainder, only a small segment was kept long enough to attempt real rehabilitation. Moreover, there was a growing problem of foreign prisoners in national penal institutions as a result of improving transport facilities, unilateral aid, commercial ties, political relations, tourism, etc. In those cases, rehabilitation was even more of a problem. A new policy permitting sentences on foreigners to be served in the offender's own country was required, and that policy could be achieved by international agreements or reciprocity.

323. Looking to the future, Mr. López-Rey observed that the two main tasks to be undertaken were, first, to determine, not necessarily with arithmetical exactness, the amount of crime that a given society could tolerate without being seriously disrupted; and, secondly, to plan criminal justice in accordance with current and foreseeable trends in which the role of technology and science in creating a better life style should be scrutinized. Both tasks presupposed a considerable reduction of what were currently labelled as criminal offences: 40 per cent of the crimes currently accepted (mostly petty offences) could probably be taken care of by insurance or compensation systems.

III. Some social aspects of drug abuse

324. The third lecture, on some social aspects of drug abuse, was delivered by Mr. Ahmed Khalifa, Chairman of the Executive Board of the National Centre for Social and Criminological Research, United Arab Republic. Introducing his subject, Mr. Khalifa observed that the extent of drug addiction or drug abuse, and its increase or decrease, should be viewed with extreme caution. So little was known about the proportions of reputed drug offenders to the total population that despite the fact that reports of the International Criminal Police Organization (INTERPOL) showed an increase of 30 per cent

in illicit narcotics traffic in 1968, that Canada had recently set up a committee to inquire into the use of psychotropic drugs (excluding heroin and opium) and that there was grave concern about the involvement of youth in the drug problem, the data were still so inadequate that it was very difficult to know whether to join the alarmists or the optimists. Some would say that there could be a "drug problem" problem. Certainly, very little was known, and there often was an unwillingness to rethink the older concepts while witnessing a drastic change in the phenomenon.

325. Mr. Khalifa then dealt with the reasons for the recourse to drugs and the problem of addiction, pointing out that character and personality factors were at work in the selection of addicts, as well as the environmental circumstances which made addiction a form of socially learned behaviour.

326. Drug abuse, including alcohol and its spread, should be viewed in a larger context as one of the current central problems. In that perspective, it affected a greater population than when it was conceived as limited to addicts. It was by no means a recent phenomenon. Every community, perhaps, had its quota of drug use of some kind; the selection depended upon many factors—religious, geographical, economic, developmental. At any rate, Mr. Khalifa believed that the use or abuse of drugs had always been "functional". Merton's "anomie" concept was apposite in that connexion, viewing pressures towards deviancy as being created by the frustration of aspirations to reach higher cultural goals. Thus, thirst and hunger might be relieved by the chewing of the coca leaf, or drugs might be a means of compensating for inability or unwillingness to function adequately in a society. The studies of the National Centre for Social and Criminological Research at Cairo had revealed a close association in people's minds between hashish and relaxation. Sexual abilities were said to be heightened by hashish, though that was debatable; it affected the imagination, which was in itself important.

327. Mr. Khalifa set forth the concept that society was currently confronted with a problem of a dual character or, as some writers had put it, there were two subcultures of drug users—the heroin (narcotics) and the psychedelic. In the United States of America, it had been suggested that the "junkies" (narcotics users) represented a cross-section of the socially, economically and culturally deprived, while "hippies"—the most visible group of psychedelics—derived largely from the middle classes. Those groups overlapped, however, and there could be changes from the psychedelic group to the narcotics group due to circumstances encouraging addiction or to the availability of the drugs. Indeed, availability was one of the most important factors in the epidemiology of drug use.

328. While not assuming the existence of the two drug subcultures, Mr. Khalifa was convinced that the drug wave should not be viewed as a homogeneous phenomenon exhibiting identical traits in all its aspects. The deprived had always had a high delinquency rate and a cultural climate favourable to drug abuse; on the other hand, an angry younger generation was seeking ways to have different experiences, rather than deserting life.

329. The lecturer then turned to the issues of legal philosophy and incrimination, tracing the differing views on the relationship between law and morality which affected the approaches to the drug problem. There were those who would ascribe every kind of evil to drug-taking, in a kind of "dope-fiend" mythology. Others believed the law to have gone too far in incriminating the practice. Again, there was the concern with the broader social consequences of the wide use of psychedelic drugs—its restriction of more worth-while activities, its effects on education and the drift to irresponsible behaviour. One must also consider the problem of alcoholism which was more widespread than drug-taking. There were said to be some 6 million alcoholics in the United States of America, as against some 60,000 narcotics addicts. It was believed that the effects obtained by the moderate use of marijuana can be equated with those obtained from the moderate use of alcohol; yet, marijuana was classified as a narcotic and imprisonment was the penalty for its possession and use.

330. The cry, therefore, was to "legalize pot" simply because its use had become so widespread and, as with alcohol, only its abuse attracted the disapproval of the community. Those opposed to such legislation argued that cannabis dependence—however mild—led to the use of harder drugs, such as heroin; that it led to crime; and that, although it was less of a problem than alcohol, there was no sense in adding to society's problems—one chemical escape-valve was enough.

331. Mr. Khalifa thought that legalization of cannabis would not solve the problem and that any solution reached concerning one type of drug would not solve the drug problem in its entirety. On the other hand, he observed that law making and the strict enforcement of legislation could not be the answer to social evils. He also believed that the idea of drug offences constituting a disease which needed curative measures was practically unrealizable. The relapse rate from hospital treatment of addicts was high, though not known exactly, and rehabilitation was extremely difficult.

332. It would be necessary to look elsewhere for a rational drug control programme based on a thorough understanding of the phenomenon. The important cluster of drug abusers no longer comprised those persons in need of medical treatment. The battlefield was no longer, given the new trend in drug abuse, the books of law or the wards of hospitals. It had become a socio-cultural battle fought against a drug subculture which was trying to develop within modern society, and one could no longer close one's eyes to the defects of society which gave rise to such fearful side-effects.

333. Modern society had become possessed by possessiveness; and a ramified structure of organized crime directed the illicit traffic in drugs, buying or "buying-off" people in politics, administration or the underworld, in order to supply drugs throughout the world. The raw materials were still being cultivated openly or in secret. The lack of control could be traced chiefly to an inadequate administrative structure, to difficulty of access to production areas and to the local significance of opium and coca leaves as cash crops in poor agricultural economies. In those circumstances, the only hope of substantial

progress might be in a broadly based programme of economic and social advancement.

334. Mr. Khalifa then gave details of the production of coca leaves, cocaine and the opium poppy, with some data on governmental action being taken to impose acreage and yield quotas. The United Nations Commission on Narcotic Drugs was considering a draft protocol for the international control of psychotropic drugs. He asked who could have much hope in that respect, in view of the current state of affairs as concerned drugs already internationally controlled.

335. In conclusion, Mr. Khalifa reminded his audience that there was a drift into a pill culture so that even happiness was not something to be pursued and attained; it was only something to be swallowed. Hallucinations had replaced insight. Nobody could possibly fail to see that there was a kind of affinity between the drug revolution and the sexual revolution, and both appeared to be associated with the current emancipatory movement of youth. The fact that one must face up to was that the world was being "revolutionized", regardless of whether one liked it. The drug wave might not be altogether an evil thing. It might be a reminder that the current social system needed readjustment and re-evaluation.

IV. Prison administration and planning for development in an African setting

336. The fourth lecture, on prison administration and planning for development in an African setting, was delivered by Mr. F. L. Okwaare, Commissioner of Prisons, Uganda. He explained that he would try to give a current general picture of the Uganda prison administration within its legal framework and its administrative structure, showing its functions, activities, policies, philosophies, practices and treatment programmes. Throughout his lecture, he emphasized the relevant changes that had taken place since the independence of Uganda in 1962.

337. Mr. Okwaare explained that penal systems in developing countries were in a transitional phase in which they were developing principles very different from those of the colonial era. In Uganda, each successive five-year development plan period left the correctional service in a different shape and form of progress. Those policies and philosophies which, from experience and careful evaluation, had proved effective were consolidated and extended. Those which had been proved ineffective were discarded and others were initiated.

338. Mr. Okwaare pointed out that the principal aims of any prison service might be summarized as the secure confinement of inmates, the ultimate protection of society through humane treatment; correction, reformation and rehabilitation on discharge to prevent recidivism. In Uganda, those objectives were being pursued in harmony with nation-building and the promotion of more general economic and social development.

339. The institutional vocational training programmes for inmates were integrated, for example, with the national philosophies, policies and guiding principles contained in the *Common Man's Charter* promulgated by the President of Uganda.

broadened to include the discovery of the reasons and motives that induced a person to commit a criminal act. With those reasons and motives known, all possible measures were taken to neutralize them as inducements to criminal behaviour for other persons. Soviet law reserved for the courts the right to give orders to the institutions and establishments involved, to plan for the immediate eradication of conditions that had proved to be criminogenic for certain persons.

362. Mr. Victorov stated that the Soviet legal system acknowledged the principle of "necessary defence", interpreted as the defensive action of an individual against a criminal act endangering his life or security. Necessary defence could be applied by an individual not only for self-defence, but for the defence of other people, or when damage to State or communal property was likely or State or communal interests were in jeopardy. The Soviet public was well acquainted with the many cases in which brave defensive actions on the part of individuals had prevented the commission of serious crimes.

363. The Soviet Penal Code made the punishment for murder much more severe when the victim or victims were fulfilling their duties or trying to prevent a criminal act. Even a threat to a person performing his duty was prosecuted by law.

364. One very effective means of crime prevention in the USSR was the Soviet Administrative Code. According to that Code, the different organizations of the criminal justice system might have recourse to "warnings". Such a warning might be issued to persons who preferred not to work, who were often being charged with antisocial behaviour on the streets, or who were known to their communities as excessive drinkers, etc. They were put on record by militia bodies and warned that their behaviour was a nuisance to other citizens, and if they committed a crime, their previous behaviour might be considered an aggravating factor. Such a warning and recording of persons prone to antisocial behaviour had often proved to be effective in helping an individual to control his behaviour.

365. Mr. Victorov pointed out that in the Soviet Union, much attention had been given to the rehabilitation of the offender. It was accepted that that process should begin at the earliest stage in the investigation of the criminal act. Even at the level of state law enforcement, the authorities were trying to develop the positive aspects of a criminal's intentions. That process continued throughout the time the criminal was kept within a correctional institution.

366. A law had recently been adopted in the Soviet Union which regulated the rehabilitation of delinquents who had committed crimes which were not very dangerous and who were liable to a term of imprisonment of up to three years. According to that law, they might not be imprisoned; on the contrary, they would be given the chance to show, by their work and behaviour outside the correctional institution, that they had changed. Great care was also taken of persons who had served their terms of imprisonment and were returning to normal life.

367. Mr. Victorov stated that the responsibility for the policy of crime prevention lay solely with the local soviets. They organized and supervised the work of the

commissions for juveniles, gave help to persons released from prison; and supervised other mass organizations for crime prevention and control, for example, the so-called "supervisory commissions" at correctional institutions. Those commissions, consisting of volunteers, controlled the régime of the correctional institutions, supervised the work for the rehabilitation of the inmates, helped those who had been released from prison, and wrote appeals to the courts urging them to reconsider some cases, when the inmate had been singled out for good behaviour and work.

368. In the Soviet Union, there were more than 5 million volunteers, who helped official law enforcement bodies to prevent and control crime, and who worked actively for the rehabilitation of former prisoners. The most active voluntary bodies were the people's groups for public order and the comradeship courts. Not long ago, the comradeship courts had adopted a new procedure, according to which one of the members of such a court or some activist was assigned to supervise the life and behaviour of a person who had been brought before the court, and whose actions provided a basis for unfavourable criminological prognosis. The conduct of such a person was observed closely over a period of time and evaluated from the point of view of its potential threat to society.

369. Law enforcement authorities, by means of the mass media, public lectures and symposia, interpreted for the public the meaning and content of the Soviet legal system and attracted attention to the necessity of a collective stand against the deviant behaviour of persons likely to commit a criminal act.

370. In conclusion, Mr. Victorov observed that, in spite of the evident success achieved with the Soviet policy for the prevention and control of crime, many problems still remained to be solved. But the most spectacular progress in that field could be realized only when social defence activity assumed the dimensions of massive attempts on the part of the population to prevent crime and to eliminate its causes.

VI. The changing role of the law in protecting prisoners' rights

371. The last lecture, on the changing role of the law in protecting prisoners' rights, was delivered by Mr. Roger J. Traynor, former Chief Justice of California, United States of America. Mr. Traynor traced those changes to an ever-widening interpretation, by the United States Supreme Court, of the rights guaranteed by the fourth, fifth, sixth and eighth amendments to the Constitution of the United States. By applying those rights to the states, the Court had extended protection not only to the accused undergoing a criminal process, but to prisoners convicted of crime and undergoing sentence.

372. The case of *Mapp v. Ohio*, decided in 1961, had begun that trend. In that case, it had been held that the fourth amendment prohibition against illegal searches and seizures applied not only in Federal criminal procedure, but in state criminal procedure. In the following ten years, the Bill of Rights had been made applicable to the states in the following specific instances: the right to counsel; the privilege against self-incrimination, the

right to confront witnesses; the right to a speedy trial; the right to trial by jury and the prohibition against double jeopardy. Judicial concern had not been limited to accused adults, but had extended to juvenile delinquency proceedings. The paternalistic approach to the juvenile offender had been replaced by a more legally oriented concern for his rights, as well as his welfare. In a sweeping opinion, the Supreme Court had concluded that, in proceedings from which detention could result, the juvenile must be afforded sufficient notice to prepare a defence and must be advised of his right to remain silent and of his right to confront and cross-examine witnesses.

373. Mr. Traynor asserted that a similar concern for the rights of the accused was beginning to arise with respect to the rights of the convicted. Prior to that development, it had been, in general, accepted that the prisoner, in being convicted of a crime, forfeited all personal rights and was a "slave of the state". Consequently, whenever prisoners had complained of mistreatment, the courts had assumed that the issue was beyond their competence and had relegated it to the level of administrative discretion. Only in rare cases had a prisoner been given the opportunity to air his grievances in a court of law. Although the general rule remained that a court would not intervene unless a complaint alleged some violation of a right established by the Constitution or by rule of law, there had been a noticeable trend in recent years to interpret complaints more broadly.

374. The first right of the prisoner, which was clearly and unmistakably guaranteed, was his right to have reasonable access to the judicial system. By such access was meant all the aids required by the prisoner to present a meaningful plea to the courts. The opportunity to have access to counsel and to obtain the pertinent law-books was recognized as essential. At the same time, a delicate balance must be maintained to accommodate rights and responsibilities that appeared to clash head on. Mr. Traynor pointed out that one issue remained undecided: meaningful representation required that the confidential nature of the attorney-client relationship be respected. Prison officials, however, felt that it was necessary to inspect all correspondence to prevent the smuggling of contraband, the formulation of escape plans and the disruption of prison administration.

375. A significant decision in that sensitive area had been made in 1969, when the Supreme Court had struck down an administrative rule that prevented one prisoner from helping another in the preparation of a petition for judicial relief. It had held that such a rule was unconstitutional, for it prevented an indigent and illiterate prisoner from access to the courts when no reasonable alternative was open to him. Another significant encroachment in that area had been made by providing legal assistance to prisoners. Such provision had had a twofold effect; it had allowed law students a meaningful clinical experience while, at the same time, it had given the inmate access to trained legal advice from a source that in no sense was beholden to the prison system. Further, such programmes had had a favourable impact on prison morale by providing a legitimate safety-valve for an inmate's frustration.

376. Even more significant, in terms of prison morale,

had been the recent decision of the courts that the beating of prisoners was a cruel and unusual punishment and contrary to the provisions of the United States Constitution. The concept of cruel and unusual punishment had also been extended to include the circumstances, in which prisoners were kept in confinement. The court had similarly concluded that control of the prison administration by convicts under the so-called "trustee" system and the racial segregation of prisoners fell under the same category and were legally proscriptive. It had given the system a limited period of time to submit a plan to comply with the constitutional requirements.

377. In the United States of America, an especially difficult problem confronting the prison administration was how to meet the demands made by small groups of inmates, arising from the asserted requirements of their religious beliefs. Every effort was being extended to afford freedom of worship without jeopardizing the security and order of the prison institution. Mr. Traynor pointed out, however, that in a country entertaining a pluralistic approach to religious worship, that situation posed many problems; nevertheless it was believed that ultimately those problems would be solved.

378. There were definite indications that the court would continue to be involved in matters that had usually been considered to be within the administrator's discretion. The granting of time off for good behaviour had been one area of intervention. Deprivation of civil rights had been another, and the court had prohibited the prison authorities from inflicting punishment without some attention being paid to due process. In one instance, the court had granted the petitioner money damages as compensation for such violations. One court had required that the inmate be provided with counsel in disciplinary proceedings.

379. Mr. Traynor stated that the central theme that appeared to be evolving from all these legal decisions was that the courts would no longer tolerate an arbitrary proceeding devoid of the basic elements of fairness. Furthermore, there were some tangible indications that significant improvements would come about in the near future. There had been unprecedented co-operative efforts by the three branches of the criminal justice system—the police, the courts and corrections—involving numerous exchanges of experience and ideas. In a number of instances, judges, police, probation officers, correctional personnel, lay citizens and prisoners had participated in programmes within penal institutions, in circumstances calculated to place them in situations as closely akin as possible to that of a prisoner.

380. More specific programmes to develop an understanding of life behind bars had included the setting-up of sentencing institutes, where the rationale of sentencing was discussed; and the introduction of courses in law schools that emphasized a non-legal approach and included instruction in psychiatry, sociology, criminology and related subjects.

381. Mr. Traynor closed with the confident prediction that when the United Nations Congress on the Prevention of Crime and the Treatment of Offenders convened in 1975, there would be great progress to record in the role that the law had played in protecting prisoners' rights.

ANNEXES

Annex I

LIST OF PARTICIPANTS

NOTE: The information concerning participants is, as a rule, given in the working language in which it was communicated to the Secretariat. The names of participants are listed in alphabetical order. In some cases, the names of participants appear several times in this list because they attended the Congress in several capacities; the professional titles of such persons are only given in the first listing of their names.

1. Representatives of Governments

ALGERIA

Ahmed Derradji (head of the delegation), Secrétaire général du Ministère de la Justice, Alger
Hamini Naïf Abdelaziz, Ministère de l'Intérieur, Alger
Saïd Yacine, Ministère de l'Intérieur, Alger
Mustapha Zerrouki, Directeur de l'Application des Peines et des Régimes Pénitentiaires, Ministère de la Justice, Alger

ARGENTINA

Bernardo Beiderman, Director del Instituto de Investigación Criminológica, Universidad Museo Social Argentino, Buenos Aires
Juan Carlos García Basalo, Subdirector Nacional, Servicio Penitenciario Federal, Buenos Aires
Omar Lima Quintana, Rector de la Universidad de Morón, Castelar
Florencio Ortega del Campillo, Subsecretario de la Desarrollo de Comunidades del Gobierno de Mendoza, Mendoza
José Ramos, Sub-prefecto, Servicio Penitenciario Federal, Buenos Aires
Sebastian Soler (head of the delegation), Profesor de Derecho, Buenos Aires

AUSTRALIA

Philip Harrison Allen, Judge, Supreme Court; Chairman, Parole Board of the State of New South Wales, Sydney
Mary Daunton-Fear, Secretary of the Australian Crime Prevention, Correction and After-Care Council, Adelaide
Gerald S. F. Harding, First Secretary, Australian Embassy, Tokyo
Peter Ronald Loof, Principal Legal Officer, Executive Branch, Attorney-General's Department, Canberra
Walter R. McGeechan, Commissioner of Corrective Services, State of New South Wales, Sydney
John C. Maddison (head of the delegation) Minister of Justice, State of New South Wales, Sydney
Norval Morris,* Julius Kreeger Professor of Law and Criminology, University of Chicago

* Later resigned from the delegation to accept United Nations consultancy.

John Purcell, Acting Controller of Corrective Institutions for Papua and New Guinea, Port Moresby
Charles Robert Wright Webster, Chief Probation and Parole Officer, State of Western Australia, Perth

BARBADOS

Hildegard Weekes, Senior Probation Officer, St. Michael

BELGIUM

Paul Cornil, Secrétaire général honoraire du Ministère de la Justice; Professeur à l'Université de Bruxelles
Jean Dupréel (head of the delegation), Secrétaire général du Ministère de la Justice, Bruxelles
Séverin-Carlos Versele, Juge au tribunal de première instance; Directeur du Centre de Sociologie du Droit et de la Justice, Université Libre de Bruxelles

BOLIVIA

Manuel López-Rey, Professor of Criminal Law and Criminology, Institute of Criminology, Cambridge University

BRAZIL

Paulo J. da Costa (head of the delegation), Professor of Criminal Law, University of São Paulo
Joao Bernardino Gonzaga, Professor, University of São Paulo
Frederico Meira de Vasconcellos, Consul General of Brazil, Kobe, Japan

BULGARIA

Nicola Anguelov, Ministre adjoint de l'Intérieur, Sofia
Svetla Daskalova (head of the delegation), Ministre de la Justice, Sofia
Ivan Nenov, Professeur de droit pénal, Université de Sofia

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Ivan O. Pastrevich (head of the delegation), Attorney-General, Minsk
Ivan O. Timoshenko, Deputy Minister, Ministry of Interior, Minsk

CAMBODIA *

Doeur Nouth Kimsan, Conseiller, Ambassade du Cambodge, Tokyo

CANADA

R. G. Blackburn, Foreign Service Officer, Department of External Affairs, Ottawa
 J. E. Blanchard, Attorney General, Province of Prince Edward Island, Charlottown
 Frederick J. Boyer, Executive Director, Department of Tourism and Information, Province of Ontario, Toronto
 John Braithwaite, Director, Correctional Planning Branch, Department of the Solicitor General, Ottawa
 Joseph R. Carrière, Deputy Commissioner, Royal Canadian Mounted Police, Ottawa
 Norman Chalmers, Director, Department of Justice, Toronto
 Jérôme Choquette, Ministère de la Justice, Province du Québec, Québec
 Edgar H. Gerhart, Attorney General, Province of Alberta, Edmonton
 Allan Grossman, Minister of Correctional Services, Province of Ontario, Toronto
 Phyllis G. Haslam, Executive Director, Toronto, Elizabeth Fry Society, Toronto
 Bernard Jean, Minister of Justice, Province of New Brunswick, Fredericton
 Gerald L. Kristianson, First Secretary, Canadian Embassy, Tokyo
 J. C. Aubert La Ferrière, Directeur régional du Service pénitentiaire canadien, Laval, Québec
 Jean-Paul Lavallée, Juge en chef, Cour du bien-être social de Montréal
 Cy P. MacDonald, Minister of Welfare, Province of Saskatchewan, Regina
 Malcolm A. Matheson, Deputy Director of Corrections, Province of British Columbia, Vancouver
 Frank Patrick Miller, Chairman, Canadian Corrections Association, Ottawa
 Robert D. Stanbury (head of the delegation) Minister without Portfolio, Ottawa
 T. George Street, Chairman, National Parole Board, Ottawa
 R. H. Tavener, Deputy Minister of Health and Social Services, Province of Manitoba, Winnipeg
 Jean-Marie Thibault, Director, Financial Services, Department of the Solicitor-General, Ottawa

CENTRAL AFRICAN REPUBLIC

Jean-Pierre Bouba (head of the delegation), Directeur de la Division des Etudes Administratives et Juridiques, Bangui
 Philippe Crozon-Cazin, Directeur adjoint, Police Nationale, Bangui

CEYLON

D. G. B. De Silva, First Secretary Ceylon Embassy, Tokyo

CHILE

Ramón E. Coe Baeza, Capellán mayor de Servicio de prisiones, Santa Lucia
 Alejandro González Poblete (head of the delegation), Subsecretario de Justicia, Santiago

CHINA

Chen-ou Chow, Warden, Taipei Prison, Taiwan
 Shei-lie Chu, Director, Department of Prison Administration, Ministry of Justice, Taipei, Taiwan
 Yang-chih Kao, Chief, Legal Research Division, Ministry of Justice, Taipei, Taiwan
 Tshuh-rung Lai, Chief Procurator, Yunlin District Court, Taiwan
 Chiu-sui Lin, Secretary, Executive Yuan, Taipei, Taiwan
 Tao-yuan Wang (head of the delegation), Vice-Minister of Justice, Taipei, Taiwan
 Tseng-sung Wu, Section Chief, Department of Criminal Affairs, Ministry of Justice, Taipei, Taiwan

COLOMBIA

Hernando Pazza, First Secretary, Colombian Embassy, Tokyo

CZECHOSLOVAKIA

Jaroslav Micke, First Secretary, Embassy of the Czechoslovak Socialist Republic, Tokyo

DEMOCRATIC REPUBLIC OF THE CONGO

Bruno Bonyeme, Directeur, Services Pénitentiaires, Ministère de la Justice, Kinshasa
 Jean Ikoma, Premier Secrétaire, Ambassade de la République démocratique du Congo, Tokyo
 Constantin Kadimba, Sous-Directeur, Service de l'Enfance Délinquante, Ministère de la Justice, Kinshasa
 François F. Mateta, Secrétaire général, Ministère de la Justice, Kinshasa
 Frédéric M. Muipatayi (head of the delegation), Directeur de Cabinet, Ministère de la Justice, Kinshasa
 Pierre R. Tshilenge, Président du Tribunal des Enfants, Kinshasa

DENMARK

Niels Madsen (head of the delegation), Permanent Secretary of State, Ministry of Justice, Copenhagen
 Dr. Georg K. Stürup, Director, Herstedvester Detention Centre, Albertslund

DOMINICAN REPUBLIC

Leoncio Ramos, Secretaría de Estado de Relaciones Exteriores, Santo Domingo

FEDERAL REPUBLIC OF GERMANY

Ernst Benda, Member of Parliament, Bonn
 Anne-Eva Brauneck, Professor of Law and Criminology, University of Giessen
 Peter Cramer, Professor, Ruhr University of Bochum, Querenburg
 Siegfried W. Engel, Chief, Division for Crimino-therapeutics, Institute of Criminology, University of Heidelberg
 Dietrich Lang-Hinrichsen, Professor, University of Mainz
 Hans Lehnhard, Counsellor, Federal Ministry of the Interior, Bonn
 Klaus Meyer, Counsellor, Federal Ministry of Justice, Bonn
 Dietrich Oehler, Professor of Law, University of Cologne
 Heinz Pensky, Member of Parliament, Bonn
 Walter Stree, Professor of Criminal Law, University of Münster
 Richard Sturm (head of the delegation), Deputy Director, Penal Law Division, Federal Ministry of Justice, Bonn
 Heinrich Thiesmeyer, Ministerial Counsellor, Federal Ministry of Justice, Bonn
 Alfons Wahl, State Attorney at the Federal Supreme Court, Karlsruhe

* Now known as the Khmer Republic.

FINLAND

Inkeri Anttila, Director, Institute of Criminology, Ministry of Justice; Professor of Criminal Law, University of Helsinki
Karl Johan Lang (head of the delegation), Director-General, Prison Administration, Ministry of Justice, Helsinki

FRANCE

Paul Amor, Premier Avocat général à la Cour de Cassation, Paris
Marc Ancel, Président de Chambre à la Cour de Cassation, Paris
Pierre Arpaillange, Directeur des Affaires criminelles et des Grâces, Ministère de la Justice, Paris
Maurice Aydalot (head of the delegation), Premier Président de la Cour de Cassation, Paris
Jacques Bigay, Magistrat, Ministère de la Justice, Paris
Pierre Epaud, Directeur des Ecoles et Techniques de la Police nationale, Ministère de l'Intérieur, Paris
Henri Le Corno, Directeur de l'Administration pénitentiaire, Ministère de la Justice, Paris
Jean-René Ledoux, Chef du Service de l'Education surveillée, Ministère de la Justice, Paris

GABON

Alfred Boucrah, Deuxième Conseiller, Ambassade du Gabon, Paris
Martin F. Magnaga, Deuxième Conseiller, Ambassade du Gabon, Tokyo
Théophile Mboro Assogho (head of the delegation), Premier Conseiller, Ambassade du Gabon, Tokyo

HOLY SEE

Msgr. Giuseppe Ferraioli (head of the delegation), Auditor, Apostolic Nunciature to Japan, Tokyo
Hajime Machino, Associate Professor, Sophia University, Tokyo
Fr. Joseph Llompart, Professor, Sophia University, Tokyo

HUNGARY

József Gödöny (head of the delegation), Director, National Institute for Criminology, Budapest
István Király, Head of Department, Ministry of Justice, Budapest
György Rudas, Head of Department, Ministry of the Interior, Budapest

INDIA

Surath Venugopal Rao, Deputy Director, Central Bureau of Investigation, Ministry of Home Affairs, New Delhi
Jyotsna H. Shah (head of the delegation), Director, Central Bureau of Correctional Services, New Delhi

IRAN

Hamid Eksir, Chief of Prisons, Police Department, Bureau of Prisons, Teheran
Abbas Hedayat-Vaziri, Counsellor, Imperial Iranian Embassy, Tokyo
Yoosof Rais-Samii (head of the delegation), Under-Secretary, Ministry of Justice, Teheran
Yahya Sotoudeh, Disciplinary Prosecutor of Judges, Teheran
Hamid Zahedi, Deputy Minister, Ministry of Science and Higher Education, Teheran

IRAQ

Hamid Ismail Al-Ani (head of the delegation), Under-Secretary, Ministry of the Interior, Baghdad
Abdullatif Al-Jumayli, Assistant Director-General of Security, Baghdad

Hamid Al-Saadi, Professor of Criminal Law, University of Baghdad
Sadek Haider, Vice-President, Court of Appeal, Baghdad
Adnan Rauf Hassan, Assistant Director-General of Police, Baghdad
Muhammed Noori Kadhim, Member of the Codification Council, Ministry of Justice, Baghdad

ISRAEL

Gabriel Bach, State Attorney, Jerusalem
Meir Gavish, Counsellor and Chargé d'Affaires a.i., Israeli Embassy, Tokyo
Moshe Arie Kurtz (head of the delegation), Director-General, Ministry of Social Welfare, Jerusalem
Arie Nir, Commissioner of Prisons, Jerusalem

ITALY

Adolfo Beria di Argentine, Juge, Membre du Conseil Supérieur de la Magistrature Italienne, Milan
Enzo Capaccioli, Professeur de Droit, Université de Florence
Giovanni R. Coronas, Préfet, chargé des services spéciaux à la Direction Générale de la Sûreté, Rome
Giuseppe di Gennaro, Juge à la Cour d'Appel, Directeur du Service de la Recherche, Ministère de la Justice, Rome
Dr. Benigo di Tullio, Directeur de l'Institut d'Anthropologie Criminelle, Université de Rome
Dr. Franco Ferracuti, Professeur de Criminologie, Université de Rome
Luigi Frey, Professeur d'Economie Politique, Université Catholique du Sacré Cœur, Milan
Pietro Manca (head of the delegation), Directeur général de l'Administration pénitentiaire, Ministère de la Justice, Rome
Ettore Maselli, Directeur, Bureau des Affaires Pénales, Ministère de la Justice, Rome
Giovanni Noccioli, Directeur général des affaires pénales, Ministère de la Justice, Rome
Pietro Nuvolone, Professeur de droit pénal, Université de Milan
Dr. Bruno Pannain, Professeur de Médecine Légale, d'Anthropologie Criminelle et de Psychologie, Université de Camerino, Naples
Gian Domenico Pisapia, Professeur de procédure pénale, Université de Milan
Luigi Sparano, Directeur, Division des Affaires législatives et de la Documentation à la Direction générale de la Sûreté, Rome
Renato Tulli, Chef de Service, Ministère de l'Intérieur, Rome
Romano Vulpitta, Deuxième Secrétaire, Ambassade d'Italie, Tokyo
Salvatore Zhara Buda, Juge à la Cour d'Appel, Rome

JAMAICA

Dudley Allen, Chief Probation Officer, Ministry of Youth and Community Development, Kingston

JAPAN

Yoshitsugu Baba, Attorney-at-Law; Former Prosecutor-General, Tokyo
Shigemitsu Dando, Member of Legislative Council, Ministry of Justice; Professor of Criminal Law, Tokyo University, Tokyo
Taira Fukuda, Managing Director, Japan Criminal Law Society; Professor, Tokyo University of Education, Tokyo
Tanemoto Furuhashi, President, Japan Society of Criminology; Director, National Research Institute of Police Science, Tokyo
Takeshi Gotoda, Director-General, National Police Agency, Tokyo
Nihachiro Hanamura, Senior Managing Director, Federation of Economic Organizations, Tokyo

Toshiyuki Hasegawa, Director, Security Division, Criminal Affairs Bureau, National Police Agency, Tokyo
 Ichiro Hatoyama, Director, Budget Bureau, Ministry of Finance, Tokyo
 Tadahiro Hayama, Director, Correction Bureau, Ministry of Justice, Tokyo
 Yasuharu Hiraba, Professor of Criminal Law, Kyoto University
 Ryuichi Hirano, Dean of Faculty of Law and Professor of Criminal Law, Tokyo University
 Masayoshi Honda, Director, Research and Training Institute, Ministry of Justice, Tokyo
 Takeshi Imamura, Director, Social Education Bureau, Ministry of Education, Tokyo
 Kazuhiko Ishihara, Chief, Secretarial Section, Ministry of Justice, Tokyo
 Taketoshi Iwamura, Deputy-Director, Youth Bureau, Prime Minister's Office, Tokyo
 Eiji Kageyama, Managing Director, Japan Chamber of Commerce and Industry, Tokyo
 Tiaki Kasiwagi, Professor of Criminal Law, Nagoya University, Nagoya
 Daijiro Kikkawa, President, Japan Federation of Bar Associations, Osaka
 Kameji Kimura, Member of Legislative Council, Ministry of Justice, Professor of Criminal Law, Komazawa University, Tokyo
 Fujikazu Kinpara, President, Japan Federation of Civil Liberties Commissioners, Civil Liberties Bureau, Ministry of Justice, Tokyo
 Shiro Kuriya, President, Japan Federation of Big Brothers and Sisters, Tokyo
 Shiro Matsui, Vice-President, Japan Federation of Bar Associations, Tokyo
 Hideko Miyagawa, President, Japan Federation of Women's Associations for Rehabilitation Aid, Tokyo
 Sumio Miyazaki, Member of Special Committee on Criminal Law, Legislative Council, Ministry of Justice, Tokyo
 Mitsuyoshi Muneoka, Senior Managing Director, Kansai Office, Federation of Economic Organizations, Osaka
 Tsuneo Muramatsu, Chairman, Committee on Correctional Science, Correction and Rehabilitation Council, Ministry of Justice, Tokyo
 Atsushi Nagashima, Director, United Nations Training Cooperation Division, Research and Training Institute, Ministry of Justice, Tokyo
 Dr. Katsumi Nishida, President, Medical Correctional Association of Japan; Warden of Hachioji Medical Prison, Tokyo
 Masahiro Nisibori, Director-General, United Nations Bureau, Ministry of Foreign Affairs, Tokyo
 Seiichiro Ono, Special Adviser to the Minister, Ministry of Justice, Tokyo
 Kosho Otani, President, National Association of Voluntary Prison Chaplains, Kyoto
 Sakae Otani, Vice-President of the National Federation of Rehabilitation Aid Associations, Tokyo
 Chihiro Saeki, Member of Special Committee on Criminal Law, Legislative Council, Ministry of Justice, Kyoto
 Teiichiro Sakamoto, Director, Children and Families' Bureau, Ministry of Health and Welfare, Tokyo
 Chihaya Sato, Director, Criminal Affairs Bureau, Supreme Court, Tokyo
 Shigeyuki Shimizu, Director, Youth Bureau, Prime Minister's Office, Tokyo
 Yasuyoshi Shiono, Director, Rehabilitation Bureau, Ministry of Justice, Tokyo
 Matsusuke Shirane, Chairman, Rehabilitation Committee, Correction and Rehabilitation Council, Ministry of Justice, Tokyo
 Nobuko Takahashi, Director-General, Women's and Minors' Bureau, Ministry of Labour, Tokyo

Keiji Takamatsu, Director, Criminal Affairs Bureau, National Police Agency, Tokyo
 Hachiro Tanigawa, Secretary-General, Japan Federation of Bar Associations, Tokyo
 Shiro Toyama, Director, Family Bureau, Supreme Court, Tokyo
 Minoru Tsuda (head of the delegation), Vice-Minister of Justice, Ministry of Justice, Tokyo
 Tatsusaburo Tsuji, Director, Criminal Affairs Bureau, Ministry of Justice, Tokyo
 Tadashi Uematsu, Member of Legislative Council, Ministry of Justice; Professor Emeritus, Hitotsubashi University, Tokyo
 Mamoru Urabe, Judge, Tokyo District Court, Tokyo
 Yoshiho Yasuhara, Deputy Vice-Minister of Justice, Ministry of Justice, Tokyo
 Kenzo Yoshida, Director, Immigration Bureau, Ministry of Justice, Tokyo
 Yutaka Yoshida, Deputy Secretary-General, General Secretariat of the Supreme Court, Tokyo

JORDAN

Yahia Haddad, Dean, School of Social Work, Institute of Social Work, Amman
 Abdullah Khatib, General Director of Social Welfare Department, Ministry of Social Affairs and Labour, Amman

KENYA

T. M. Kasango, Senior Superintendent of Police, Nairobi
 Harrison K. Kilonzo, Assistant Commissioner of Prisons, Nairobi
 J. E. Mungai, Senior Superintendent of Police, Nairobi
 Andrew K. Saikwa (head of the delegation), Commissioner of Prisons, Nairobi
 Jameson Amos Siika, Senior Superintendent of Prisons, Nairobi
 Gideon M. Thuo, Assistant Commissioner of Prisons, Nairobi

KUWAIT

Adnan Mohammed Aldoory, Professor, Department of Sociology and Philosophy, University of Kuwait
 Muhamed A. Al-Hamad, Superintendent C.I.D., Kuwait
 Abdullatif Al-Thuwaini (head of the delegation), Under-Secretary, Ministry of Interior, Kuwait
 Hassan Ashmawi, Legal Expert, Kuwait

LEBANON

Dib Darwiche, Conseiller à la Cour de Cassation, Beyrouth

LIBERIA

George Henries, Solicitor General, Monrovia

LIBYA

Abdelaziz Sultan Abousoud, Director, Central Department for Criminal Research, Tripoli
 Othman Omar Ben Amer (head of the delegation), General Director of the Research Department, Ministry of Labour and Social Affairs, Tripoli
 Abdulwahab Siala, Assistant Director, National Centre for Criminal and Legislative Research, Tripoli

MADAGASCAR

Lucile Ramaholimihaso, Conseiller, Ambassade de Madagascar, Tokyo

Igor I. Karpets, Head of Department, Ministry of the Interior of the USSR, Moscow
Vladimir N. Kudriavtsev, Head, Institute of Criminology, Moscow
Nikolai P. Malshakov, Senior Research Worker, Institute of Criminology, Moscow
Evgeny P. Popov, Officer, Ministry of Foreign Affairs of the USSR, Moscow
Nikolai A. Struchkov, Deputy Head, Higher School of the Ministry of the Interior of the USSR, Moscow
Anatoly A. Tkachev, Head, Department for Foreign Relations, Ministry of the Interior of the USSR, Moscow
Boris A. Victorv (head of the delegation), Deputy Minister, Ministry of the Interior of the USSR, Moscow
Sergei V. Zotov, Translator, Moscow

UNITED ARAB REPUBLIC

Mohamed Niazi Hatata, Director-General of National Security, Cairo
Aly Nour-El-Din (head of the delegation), Attorney-General, Cairo
Ahmed Fathy Sourour, Professor of Law, Cairo University

UNITED KINGDOM

Stanley Bowen, Crown Agent for Scotland, Edinburgh
Joan D. Cooper, Chief Inspector, Children's Department, Home Office, London
Brian C. Cubbon, Assistant Under-Secretary of State; Controllor (Administration), Prison Department, Home Office, London
John V. Dance, Chief Executive Officer, International Section, Home Office, London
Francis L. T. Graham-Harrison (head of the delegation), Deputy Under-Secretary of State, Home Office, London
Michael H. Hogan, Superintending Inspector, Probation and After-Care Department, Home Office, London
Sir Ronald Johnson, Secretary, Scottish Home and Health Department, Edinburgh
Beti Jones, Chief Adviser on Social Work to Secretary of State for Scotland, Edinburgh
Tom S. Lodge, Assistant Under-Secretary of State; Director of Research and Statistics, Home Office, London
Albert R. Prosser, Adviser on Social Development, Ministry of Overseas Development, London

Advisers:

Juma Ali, Deputy Commandant of Police (Abu Dhabi)
Gloria McPhee, Executive Council Member for Health, Welfare and Prisons, Department of Health and Welfare, Paget (Bermuda)
Edwin S. Haydon, Registrar of the Supreme Court (Hong Kong)
John W. D. Hopley, Acting Solicitor-General (Hong Kong)
Lawrence Holt-Kentwell, Assistant Director of Social Welfare (Hong Kong)
Gilbert R. Pickett, Commissioner of Prisons (Hong Kong)
George A. R. Wright-Nooth, Deputy Commissioner of Police (Hong Kong)
Hamad bin Kassim Althani, Chief Superintendent, State Police (Qatar)
Abdulla Jaida, Director, Department of Labour and Social Affairs (Qatar)

UNITED STATES OF AMERICA

Myrl E. Alexander, Professor, Southern Illinois University
James V. Bennett, Bethesda, Maryland
George J. Beto, Director, Department of Corrections, State of Texas, Huntsville, Texas
John Marshall Briley, Senior Vice-President, Owens-Corning Fiberglas Corp., Toledo, Ohio

Norman A. Carlson, Director, Bureau of Prisons, Department of Justice, Washington, D.C.
Emanuel Celler, Chairman, Committee on the Judiciary, United States House of Representatives, Washington, D.C.
Edward Dubel, Consul, American Consulate General, Osaka, Japan
Edward R. Finch, Jr., Attorney, New York
William Fort, Judge, Court of Appeals, State of Oregon, Salem, Oregon
Robert Gemignani, Commissioner, Youth Development and Delinquency Prevention Administration, Department of Health, Education and Welfare, Washington, D.C.
Marion L. Gribble, Office of International Conferences, Department of State, Washington D.C.
Leon Higginbotham, Jr., United States District Judge, Philadelphia, Pennsylvania
Richard J. Hughes, Chairman, American Bar Association Commission on Correctional Facilities and Services, Newark, New Jersey
Douglas English, Bureau of International Organization Affairs, Department of State, Washington, D.C.
Katherine L. Kemp, Office of Economic and Social Affairs, Department of State, Washington, D.C.
Robert J. Kutak, Attorney, Omaha, Nebraska
Peter P. Lejins, Director, Institute of Criminal Justice and Criminology, University of Maryland, College Park, Maryland
Elizabeth C. McAllister, Office of International Conferences, Department of State, Washington, D.C.
Richard A. McGee, President, Institute for the Study of Crime and Delinquency, Sacramento, California
Herman G. Moeller, Deputy Director, Bureau of Prisons, Department of Justice, Washington, D.C.
Elmer K. Nelson, Jr., Professor, School of Public Administration, University of Southern California, Los Angeles
Lawrence W. Pierce, Visiting Professor of Criminal Justice, State University of New York
Milton G. Rector, Director, National Council on Crime and Delinquency, New York
George Reed, Chairman, Board of Parole, Department of Justice, Washington, D.C.
George H. Revercomb, Associate Deputy Attorney General, Washington, D.C.
E. Preston Sharp, General Secretary, American Correctional Association, Washington, D.C.
Roger J. Traynor (head of the delegation), former Chief Justice of California, Professor of Law, University of Virginia
Richard W. Velde, Associate Administrator, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.
Albert C. Wagner, Director, Division of Correction and Parole, State of New Jersey, Trenton, New Jersey
Charles E. Wiggins, Member, Committee on the Judiciary, United States House of Representatives, Washington, D.C.

UPPER VOLTA

Romuald Kafando, Directeur de la Justice, Ministère de la Justice, Ouagadougou

URUGUAY

Aurelio Pastori, Embajador de Uruguay en Japón, Tokio

VENEZUELA

Juan Manuel Mayorca (head of the delegation), Director de Prevencion del Delito, Caracas
Roberto Yepes Boscán, Director de Prisiones, Caracas

YUGOSLAVIA

Josip Brnčić (head of the delegation), President, Federal Council for the Administration of Justice, Belgrade
Milan Milutinović, Dean, Faculty of Law; Director, Institute of Criminology, University of Belgrade

ZAMBIA

Bothwell Imakando (head of the delegation), Commissioner of Prisons, Kabwe
Rodgers Bwembya Lukutati, Research and Training Officer, Ministry of Labour and Social Services, Lusaka

2. Special invitees

Prince and Princess Takamatsu
Kazuto Ishida, Chief Justice, Supreme Court, Tokyo
Juhei Takeuchi, Prosecutor-General, Tokyo
Buichi Amano, Deputy Prosecutor-General, Tokyo
Tokutaro Kimura, President, National Federation of Volunteer Probation Officers Associations and Japan Rehabilitation Aid Association
Hiromu Morishita, President, Kyoto Chamber of Commerce and Industry

Nobuo Naritomi, President, Japan Federation of Bar Associations, Tokyo
Masao Okahara, Superintending Prosecutor, Osaka High Public Prosecutor's Office
Ichiro Osawa, Superintending Prosecutor, Tokyo High Public Prosecutor's Office
Taro Otake, Parliamentary Vice-Minister of Justice, Tokyo
Katsuyoshi Shinzeki, Chief Judge, Osaka High Court
Seitaro Takehara, former Vice-Minister of Justice
Kiyoshi Tomii, Mayor, Kyoto City

3. United Nations Children's Fund and specialized agencies

UNITED NATIONS CHILDREN'S FUND

Yehia Darwish, Resident Director, UNICEF, Bangkok
Dr. Constantina Safilios-Rothschild, UNICEF consultant, New York

INTERNATIONAL LABOUR ORGANISATION

T. Nakanishi, Assistant Director, ILO Tokyo Branch Office

WORLD HEALTH ORGANIZATION

Dr. Boris A. Lebedev, Chief, Mental Health Division, Geneva

4. Intergovernmental organizations

COUNCIL OF EUROPE

Norman Bishop, Head, Division of Crime Problems, Legal Directorate, Strasbourg

LEAGUE OF ARAB STATES

Abdel-Wahhab El-Aschmaoui, Director of the Social Department and Executive Secretary of the Pan-Arab Organization for Social Defence, Cairo
Mohamed Salah Eldin Farid, Representative of the League of Arab States in Japan, Tokyo

5. International non-governmental organizations invited to the Congress

(a) Non-governmental organizations in consultative status with the Economic and Social Council

Category II

ALL INDIA WOMEN'S CONFERENCE

Mary Clubwala Jadhav, Leader, Women's Council, Madras, India
Protiva Mitter, Voluntary Social Worker, Calcutta, India

AMNESTY INTERNATIONAL

Martin Ennals, Secretary-General, London, United Kingdom

CATHOLIC INTERNATIONAL UNION FOR SOCIAL SERVICE

Marie-Louise Marck, Inspectrice principale du Service Social et de la Probation, Administration Pénitentiaire, Ministère de la Justice, Berchem, Belgique

HOWARD LEAGUE FOR PENAL REFORM

Anne Allen, Member, Executive Committee, London, United Kingdom
Donald H. Goff, General Secretary, Correctional Association of New York, New York, N.Y., United States of America

INTERNATIONAL ALLIANCE OF WOMEN

Taeko Arai, Member, League of Women Voters of Japan, Tokyo, Japan

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

Igor I. Karpets, Vice-President, Moscow, Union of Soviet Socialist Republics
Yasoji Kazahaya, Lawyer, Tokyo, Japan
Ikuzo Maeno, Assistant Professor, Shizuoka University, Shizuoka, Japan
Naoto Nakata, Lawyer, Tokyo, Japan
Kenichi Nakayama, Professor, Kyoto University, Kyoto, Japan

INTERNATIONAL ASSOCIATION OF PENAL LAW

Gerhard O. W. Mueller, Professor of Law, New York University,
New York, N.Y., United States of America
Ivan Nenov, Professor of Law, Sofia University, Sofia, Bulgaria

INTERNATIONAL ASSOCIATION OF YOUTH MAGISTRATES

Udai Saroj Sah, General Secretary, All India Railway Magistrates'
Association, Varahasi, India

INTERNATIONAL CATHOLIC CHILD BUREAU

Jan M. D. H. Van Nuland, Executive Secretary of the International
Programme for Prisoners' Children, Louvain, Belgium

INTERNATIONAL COMMISSION OF JURISTS

Per-Erik Fürst, Judge, Vice-President of the Swedish Section of the
Commission, Stockholm, Sweden

INTERNATIONAL COMMITTEE OF THE RED CROSS

Jacques Moreillon, Délégué, Genève, Suisse

INTERNATIONAL COUNCIL ON SOCIAL WELFARE

Paul Cornil, Bruxelles, Belgique
Yuichi Nakamura, Dean and Professor, Japan School of Social
Work, Tokyo, Japan

INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Masao Sekizawa, Chief Superintendent, Criminal Research and
Statistics Section, Criminal Investigation Bureau, National
Police Agency, Tokyo, Japan

INTERNATIONAL FEDERATION OF UNIVERSITY WOMEN

Dorothy Flaherty, Board Member, Canadian Corrections Asso-
ciation, Ottawa, Canada

INTERNATIONAL FEDERATION OF WOMEN LAWYERS

Lee S. Penland, Senior Research Attorney, California Supreme
Court, San Francisco, California, United States of America
Joann Porter Toll, Arnoldshain, Federal Republic of Germany
Emilie Wanderer, Attorney-at-Law, Las Vegas, Nevada, United
States of America

INTERNATIONAL LAW ASSOCIATION

Ryuichi Hirano, Tokyo, Japan

INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN

Koichi Nishida, Secretary-General, Japan Civil Liberties Union,
Tokyo, Japan
Yoichiro Yamakawa, Lawyer, Toranomom Law Office, Tokyo,
Japan

INTERNATIONAL SOCIETY FOR CRIMINOLOGY

Paul Cornil, Vice-Président de la Commission scientifique,
Bruxelles, Belgique
Benigno di Tullio, Président honoraire, Rome, Italie
Dr. Franco Ferracuti, Membre du Conseil de direction et de la
Commission scientifique, Rome, Italie
Denis Szabo, Directeur du Département de criminologie, Uni-
versité de Montréal, Canada

Shufu Yoshimasu, General Secretary, Japanese Association of
Criminology, Tokyo, Japan

INTERNATIONAL SOCIETY OF SOCIAL DEFENCE

Marc Ancel, Président, Paris, France
Adolfo Beria di Argentine, Secrétaire Général, Milan, Italie
Paul Cornil, Vice-Président, Bruxelles, Belgique
Yvonne Marx, Directeur adjoint de la Section de science crimi-
nelle de l'Institut de droit comparé de Paris; Secrétaire général
de la Revue de science criminelle et de droit pénal comparé,
Paris, France
Pietro Nuvolone, Vice-Président, Milan, Italie
Gian Domenico Pisapia, Milan, Italie
Girolamo Tartaglione, Conseiller à la Cour de Cassation, Rome,
Italie
Séverin-Carlos Versele, Secrétaire Général Chargé de la rédaction
du Bulletin, Bruxelles, Belgique

INTERNATIONAL UNION FOR CHILD WELFARE

Dr. Luke Shu Miyazawa, Chief, Medical Affairs, National MUSA-
shino Gakuin, Urawa, Japan
Jan M. D. H. Van Nuland, Louvain, Belgium

PAN-PACIFIC AND SOUTH-EAST ASIA WOMEN'S ASSOCIATION

Kiyoko Yuasa, Conciliation Commissioner, Kyoto Family
Court, Kyoto, Japan

SALVATION ARMY

Charles Péan, Commissioner, Bern, Switzerland

SOCIETY FOR COMPARATIVE LEGISLATION

Marc Ancel, Président, Paris, France
Yvonne Marx, Paris, France

WORLD UNION OF CATHOLIC WOMEN'S ORGANIZATIONS

Yoshiki Tatsumi, Volunteer Consultant, Kurihama Special
Reformatory, Kamakura, Japan

WORLD UNION OF ORGANIZATIONS FOR THE SAFEGUARD OF YOUTH

Renée A. Cornil, Présidente du Comité de Contact des Œuvres
de Sauvegarde de l'Enfance et de la Jeunesse, Bruxelles,
Belgique

WORLD WOMAN'S CHRISTIAN TEMPERANCE UNION

Masako Munakata, First Vice-President, Tokyo, Japan
Sumi Ono, Recording Secretary (Japan), Tokyo, Japan
Kyo Sakata, Vice-President of Japanese Chapter, Osaka, Japan

WORLD YOUNG WOMEN'S CHRISTIAN ASSOCIATION

Michiko Watanabe, Attorney-at-Law, Tokyo, Japan

Roster

INTERNATIONAL COUNCIL ON ALCOHOL AND ADDICTIONS

Donald H. Goff, General-Secretary, Correctional Association of
New York, New York, N.Y., United States of America

INTERNATIONAL POLICE ASSOCIATION

André P. Baumgartner, Inspecteur Principal de Police, Genève,
Suisse

INTERNATIONAL PRISONERS AID ASSOCIATION

Badr-El-Din Ali, Professor of Sociology, University of Louisville,
Louisville, Kentucky, United States of America
Yoshitsugu Baba, Vice-President, Tokyo, Japan
G. Richard Bacon, President, Philadelphia, Pennsylvania, United
States of America
Ruth P. Baker, Executive Director, Milwaukee, Wisconsin, United
States of America
Alfons Wahl, President-Designate, Federal Prosecuting Attorney,
Karlsruhe, Federal Republic of Germany

(b) Other non-governmental organizations

INTERNATIONAL PENAL AND PENITENTIARY FOUNDATION

Yoshitsugu Baba, Vice-President, Tokyo, Japan
François Clerc, Trésorier, St.-Blaise, Suisse
Jean Dupréel, Secrétaire Général, Bruxelles, Belgique
Thorsten Sellin, President, Gilmanton, New Hampshire, United
States of America

6. Individual participants

ARGENTINA

José Roberto Forn, Abogado, Asesor Jurídico, Aerolíneas
Argentinas, Buenos Aires
Rosalia Z. de Lima Quintana, Abogada, Castelar

AUSTRALIA

David Biles, Lecturer in Criminology, University of Melbourne,
Victoria
Colin W. Campbell, Comptroller General of Prisons, Perth,
Western Australia
Charles R. Constable, Parole Officer, Department of Corrective
Services, Belmore, New South Wales
Gwen Graves, Senior Research Psychologist, Institute for Mental
Health Research and Post-Graduate Training, Parkville,
Victoria
Bernard C. Manion, Deputy Principal, Christian Brothers College,
Leederville, Western Australia
Anthony J. Restuccia, Solicitor, Companies Prosecution Section,
Department of the Attorney General, New South Wales,
Milson's Point, New South Wales
Peter Sinclair, Public Relations Officer, Justice Department,
Sydney, New South Wales

AUSTRIA

Ernst Moerk, Assistant Professor of Psychology, Fresno State
College, California, United States of America
Lenz Hermann, Professor of Forensic Psychiatry, University of
Linz

BRAZIL

José A. A. da Cruz Rios, Head, Institute of Social and Economic
Development, Rio de Janeiro
Virgilio Luiz Donnici, Director, Institute of Penal Science, Rio
de Janeiro

CANADA

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shima, Japan
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Ottawa
Maurice Gauthier, Directeur Général, Probation et des Etablis-
sements de Détention, Ministère de la Justice, Province de
Québec, Québec
Leo R. Hackl, Deputy Minister, Department of Correctional
Services, Province of Ontario, Toronto
Robert J. King, Director of Correctional Services, Department of
Justice, Province of New Brunswick, Fredericton

Archie M. Kirkpatrick, Executive Director, John Howard Society
of Ontario, Toronto
Peter Lindores, National Director of Correctional Services,
Salvation Army, Toronto
Madge Lindsay, Social Worker, Oshawa
W. Little, Executive Assistant to the Solicitor-General, Ottawa
D. Craig Reid, Executive Director, John Howard Society of
Alberta, Calgary
Archibald Whitelaw, President, John Howard Society of Ontario,
Toronto
William H. Young Soon, Professor of Sociology, University
of Winnipeg

CHILE

Waldo del Villar B., Profesor Derecho Penal, Universidad de
Valparaiso

CHINA

Lung-wen Chang, Attorney-at-Law, Taipei, Taiwan
Chin-hsin Chen, Attorney-at-Law, Taipei, Taiwan
Ten-tsan Chen, Lawyer, Tainan, Taiwan
Chen-ou Chow, Warden of the Taipei Prison, Taiwan
Shi-tsum Chum, Lawyer, Taipei, Taiwan
Kuang-shun Fan, Attorney-at-Law, Taipei, Taiwan
Chao-chu Fu, Lawyer, Taipei, Taiwan
Te-ching Han, Attorney-at-Law, Taipei, Taiwan
Chen-fu Hsu, Lawyer, Taipei, Taiwan
Sen-kuei Hsu, Attorney-at-Law, Taipei, Taiwan
Yuh-min Kau, Attorney and Counsellor-at-Law, Taipei, Taiwan
Chung-hsien Lai, Lawyer, Taipei, Taiwan
Hong-chin Lei, Lawyer, Taipei, Taiwan
Ming-i Liaw, Attorney-at-Law, Taipei, Taiwan
Maw-sheng Lin, Director, National Bar Association, Taipei,
Taiwan
Tzu-pei Lin, General Secretary, Taiwan After-Care Association,
Taipei, Taiwan
Chin-yun Wang, Director-General, Bar Association of Tainan,
Taiwan
Ching-tang Wen, Attorney-at-Law, Taipei, Taiwan
Chung-chin Wu, Taipei, Taiwan
Tseng-sung Wu, Section Chief, Department of Criminal Affairs,
Ministry of Justice, Taipei, Taiwan
Nong-ou Yang, Lawyer, Taipei, Taiwan
Pai-lin Yen, Attorney-at-Law, Taipei, Taiwan
Yun-huan Yin, Standing Supervisor, National Bar Association,
Taipei, Taiwan
Chin Yuan, Attorney-at-Law, Taipei, Taiwan

COSTA RICA

Victor M. Obando, Abogado y Notario, San José

DEMOCRATIC REPUBLIC OF THE CONGO

Guy Houchon, Professeur, Directeur du Centre de criminologie et pathologie sociale, Université Lovanium, Kinshasa
Gaspard Mokolo, Conseiller, Ministère de la Justice, Kinshasa
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FEDERAL REPUBLIC OF GERMANY

Herbert Hill, Public Prosecutor, Hoffnungsthal
Armin Kaufmann, Professor of Penal Law, Bad Honnef
Klemens Potthoff, Senior Public Prosecutor, Hennef/Sieg
Albert Scholl, Regional Director, Welfare Services of Baden-Württemberg, Stuttgart
Helmut Schulenberger, Social Worker, Berlin
Hans Voelkel, Government Official, Berlin

FRANCE

Gunilla Turpin de Crissé, Assistante, Université de Paris
Robert Vouin, Professeur de droit, Université de Paris

GERMAN DEMOCRATIC REPUBLIC

Erich Bucholz, Head, Department for Penal Law, University of Humboldt, Berlin
Hans Heilborn, Chief of Department for Legislation and Criminal Law, Ministry of Justice, Berlin
Günter Lehmann, Director of Section, German Academy "Walter Ulbricht" of Law and Public Administration, Berlin
Peter Przybylski, Prosecutor, Berlin
Udo Wolf, Chief Editor (Law Journal), Berlin

GREECE

Stefanos Anagnostakis, Professor of Law, University of Salonica, Athens
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INDIA

Toraskar Vasudev Krishnaji, Deputy Inspector General of Prisons, Poona
K. A. Naqvi, Professor, Delhi School of Economics, University of Delhi
Sudarsan Singha, Superintendent, Central After-Care Home, Orissa
Jai K. P. Sinha, Assistant Director, Institute of Public Administration, Patna University
Manas R. Sinha, Director, Indian Institute of Asian Studies, Bombay

INDONESIA

Mr. Soetarman, Head, Special Affairs Section, Directorate General of Prison Affairs, Djakarta

ISRAEL

Zvi Berinson, Justice, Supreme Court of Israel, Jerusalem

ITALY

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Koreyuki Hashido, Chief, General Affairs Section, Kyoto District Public Prosecutor's Office
Jazaburo Hashimoto, Professor, Faculty of Education, University of Utsunomiya

INTERNATIONAL PRISONERS AID ASSOCIATION

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Louisville, Kentucky, United States of America
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Department of the Attorney General, New South Wales,
Milson's Point, New South Wales
Peter Sinclair, Public Relations Officer, Justice Department,
Sydney, New South Wales

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College, California, United States of America
Lenz Hermann, Professor of Forensic Psychiatry, University of
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Koreyuki Hashido, Chief, General Affairs Section, Kyoto District Public Prosecutor's Office
Jazaburo Hashimoto, Professor, Faculty of Education, University of Utsunomiya

Kentaro Hashimoto, Managing Director, National Federation of Volunteer Probation Officers Association, Tokyo
 Mitsuo Hashimoto, Chief, Child Care Section, Children and Families Bureau, Ministry of Health and Welfare, Tokyo
 Takujiro Hayachi, Family Court Social Investigator, Nara Family Court
 Ichiji Hayashibe, Deputy Director-General, Social Education Bureau, Ministry of Education, Tokyo
 Takemitsu Hemmi, Associate Professor, School of Mental Health, Faculty of Medicine, Tokyo University
 Kenyu Higo, Headmaster, Wakaba Child Education and Training Home, Kobe
 Kokichi Higuchi, Director, Second Criminological Research Division, Research and Training Institute, Ministry of Justice, Tokyo
 Seisaku Hirai, Legal Counsellor, Correction Bureau, Ministry of Justice, Tokyo
 Hiizu Hiraide, Attorney-at-Law, Tokyo
 Yasushi Hirao, Director, Research and Training Institute for Correctional Officials, Ministry of Justice, Tokyo
 Tamao Horibe, Counsellor, Criminal Affairs Bureau, Ministry of Justice, Tokyo
 Kunihiro Horiuchi, Prosecutor, Gifu District Public Prosecutor's Office
 Toshiyuki Hyotani, Chief, Information and Liaison Office, Ministry of Justice, Tokyo
 Yosoji Ibayashi, Chief Prosecutor, Otsu District Public Prosecutor's Office
 Tada-Atsu Ichihara, Judge, Kobe Family Court
 Teizo Ichikawa, Chief, Third Division, Osaka Regional Correction Headquarters
 Naoji Ichinomiya, President, Kyoto Bar Association
 Terumasa Ide, Chief, Investigation Section, Ministry of Justice, Tokyo
 Masatoshi Ikeda, Family Court Social Investigator, Osaka Family Court
 Hiraku Ikoma, Public Prosecutor, Osaka District Public Prosecutor's Office
 Ryofu Imai, Chairman, National Association of Prison Chaplains, Tokyo
 Masato Inada, Managing Director, National Federation of Volunteer Probation Officers Association, Tokyo
 Toshihide Inada, Counsellor, Correction Bureau, Ministry of Justice, Tokyo
 Aiichi Inoue, Vice-President, National Federation of Rehabilitation Aid Associations, Nagoya
 Masaji Inoue, Professor Emeritus, Kyushu University, Fukuoka
 Yasumasa Inui, Chief, Nara Probation Office
 Hiroaki Ishida, Superintendent, Kyoto Medical Training School for Juvenile Delinquents
 Kotaku Ishido, Assistant Professor of Law, Chukyo University, Nagoya
 Kanae Ishihara, Chief, Kobe District Public Prosecutor's Office
 Jiro Ito, Family Court Social Investigator, Osaka Family Court
 Akira Itoda, Professor, Faculty of Law, University of Ritsumeikan, Kyoto
 Hiroaki Iwai, Professor of Sociology, Tokyo Metropolitan University
 Keisuke Iwai, Research Officer, Rehabilitation Bureau, Ministry of Justice
 Sister Kiyoko Iwashita, Professor, Counsellor of Nakano Prison, Tokyo
 Ainoshin Izumi, Warden, Kyoto Prison
 Ryoichi Izumimoto, Chief, Otsu Probation Office
 Shuji Kakizaki, Family Court Social Investigator, Osaka Family Court
 Kunio Kanemitsu, Budget Examiner, Budget Bureau, Ministry of Finance, Tokyo
 Fumio Kanazawa, Professor, Hiroshima University

Taeko Kanda, Vice-President, Japan Big Brothers and Sisters Movement, Shizuoka-ken
 Koji Kasahara, Executive Director, National Federation of Societies for Prevention of Crime, Tokyo
 Kyuya Kashiwabara, Director, Kinki Police Regional Headquarters, Osaka
 Tojiro Kato, Chief Secretarial Officer, Rehabilitation Bureau, Ministry of Justice, Tokyo
 Yoshiaki Kato, Prosecutor, Gifu District Public Prosecutor's Office
 Ryozo Katsuo, Public Prosecutor, Supreme Public Prosecutor's Office, Tokyo
 Keishiu Katsura, Secretary-General, Kinki Regional Parole Board, Osaka
 Makio Katsurajima, Research Officer, Criminological Research Division, Research and Training Institute, Ministry of Justice, Tokyo
 Shigeo Kawaguchi, Family Court Social Investigator, Himeji Branch of the Osaka Family Court
 Yoko Kawahara, Lecturer, Buddhist College, Kyoto
 Hideharu Kawai, Director, Public Safety Division, Supreme Public Prosecutor's Office, Tokyo
 Yoshihiko Kawamoto, Foreign Liaison Officer, Information and Liaison Office, Ministry of Justice, Tokyo
 Shigeo Kifuji, Public Prosecutor, Niigata District Public Prosecutor's Office
 Tsuneo Kikkawa, Professor, Faculty of Law, University of Hosei, Tokyo
 Nobuo Kikuchi, Judge, Tokyo Family Court
 Koichi Kikuta, Assistant Professor of Law, Meiji University, Tokyo
 Eisaku Kimura, Chief, Juvenile Section, Criminal Affairs Bureau, Ministry of Justice, Tokyo
 Masami Kimura, Human Rights Administrator, Civil Liberties Bureau, Tokyo
 Shizuko Kimura, Professor of Criminal Law, Seikei University, Tokyo
 Minoru Kinoshita, Director, Cultural Affairs and Tourist Industry Department, Kyoto City Government
 Toshio Kishimoto, Chief, Legal Affairs Bureau, G.R.I., Naha
 Tatsuo Kobayashi, Superintendent, Kyoto Juvenile Classification Home
 Sadataka Kogi, Professor, Department of Education, University of Sophia, Tokyo
 Tokuo Kogure, Professor, Hokkaido University, Sapporo
 Dennai Kojima, Chief, Amnesty Section, Rehabilitation Bureau, Ministry of Justice, Tokyo
 Moriaki Komatsu, Superintendent, Naniwa Juvenile Training School, Osaka
 Yukiharu Komoda, Chief Officer, Prevention of Crime Office, Hyogo Prefectural Police Headquarters, Osaka
 Gisho Kongo, Family Court Social Investigator, Kyoto Family Court
 Hisao Koyama, Warden, Shiga Prison, Otsu
 Hitoshi Koyama, Lawyer, Civil Liberties Commissioner, Nagoya
 Katsumi Kubo, Family Court Social Investigator, Kyoto Family Court
 Kinuko Kubota, Professor, Faculty of Law, University of Seikei, Tokyo
 Fumihiko Kunishima, Director, Kyoto Prefectural Police Headquarters
 Keiki Kurami, Chief, Security Section, Correction Bureau, Ministry of Justice, Tokyo
 Shundo Kurimoto, Managing Director, National Federation of Volunteer Probation Officers' Associations, Tokyo
 Chikashi Kurozasa, Chief, Prison Industries Section, Correction Bureau, Ministry of Justice, Tokyo
 Kei Kusaka, Head of Second Division, Osaka Regional Correction Headquarters
 Yoko Kuwahara, Lecturer, Buddhist College, Kyoto

Hiroshi Maeda, Chief, Criminal Affairs Section, Criminal Affairs Bureau, Ministry of Justice, Tokyo

Rev. John S. Maeda, Catholic Prison Chaplain, Toyonaka

Toshiro Maeda, Professor at Sophia University, Tokyo

Masao Marui, Chief Judge, Osaka Family Court

Jokai Marukawa, Assistant Director, National Federation of Voluntary Prison Chaplains, Nagoya

Kazuma Matsuda, Judge, Kyoto Family Court

Dr. Toyoji Matsukura, Professor of Legal Medicine, Osaka University

Ryoichi Matsumoto, Family Court Social Investigator, Osaka Family Court

Toshio Matsumoto, Chief, Nakadachiuri Police Station, Kyoto

Koya Matsuo, Associate Professor, University of Tokyo

Yoshiko Mibuchi, Judge, Tokyo Family Court

Yasutada Minato, Director, Public Welfare and Labour Division, Kyoto Prefecture

Akira Mitsui, Chief Judge, Chiba Family Court

Makoto Mitsui, Lecturer, Faculty of Law, Kobe University

Shuichi Miyake, Chief, Crime Prevention and Juvenile Division National Research Institute of Police Science, Tokyo

Keisei Miyamoto, Specialist, Fuchu Prison, Tokyo

Mibuko Miyamoto, Voluntary Leader, Juvenile Section, Aichi Prefectural Police Headquarters, Nagoya

Noboru Miyazaki, Judge, Kofu Family Court

Koichi Miyazawa, Professor of Law, Keio University, Tokyo

Kakutaro Momose, Warden, Rehabilitation Aid Hostel, Kyoto

Shigeyuki Monji, Chief Prosecutor, Osaka District Public Prosecutor's Office

Tadashi Morishita, Professor, Faculty of Law, University of Okayama

Soichi Morita, Judge, Tokyo Family Court

Yuriko Murakami, Volunteer Consultant, Hiroshima

Rev. Antoine Issei Nagai, Missionary, Hiroshima

Ken Naito, Professor of Law, Tokyo Metropolitan University

Toshitaro Naka, Lawyer, Tokyo

Yoshikatsu Naka, Professor of Kansai University, Osaka

Tatsuhisa Nakagaito, Superintendent of Educational Affairs of Kyoto City

Yoshihiko Nakamori, Assistant Professor, Faculty of Law, University of Tokyo

Kazumi Nakamura, Instructor, Research and Training Institute for Correction Officials, Osaka

Makoto Nakamura, Public Prosecutor, Kobe District Public Prosecutor's Office

Toshio Nakano, Superintendent, Nagoya Juvenile Classification Home

Bunsaku Nakao, Notary Public, former Director of Correction Bureau, Ministry of Justice, Tokyo

Katsuzo Nakata, Judge, Kobe Family Court

Osamu Nakata, Professor, Department of Criminal Psychology and Forensic Psychiatry, Tokyo Medical and Dental University

Shigeji Nakatsuji, Chief, Supervision Section, Kobe Probation Office

Ryoichi Nakazawa, Chairman, Kinki Regional Parole Board, Osaka

Tsutomu Nando, Public Prosecutor, Osaka District Public Prosecutor's Office

Haruo Nishihara, Professor of Law, Waseda University, Tokyo

Katsuhiko Nishimura, Professor of Law, Okayama University

Toshio Nishio, Chief, Investigation and Liaison Section, Otsu Probation Office

Masayuki Nishioka, Counsellor, Rehabilitation Bureau, Ministry of Justice, Tokyo

Hideo Niwayama, Associate Professor, Chukyo University, Nagoya

Toshiki Odanaka, Assistant Professor, Tokyo Metropolitan University

Sadamu Odawara, Deputy Budget Examiner, Budget Bureau, Ministry of Finance, Tokyo

Taro Ogawa, Professor, Faculty of Law, University of Asia, Tokyo

Haruo Ogyu, Executive Director, Correctional Association of Japan, Tokyo

Masayoshi Ohno, Associate Professor of Law, Osaka University

Sadao Ohsaka, Prosecutor, Otsu District Public Prosecutor's Office

Yoichi Ohtsubo, Executive Director, Japan Rehabilitation Aid Association, Tokyo

Seitaro Ohtsuki, Director, Crime Prevention Division, Kyoto Prefectural Police Headquarters

Akira Okamoto, Family Court Social Investigator, Kyoto Family Court

Genzo Okamoto, Family Court Social Investigator, Osaka Family Court

Ichiro Okamoto, Family Court Social Investigator, Osaka Family Court

Toshiaki Okumura, Faculty Member, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Fuchu, Tokyo

Yoshio Okusawa, Instructor, Research and Training Institute for Correction Officials, Nagoya

Shinzo Okuto, Chief Judge, Kyoto District Court

Sakae Okuyama, Chief Police Officer, Juvenile Section, Prevention of Crime Department, Prefectural Police Headquarters, Kyoto

Yukio Omura, Counsellor, Criminal Affairs Bureau, Ministry of Justice, Tokyo

Junshyo Ota, Chairman, Rehabilitation Aid Hostel, Kyoto

Yosie Ote, Counsellor, Kyoto Family Court

Dr. Masao Otsu, Director, Medical Correctional Association of Japan, Urawa

Teruhiko Rokushika, Chairman, Rehabilitation Aid Hostel, Kyoto

Yoshinori Sadaoka, Probation Officer, Kobe Probation Office

Heigo Saito, Judge, Osaka District Court

Shuitsu Saito, Deputy Superintending Prosecutor, Osaka High Public Prosecutor's Office

Masahanu Sakabe, Chief, Gifu Probation Office

Haruhiko Sakamoto, Chief, Crime Prevention Section, Kyoto Prefecture Police Headquarters

Tokutaro Sakamoto, Judge, Kyoto Summary Court

Sachio Sakamura, Assistant Professor, Maritime Safety Academy, Hiroshima

Jin Sakata, Family Court Social Investigator, Kyoto Family Court

Gishin San-Nomiya, Director, Education and Social Welfare Section, Honganji Temple, Kyoto

Yoji Sasaki, Professor, Faculty of Law, Tohoku Industry University, Sendai

Hiromasa Sato, Chief, Second Narcotic Section, Ministry of Health and Welfare

Jiro Sato, Warden, Osaka Detention House

Masahiko Sato, Professor of Law, Tohokugakuin University, Tokyo

Michio Sato, Counsellor, Criminal Affairs Bureau, Ministry of Justice, Tokyo

Tsukasa Sato, Assistant Professor of Law, Asia University, Tokyo

Iwao Seki, Chief, Criminal Affairs Division, Kyoto District Public Prosecutor's Office

Tsutomu Seki, Professor, Kanagawa Prefecture Dietetics College, Yokohama

Hiroshi Sekino, Family Court Social Investigator, Kyoto Family Court

Tamotsu Sengoku, Counsellor, Youth Bureau, Prime Minister's Office, Tokyo

Kuniji Shibahara, Associate Professor, Faculty of Law, University of Kobe

Yukio Shigemori, Chief, General Affairs Section, Rehabilitation Bureau, Ministry of Justice, Tokyo

Rikiwo Shikama, Head, Social Affairs Division, United Nations Bureau, Ministry of Foreign Affairs, Tokyo
 Echo Shimada, Vice-President, National Federation of Volunteer Probation Officers Associations, Osaka
 Niro Shimada, Assistant Judge, Nagoya District Court
 Zenji Shimada, Chairman, Chubu Regional Parole Board, Nagoya
 Kunio Shimazu, Managing Director, Kyoto Chamber of Commerce
 Tsuyoshi Shimomura, Chief Officer, First Planning Office, Prefectural Police Headquarters, Osaka
 Shizuo Shimura, Managing Director, National Federation of Voluntary Prison Chaplains, Tokyo
 Masahiro Shiomi, Family Court Social Investigator, Osaka Family Court
 Masato Sugahara, Lawyer, Osaka
 Shuji Sugai, Probation Officer, Osaka Probation Office
 Sadatoshi Sukegawa, Vice-Chairman, National Federation of Volunteer Probation Officers' Associations, Sapporo
 Kazuo Suzuki, Professor, Tokyo Dental College
 Shigetatsu Suzuki, Associate Professor of Law, Kobe University
 Toshio Suzuki, Chief Prosecutor, Matsuyama District Public Prosecutor's Office
 Tsuneo Suzuki, Assistant Judge, Tokyo Family Court
 Yoshio Suzuki, Counsellor, Criminal Affairs Bureau, Ministry of Justice, Tokyo
 Kin-ichi Suzumura, Vice-President, National Federation of Volunteer Probation Officers' Associations, Nagoya
 Masaji Tachibana, Assistant Research Officer, Research and Training Institute, Ministry of Justice, Tokyo
 Seiich Tada, Chairman, Kanto Regional Parole Board, Tokyo
 Taro Takahashi, Judge, Kyoto District Court
 Yoshio Takahashi, Director, Nagoya Regional Correction Headquarters
 Hideo Takamura, Member, Social Section, United Nations Bureau, Ministry of Foreign Affairs, Tokyo
 Shoichiro Takamuro, Assistant Chief Officer, Second Narcotic Section, Ministry of Health and Welfare, Tokyo
 Koichi Takano, Judge, Tokyo Family Court
 Gakuki Takashima, Assistant Professor of Law, Ryukoku University, Kyoto
 Shinshiro Takeda, Chief, Kinki District Narcotic Control Office, Ministry of Health and Welfare, Tokyo
 Shingi Takemura, Associate Professor, Faculty of Medicine, University of Tokyo
 Tsunchisa Takeyama, Commissioner, Central Deliberative Council for Mental Hygiene, Tokyo
 Haruo Takikawa, Judge, Osaka High Court
 Ko Takuwa, Superintendent, Osaka Juvenile Classification Home
 Shuzo Tamaki, Voluntary Leader, Juvenile Section, Osaka Prefectural Police Headquarters
 Hiroshi Tamiya, Professor of Law, Rikkyo University, Tokyo
 Noriaki Tamura, Chief, First Investigation Section, Criminal Investigation Bureau, National Police Agency, Tokyo
 Tatsumi Tamura, Faculty Member, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Fuchu, Tokyo
 Tetsugai Tanabe, Chairman, Kyoto Volunteer Probation Officers' Associations
 Hideo Tanahashi, Warden, Kasamatsu Women's Prison
 Masayuki Tanaka, Chief, Tokyo Probation Office
 Nori Tanaka, Chief, Investigation and Liaison Section, Rehabilitation Bureau, Ministry of Justice, Tokyo
 Yuichi Tanaka, Chief of Crime Prevention and Juvenile Section, Safety Bureau, National Police Agency, Tokyo
 Kenji Tani, Judge, Kyoto Family Court
 Akira Tanigawa, Faculty Member, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Fuchu, Tokyo
 David Tanushi, Volunteer Probation Officer, Osaka

Tokuhiro Tatezawa, Family Court Social Investigator, Tokyo Family Court
 Kusakabe Tatsuo, Family Court Social Investigator, Kyoto Family Court
 Yutaka Terashita, Guidance Officer, Kyoto Juvenile Guidance Centre
 Kiyohiro Tobita, Public Prosecutor, Juvenile Section, Criminal Affairs Bureau, Ministry of Justice, Tokyo
 Shinichiro Tojo, Public Prosecutor, Tokyo District Public Prosecutor's Office
 Zen Tokoi, Public Prosecutor, Tokyo High Public Prosecutor's Office
 Chiwaki Tokuoka, Superintendent, Izumi Juvenile Training School, Osaka
 Takeshi Torikai, Director, Public Welfare Bureau, Kyoto City Government
 Masahide Tsuji, Family Court Social Investigator, Kyoto Family Court
 Mamoru Tsunashima, Chief Liaison Officer, International Affairs, Minister's Secretariat, Ministry of Health and Welfare, Tokyo
 Shokichi Ueno, Professor Emeritus, Medical Faculty, University of Tokyo
 Sigeo Umayahara, Professor of Criminal Law, Komazawa University, Tokyo
 Tatsunori Umiji, Public Prosecutor, Tokyo High Public Prosecutor's Office
 Hikotaro Usuda, Chief Prosecutor, Kyoto District Public Prosecutor's Office
 Sasatesu Usui, Family Court Social Investigator, Osaka Family Court
 Hiroshi Watanabe, Juvenile Research Officer, Safety Bureau, National Police Agency, Tokyo
 Kayoko Watanabe, Voluntary Leader, Juvenile Section, Public Security Section, Hyogo Prefectural Police Headquarters, Hobe
 Shuji Watanabe, Budget Examiner, Budget Bureau, Ministry of Finance, Tokyo
 Kuniyuki Yagi, Professor, Faculty of Law, University of Chuo, Tokyo
 Yutaka Yagi, Chief Prosecutor, Nagoya District Public Prosecutor's Office
 Kunihiko Yamada, Assistant Police Inspector, First Juvenile Section, Crime Prevention Department, Tokyo Metropolitan Police Agency
 Masuo Yamaguchi, Chief, Foreign Affairs Section, Kyoto City Government
 Kanichi Yamamoto, Chief, Kobe Probation Office
 Yoshiaki Yamamoto, Prosecutor and Chief, General Affairs Division, Kyoto District Public Prosecutor's Office
 Riujiro Yamanaka, Superintendent, Kanto Medical Training School for Juvenile Delinquents, Tokyo
 Kaoru Yamasaki, Chief Judge, Kyoto Family Court
 Ryotaro Yamasaki, Family Court Social Investigator, Osaka Family Court
 Zongyo Yamashita, Managing Director, National Federation of Volunteer Probation, Officers' Associations, Tokyo
 Masaharu Yanagimoto, Superintendent, Uji Juvenile Training School, Kyoto
 Kazuo Yasuda, Superintendent, Nakamiya Prefectural Hospital, Osaka
 Michio Yasuda, Chief, General Affairs Section, Criminal Affairs Bureau, Ministry of Justice, Tokyo
 Minoru Yoda, Chief, Educational Section, Correction Bureau, Ministry of Justice, Tokyo
 Kouichiro Yokoyama, Professor of Law, Aichigakuin University, Nagoya
 Jun-ichi Yoshida, Counsellor, Criminal Affairs, Bureau, Ministry of Justice, Tokyo
 Kango Yoshikawa, Judge, Osaka High Court

Makoto Yoshimaru, Chief, Second Criminal Affairs Section, Supreme Court, Tokyo
Katsumi Yoshimura, Chief, Juvenile Section, Kyoto Prefecture Police Headquarters
Toshio Yoshimura, Vice-President, National Federation of Rehabilitation Aid Associations, Osaka
Yukio Yoshimura, Leader, Rehabilitation Aid Hostel, Osaka
Tohru Yoshinaga, Assistant Chief Prosecutor, Kyoto District Public Prosecutor's Office
Eiji Yoshino, Chief, Kyoto Probation Office
Tokujiro Yoshino, Warden, Nagoya Prison
Iwao Yotsuya, Judge, Tokyo Family Court
Jin-ichi Yuki, Member, Social Affairs Division, United Nations Bureau, Ministry of Foreign Affairs, Tokyo
Harutoshi Yunose, Family Court Social Investigator, Kyoto Family Court

MALAYSIA

Singh Charan, Chief, Research Section, Prison Administration, Taiping

NETHERLANDS

Dr. Georg W. Arendsen Hein, Medical Director, Psychotherapeutic Hospital for Neurotic and Psychopathic Patients, Ederveen

NEW ZEALAND

John L. Robson, former Secretary of Justice, Wellington
John A. Seymour, Senior Lecturer in Law, University of Auckland
Allan K. Wilson, National Secretary, New Zealand Prisoners' Aid and Rehabilitation Society, Wellington

PAKISTAN

Shamsul Haque, Deputy Assistant Director of Social Welfare, Government of East Pakistan, Dacca

PHILIPPINES

Jose G. Burgos, Jr., crime reporter, *The Manila Times*, Manila
Apolinar Fojas, Professor, Philippine College of Criminology, Manila
Francisco Ruivivar, Jr., Chief, Reception and Diagnostic Centre, Bureau of Prisons, Rizal
Pedro P. Solis, Chairman, Board of Trustees, Philippine College of Criminology, Manila
Tomas Trinidad, Professor, Philippine College of Criminology, Manila
Marcos Valentin, Jr., City Fiscal, Manila

POLAND

Remigiusz Bierzanek, Professor, Department of Social Sciences, University of Warsaw

REPUBLIC OF KOREA

Doo Sung Lee, President, Civil Rehabilitation Agency, Seoul
Jae Yoon Park, Secretary-General, Civil Rehabilitation Agency, Seoul
Joon Ik Park, Chief, Planning Division, Ministry of Justice, Seoul

REPUBLIC OF VIET-NAM

Trân-An-Bái, Judge, Saigon
Nguyen Ngoc Chan, Inspector of Corrections, Saigon

Vo Van Gan, Judge, Saigon
Tai Pham Huu, Deputy Chef de Cabinet, Supreme Court, Saigon
Hoang Tuan Loc, Judge, Saigon
Tiet Tran Minh, Chief Justice, Saigon
Mrs. Tiet Tran Minh, Lawyer, Supreme Court of Viet-Nam, Saigon
Nguyen Trong Ninh, Chief, Personnel Bureau, Prison Department, Saigon
Bao Luong Tan, Judge, Saigon
Bui-Vân-Thanh, Chef de Cabinet, Cour Suprême, Saigon
Trúc Trùng-Vân, President of Justice, Saigon

SOUTH AFRICA

Jan H. Steyn, Judge, Supreme Court, Cape Town

SPAIN

Rev. Manuel Hernandez, Counsellor of Prisons and Reformatories, Kamakura, Japan
Manuel Iglesias Corral Presidente, Academia Jurisprudencia de Sazlega, La Coruña
Enrique Mapelli y Lopez, Abogado, Madrid
Dr. Jesús Pintos Perez, La Coruña
Jesús Pintos Uribe, Abogado, La Coruña
Juan Velasco Viejo, Arquitecto, Madrid

SWEDEN

Erik Alexanderson, Member of Parliament, District Judge, Lidingö, Nils M. Altahr-Cederberg, Chief Protective Consultant, Falun
Thorborg Anderson, Regional Director for Female Prisons, Frövi
Karin E. Brandén, Psychiatric Social Worker, Stockholm
Nils Eriksson, Production Engineer, Correctional Services, Västerås
Ruth L. Hamrin-Thorell, Member of the Board of the National Swedish Correctional Administration, Uppsala
Ulla B. Hård af Segerstad, Assistant Protective Consultant, Lund
Nils Jareborg, Assistant Professor in Criminal Law, University of Uppsala
Sivert R. Järnebeck, Chief Officer, Norrtälje Prison
Ove Kjellgren, Legal Adviser, Swedish Confederation of Trade Unions, Stockholm
Sergej Mirelius, Prison Architect, Stockholm
Alvar Nelson, Professor of Criminal Law, University of Uppsala
Anita E. Persson, Social Worker in correctional institutions, Akersberga
Karin M. Ringberg, Legal Adviser, Ministry of Justice, Stockholm
Per O. Ryding, Judge, Court of Appeal of Skane and Blekinge, Malmö
Clay A. Svensson, Chief Officer, Harnosand Prison

THAILAND

Abha Bhamorabutr, Chief, Vocational Training Division, Department of Corrections, Ministry of the Interior, Bangkok

UNITED ARAB REPUBLIC

Mahmoud Saheb, Chairman, Board of Directors, Cairo Prisoners Aid Association
Ahmed Khalifa, Chairman, Executive Board, National Centre for Social and Criminological Research, Cairo

UNITED KINGDOM

Elizabeth F. Dacre, Voluntary Social Worker, Day Magistrate, Brighton

Abdullah H. Dawood, Deputy Commissioner General of Abu Dhabi for Expo 70, Osaka, Japan
 Duncan Fairn, Training Officer, House of Lords, London
 Rev. Arthur Hoyles, Secretary, Methodist Church, Committee for Prison Chaplains, Hayes End, Middlesex
 Frank McNair Lieschine, Governor, H.M. Borstal, Dover
 Benedict Lorraine, Psychologist, Stamford House, Remand Home, London
 Peter Marshall, Chief Superintendent, Crime Prevention Section, Metropolitan Police, London
 Rosalind Messenger, Chairman, Board of Visitors, H.M. Prison, Blundeston, Suffolk
 Peter Charles Neivens, Chief Superintendent, Metropolitan Police Force, London
 Sir Leon Radzinowicz, Wolfson Professor of Criminology; Director of the Institute of Criminology, University of Cambridge
 Geoffrey Robson, Magistrate, Endon, Stoke-on-Trent
 James Aikman Smith, Sheriff, Substitute of the Lothians and Peebles, Edinburgh
 Robin D. Swann, Chief Production Engineer of Prison Industries, Lindfield, Sussex
 Dr. Keith R. H. Wardrop, Consultant in Forensic Psychiatry; Director, The Douglas Inch Clinic of Forensic Psychiatry, Glasgow

UNITED STATES OF AMERICA

Alexander Ackerman, Supervising Deputy Probation Officer, Compton, California
 Benedict S. Alper, Visiting Lecturer in Criminology, Boston College, Chestnut Hill, Massachusetts
 Albert Axelrod, Superintendent, Highfields, Residential Group Center, Hopewell, New Jersey
 John G. Baker, Secretary-Treasurer, International Prisoners Aid Association, Wauwatosa, Wisconsin
 Dennis Sheldon Barron, Deputy Probation Officer II, Van Nuys, California
 Lovell Bixby, Consultant, Joint Commission on Correctional Manpower and Training, Arlington, Virginia
 Victor Bluestein, Chief, Community Planning and Development, Department of Corrections, Sacramento, California
 Lynden Bowden, Jr., University of Arizona, Phoenix, Arizona
 Jon G. Bowman, Trustee, National Council on Crime and Delinquency, Bellevue, Washington
 Ernest Brawley, Correctional Captain, Lafayette, California
 Lowell Cable, Juvenile Delinquency Programme, Tucson Office of Economic Services, Tucson, Arizona
 Martha B. Cable, Counsellor, Public Schools, Tucson, Arizona
 Emmett Cahill, Executive Director, John Howard Association, Honolulu, Hawaii
 Susan Cameron, Graduate student, University of Arizona, Tucson, Arizona
 Kenneth S. Carpenter, Juvenile Delinquency Specialist, United States Department of Justice, Washington, D.C.
 Gene E. Carte, Office of Law Enforcement Administration, Berkeley, California
 Edward R. Cass, Vice-Chairman, New York State Commission of Correction, New York, N.Y.
 Michael A. Castillo, Supervising Deputy Probation Officer, Sylmar, California
 Rex B. Christensen, Probation Director, Los Angeles County Probation Department, California
 W. B. Clayton, Chairman, Committee on Citizen Participation, American Correctional Association, Dallas, Texas
 Marshall B. Clinard, Professor of Sociology, University of Wisconsin, Madison, Wisconsin
 Bernard Cohen, Rand Social Scientist; Assistant Professor, Queen's College, New York, N.Y.

C'Ceal Coombs, Vice-Chairman, Washington Council of the National Council on Crime and Delinquency, Yakima, Washington
 Frances Curry, Primary teacher, Stockton, California
 Mario d'Angeli, Professor, Social Welfare Department, San Francisco State College, San Francisco, California
 Edna O. Davis, Juvenile Probation Officer, Florence, Arizona
 Bobbye Dean, University of Arizona, Tucson, Arizona
 Loretta DePonio, Advisor, Heart Line Inc., Detroit, Michigan
 Grace Dunbar, Parole Supervisor, Arizona State Department of Corrections, Phoenix, Arizona
 Marie Durbin, Criminology student, Napa, California
 Christopher F. Edley, Programme Officer-in-Charge, Government and Law Programme, Ford Foundation, New York, N.Y.
 Robert A. Ellison, Commissioner of Public Safety, Virgin Islands
 Ralph W. England, Jr., Professor of Sociology, University of Rhode Island, Kingston, R.I.
 Richard C. Ericson, Executive Director, Correctional Service of Minneapolis, Minnesota
 Rev. Byron E. Eshelman, Protestant Chaplain, San Quentin, California
 Thomas G. Eynon, Professor of Criminology and Corrections, Southern Illinois University, Carbondale, Illinois
 Paulette B. Fetner, Deputy Probation Officer, Los Angeles County Probation Department, Santa Ana, California
 Carl Flaxman, Regional Director, Office for Civil Rights, United States Department of Health, Education and Welfare, Dallas, Texas
 Paul C. Friday, Lecturer, Department of Sociology, University of Wisconsin, Madison, Wisconsin
 Sidney Friedman, Senior Research Criminologist, Public Systems, Inc., San Jose, California
 Stella S. Geranen, Teacher, Stockton, California
 Gayle Gladous, University of Wisconsin, Madison, Wisconsin
 Louise P. Grier, Parole Agent, Detroit, Michigan
 Phylis Hammer, Juvenile Probation Department, Tucson, Arizona
 Frank E. Hartung, Professor of Sociology, Wayne State University, Detroit, Michigan
 Adair M. Hoult, Deputy Probation Officer, Los Angeles County Probation Department, Santa Monica, California
 Walter Ing, Probation Supervisor, Family Court, Honolulu, Hawaii
 Sanford Jaffe, Programme Officer, Ford Foundation, New York, N.Y.
 W. Ervin James, President, Houston Bar Association, Houston, Texas
 Rev. Muriel James-Brawley, Psychotherapist, Lafayette, California
 Anne Jeffery, Student of criminology, Sacramento State College, Oakland, California
 Margaretta D. Jeffery, Teacher, Group Worker, Oakland, California
 James Jeffery, Criminology student, Oakland, California
 Ann D. Jenkins, Graduate student in correctional administration, University of Arizona, Tucson, Arizona
 Richard L. Jenkins, Professor of Child Psychiatry and Chief, Child Psychiatry Service, University of Iowa, Iowa City, Iowa
 Elmer H. Johnson, Professor, Center for the Study of Crime, Delinquency and Corrections, Southern Illinois University, Carbondale, Illinois
 Nell A. Johnson, Librarian, University of Arizona, Tucson, Arizona
 Robert S. Johnston, California Youth Authority, Sacramento, California
 Paul W. Keve, Commissioner of Corrections, State of Minnesota, St. Paul, Minnesota
 George Killinger, Director, Institute of Contemporary Corrections, Sam Houston State University, Huntsville, Texas
 Dr. Leonard Kingsley, Chief Psychologist, Queens Guidance Center, Brooklyn, New York

- Mary Knudten, Instructor of Sociology, Valparaiso University, Valparaiso, Indiana
- Richard D. Knudten, Professor of Sociology, Chairman, Department of Sociology, Valparaiso University, Valparaiso, Indiana
- Eileen R. Kobrin, Executive Director, Prison Service Committee of Southern New Jersey, Cherry Hill, New Jersey
- Elizabeth Kominek, Registered nurse in psychiatry, Salt Lake City, Utah
- Peter Konz, Vice-President and Director for Asia, International Legal Center, New York, N.Y.
- Fred Kyle, Supervising Deputy Probation Officer, Los Angeles County Probation Department, Saugus, California
- Robert S. Lancaster, Probation Officer, Sylmar, California
- James Low, Security Police Supervisor, San Francisco, California
- Donald E. J. MacNamara, Professor of Criminology and Corrections, John Jay College of Criminal Justice, New York, N.Y.
- Dr. Eric Marcus, Psychiatrist, Los Angeles, California
- S. Jane Matthews, Teacher, Stockton, California
- Eileen McGrath, Teacher, Camp Counsellor and Recreation Leader for Youth, Boston, Massachusetts
- Sandra K. Meen, Student in Criminology, University of Arizona, Tucson, Arizona
- William Melnicoe, Professor of Police Science and Administration, Sacramento State College, Sacramento, California
- June Morrison, Associate Professor, Department of Public Administration, University of Arizona, Tucson, Arizona
- Orville C. Morrison, Chairman, Folger Adam, Glen Riddle, Pennsylvania
- Larry J. Moss, Public Safety and Criminal Justice Analyst, City Planning Commission, New York, N.Y.
- Carroll Munz, Research assistant, Linguist, New York, N.Y.
- Stanley J. Nadratowski, Probation Officer, New Baltimore, Michigan
- Abraham G. Novick, Executive Director, Berkshire Farm for Boys, Canaan, New York
- Robert Orin, Graduate student in correctional administration, University of Arizona, Tucson, Arizona
- Leonard Orland, Associate Professor of Criminal Law, University of Connecticut, West Hartford, Connecticut
- Betty Parker, Student in correctional administration, University of Arizona, Tucson, Arizona
- Louise Paul, Senior Supervising Clerk, Probation Office, Sacramento, California
- Donna Peirano, Teacher, Stockton, California
- William Pincus, President, Council on Legal Education for Professional Responsibility, Inc., New York, N.Y.
- Houshang Poorkaj, Associate Professor of Criminology, California State College, Fullerton, California
- Jeffrey L. Prather, Teacher-in-Charge, Brooklyn Adult Training Center, New York, N.Y.
- John P. Reid, Professor of Law, New York University
- Mary Ann Richardson, Supervisor-Instructor, Cornell Medical Center, New York, N.Y.
- Max M. Rogers, Presiding Judge, Administrative Judicial District of Texas, Huntsville, Texas
- Julian Rose, Parole Officer, Riversdale, N.Y.
- Mordechai Rotenberg, Lecturer in Criminology, University of California, Berkeley, California
- Ellen Ruth, Student, University of Arizona, Tucson, Arizona
- Eugene P. Schwartz, Executive Secretary, National Conference of Public Youth Agencies, University of Missouri, St. Louis, Missouri
- Kenyon J. Scudder, Consultant Western States, Osborne Association, Balboa Island, California
- Tai Shigaki, Director of Staff Training, Minnesota Department of Corrections, St. Paul, Minnesota
- Joan D. Shryock, Lecturer, Police Science and Administration, Sacramento State College, Sacramento, California
- A. LaMont Smith, Deputy Director, Arizona Department of Corrections, Phoenix, Arizona
- Robert L. Smith, Chief, Correctional Planning and Development, Department of the California Youth Authority, Sacramento, California
- Harry A. Snyder, Director, Bureau of Correction, Department of Justice, Camp Hill, Pennsylvania
- Lyman Stansky, Counsellor and Attorney-at-Law, New York, N.Y.
- Doris R. Sutton, Teacher, Tucson, Arizona
- Mary Swartz, Member, Bucks County, Association of Corrections, Doylestown, Pennsylvania
- Dr. John A. Talbott, Director, Division of Community Psychiatry, St. Luke's Hospital Center, New York, N.Y.
- Susan W. Talbott, research assistant, St. Luke's Hospital Center, New York, N.Y.
- Jack H. Taube, Deputy Probation Officer, Van Nuys, California
- Richard Traub, Deputy Probation Officer, Pacific Palisades, California
- Betty B. Umphress, Criminology student, Sacramento State College, Sacramento, California
- Melwin Wallace, Chairman, Corrections and Law Enforcement, Southern Illinois University, Carbondale, Illinois
- Shelma M. White, Senior Deputy Probation Officer, Sacramento, California
- David J. Winton, Member, Board of Directors, Correctional Service of Minnesota, Minneapolis
- Harry H. Woodward, Jr., Director, Correctional Programmes, Stone-Brandel Center, Chicago, Illinois
- Zora N. Zensky, Community Health Nurse, graduate student, University of Arizona, Tucson, Arizona
- Louis Ziskind, Executive Director, Jewish Committee for Personal Service, Los Angeles, California

VENEZUELA

- Orlando Contreras, Director, Centro de Investigaciones Penales y Criminológicas, Universidad de Carabobo, Valencia
- Francisco Burgos Finol, Director del Centro de Investigaciones Criminológicas, Universidad del Zulia
- Juan Mendoza Pimentel, Profesor, Universidad Central de Caracas.

Annex II

RULES OF PROCEDURE OF THE CONGRESS

I. CONGRESS MEMBERSHIP

Rule 1

The Congress shall include three categories of participants:

- (a) Delegates officially designated by their Governments;
- (b) Representatives of United Nations specialized agencies,

interested intergovernmental organizations, and non-governmental organizations in consultative status with the Economic and Social Council;

(c) Individual participants having a direct interest in the field of social defence, including representatives of criminological institutes and of national non-governmental organizations concerned with social defence matters.

Rule 2

Each Government invited by the United Nations which proposes to participate in the Congress shall communicate the names of its delegates to the Secretary-General *via* official channels. The name of the head of the delegation and of the delegates who in his absence are authorized to cast the vote of the delegation shall be communicated to the Secretariat upon registration at the Congress.

Rule 3

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

Rule 4

Persons who meet the requirements for Congress membership as determined by the Secretariat may attend the Congress as individual participants if their applications have been accepted by the United Nations Secretariat.

II. ORGANIZATION OF THE WORK OF THE CONGRESS

Rule 5

The Congress shall consider the items included in the agenda prepared by the Secretariat of the United Nations on the advice of the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.

Rule 6

The work of the Congress shall be conducted in plenary and section meetings, in accordance with a programme prepared by the Secretariat of the United Nations.

Rule 7

The Congress shall establish four sections corresponding to the four agenda items. Sections I and III will hold their meetings simultaneously; and, subsequently, sections II and IV will hold simultaneous meetings.

Rule 8

Participants shall have the choice of taking part in the work of up to two sections. These sections shall be sections which do not meet at the same time; no participant will be registered for meetings to be held simultaneously on the same day. Only those registered for a particular section will be recognized by the Chairman as qualified to speak in that section.

Rule 9

In section meetings, the discussions shall be under the control of the Chairman. At the discretion of the Chairman, discussions may be initiated or guided by a panel designated in advance of the Congress by the United Nations Secretariat from among the registrants with due regard to geographical representation.

Rule 10

The deliberations of each section shall be synthesized by its Rapporteur in a report, which shall be presented to the Congress in a plenary meeting. Summary records will not be provided.

Rule 11

The United Nations Secretariat and the host Government shall have sole responsibility for making all the arrangements for plenary and section meetings of the Congress, including interpretation and translation.

III. OFFICERS

Rule 12

The Congress shall elect a President and up to a maximum of fifteen Vice-Presidents. The election of an honorary President and honorary Vice-Presidents will be at the discretion of the Congress.

Nominations for President may be made by any delegation and will be retained if seconded by another delegation. If two or more candidates are so nominated, a vote shall be taken in accordance with the provisions of rule 29.

For the posts of Vice-Presidents, a list may be presented jointly by any three delegations for election by the Congress at its first plenary meeting. If two or more lists are so presented, a vote shall be taken in accordance with the provisions of rule 29.

Rule 13

The Secretary-General of the United Nations shall designate, in advance of the Congress, a Chairman, Vice-Chairman and Rapporteur for each section, and in their selection regard shall be had to an equitable geographical distribution of posts. The Secretary-General may appoint a General Rapporteur and General Consultants if such posts are deemed appropriate for the proceedings of the Congress. The list of officers so designated shall be placed before the Congress at its first plenary meeting for affirmation.

Rule 14

If the Chairman finds it necessary to be absent during a meeting or any part thereof, the Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

If the Chairman or any other officer of the section must withdraw from the Congress, the Secretary-General shall designate a new officer for the post.

IV. CONDUCT OF BUSINESS

Rule 15

At the opening of the Congress, the representative of the Secretary-General of the United Nations shall preside until the Congress has elected a President.

Rule 16

The President of the Congress shall declare the opening and closing of each plenary meeting, accord the right to speak, direct the discussion in plenary meeting, ensure the observance of these rules, put questions and announce decisions. He shall rule on points of order and, subject to these rules, shall have control of the proceedings. He may call a speaker to order if his remarks are not relevant to the subject under consideration. His decision on relevance shall be final.

Rule 17

If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 18

The President may limit the time allowed to each speaker and the number of times each participant may speak on any question. He may request that each participant who wishes to take part in the discussion should complete, in advance of the meeting, a speaker's form indicating briefly the subject of his intervention. When debate is limited and a participant has spoken his allotted time, the President shall call him to order without delay.

Rule 19

If the time allotted to the item under consideration does not permit the Congress to hear all participants who signify their desire to speak, the Presiding Officer may accord the right to speak to only a limited number of participants. In the choice of participants on the speakers list, due regard shall be had to geographical representation and the points which each speaker proposes to discuss.

Rule 20

Each section shall be presided over by a Chairman whose powers and functions shall be similar to those of the President of the Congress at plenary meetings, as provided in rules 16 and 18.

Rule 21

In section meetings, the right to speak shall first be accorded by the Chairman to persons selected from the panel or from persons who have completed a speaker's form in accordance with rules 18 and 20, and in the ensuing general discussion all participants shall have the right to ask for the floor, subject to the provisions of rules 18 and 20. The Chairman's decision on recognition and order of speakers shall be final.

Rule 22

The representative of the Secretary-General, the Executive Secretary, or any officer of the Secretariat designated by either of these officials may, at any time, make oral as well as written statements concerning any question under consideration by the Congress.

Rule 23

Any proposal on matters pertaining to the substance of an agenda item shall not be submitted to or entertained by the Congress if it requires adoption by voting. The Presiding Officer of any meeting may, however, ascertain the sense of the meeting on matters not relating to the substance of an item on the agenda.

Rule 24

A proposal for adoption by the Congress cannot be submitted for consideration at a plenary meeting unless it is sponsored by not less than three delegations and cleared by the Steering Committee in advance of the plenary meeting. The text of any such proposal shall be circulated to the participants twenty-four hours before is discussed and voted upon, unless the Congress decides otherwise.

V. STEERING COMMITTEE

Rule 25

The Steering Committee shall be the governing body of the Congress. It shall assist the President in the general conduct of the work of the Congress, ensure the co-ordination of the work

of the sections, review the progress of the Congress and make recommendations for furthering such progress. It shall also have the authority to decide on the submission to the Congress of any question not closely related to the agenda items. It shall also have final authority to decide what matters shall be submitted to the Congress.

Rule 26

The Steering Committee shall comprise the President of the Congress, the representative of the Secretary-General of the United Nations, the representative of the host Government, the Chairmen of the four sections, the representative of the host Government for the next Congress and the Executive Secretary of the Congress. The Steering Committee may co-opt up to five additional members to participate in its meetings.

Rule 27

The Steering Committee shall elect its own Chairman, Vice-Chairman and Rapporteur, and set the schedule of its meetings.

Rule 28

The decisions of the Steering Committee shall be made by a majority of members present and voting.

VI. VOTING

Rule 29

In plenary meetings, voting shall be confined to Government delegations, each of which shall have one vote. The vote of each delegation shall be cast by the head of the delegation or by a duly authorized delegate. The vote shall normally be taken by show of hands, but any delegation may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of delegations, beginning with the delegation whose name is drawn by lot by the President.

Rule 30

Decisions of the Congress shall be made by a majority of Government delegates present and voting. The delegations which abstain from voting are considered as not voting.

Rule 31

Subsequent to any vote taken in accordance with rule 29, the Presiding Officer may request, for consultative purposes, that the views of individual participants and of the representatives of specialized agencies, intergovernmental and non-governmental organizations be expressed by show of hands.

Rule 32

In section meetings, all participants have the right to vote. Decisions shall be made by a majority of participants present and voting.

VII. LANGUAGES

Rule 33

English, French, Russian and Spanish shall be the working languages of the Congress. Simultaneous interpretation to and from any of these languages shall be provided in section and plenary meetings.

Participants from the host Government may make speeches in Japanese. In this case, the host Government shall provide for interpretation into one of the working languages. Interpretation into the other working languages by an interpreter of the Secretariat of the United Nations may be based on the interpretation given in the first working language.

sooner as practical after the close of the Congress to the participants as well as to all States Members of the United Nations-

VIII. REPORT OF THE CONGRESS

Rule 34

The report of the Congress shall be prepared by the Secretariat of the United Nations and distributed within six months or

IX. GENERAL PROVISION

Rule 35

Any question not specifically covered by these rules shall be settled by the Presiding Officer following as closely as possible the rules of procedure of the functional commissions of the Economic and Social Council of the United Nations.

Annex III

LIST OF DOCUMENTS

Unless otherwise indicated, the basic documentation for the Congress listed below was published in English, French, Russian and Spanish. A Congress Handbook, prepared in four languages by the Japanese Organizing Committee, was distributed to all participants. The reports made by the Rapporteurs were also made available to all participants in the four languages. Minutes of the plenary and section meetings were prepared for the use of the officers of the Congress and its secretariat only.

The basic documentation for the Congress was as follows:

- | | |
|-----------------|---|
| A/CONF.43/1 | Social defence policies in relation to development planning
Working paper prepared by the Secretariat |
| A/CONF.43/2 | Participation of the public in the prevention and control of crime and delinquency
Working paper prepared by the Secretariat |
| A/CONF.43/3 | The standard minimum rules for the treatment of offenders in the light of recent developments in the correctional field
Working paper prepared by the Secretariat |
| A/CONF.43/4 | Organization of research for policy development in social defence
Working paper prepared by the Secretariat |
| A/CONF.43/L.I | Health planning in relation to social defence planning
Paper prepared by the World Health Organization
English, French |
| ST/SOA/SER.M/25 | <i>International Review of Criminal Policy No. 25</i>
English, French and Spanish (United Nations publication, Sales No.: 68.IV.7) |
| ST/SOA/SER.M/26 | <i>International Review of Criminal Policy No. 26</i>
English, French and Spanish (United Nations publication, Sales No.: 70.IV.1) |
| ST/SOA/SER.M/27 | <i>International Review of Criminal Policy No. 27</i>
English, French and Spanish (United Nations publication, Sales No.: 70.IV.7) |
| ST/SOA/SER.M/28 | <i>International Review of Criminal Policy No. 28</i>
English, French and Spanish (United Nations publication Sales No.: 70.IV.9) |
| A/CONF.43/NGO/1 | Criminalité et développement
Paper submitted by the following organizations: International Penal and Penitentiary Foundation; International Society for Social Defence
French |
| A/CONF.43/NGO/2 | Report submitted by the International Union of Child Welfare
English |
| A/CONF.43/NGO/3 | La participation du public à la prévention du crime et à la lutte contre la délinquance
Paper submitted by the International Penal and Penitentiary Foundation
French |
| A/CONF.43/NGO/4 | Comparison of the Standard Minimum Rules for the Treatment of Prisoners with the text of the Rules relating to non-delinquent detainees |

- drafted by the medico-legal commission of Monaco at the request of the International Committee of the Red Cross
Report submitted by the International Commission of Jurists
English
- A/CONF.43/NGO/5 A pilot study on Standard Minimum Rules
Report submitted by the International Prisoners Aid Association
English
- A/CONF.43/NGO/6 Do the police — or can the police — obtain the public's participation in the prevention of crime?
Report submitted by the International Criminal Police Organization
English, French and Spanish
- A/CONF.43/NGO/7 The problem of prisoners' children
Report submitted by the International Catholic Child Bureau
English, French and Spanish

For the general information of Congress participants, a list of documents and publications of the United Nations and the specialized agencies on the prevention of crime and the treatment of offenders was also distributed.

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.