



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

UNITED NATIONS

Department of Economic and Social Affairs

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UNITED NATIONS CONGRESS
ON THE
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AND THE
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Corrigendum

Page 5, paragraph 22

1. Delete subparagraph (a)
2. Reletter the following subparagraphs accordingly

Page 59, paragraph 436

The paragraph *should read*

436. Meetings of working groups of experts were convened in the United States of America at College Park, Maryland, from 10 to 13 April 1975, with the Institute of Criminal Justice and Criminology of the University of Maryland acting as host; at Reno, Nevada, 6 April 1975, with the National College of the State Judiciary at the University of Nevada acting as host; at Airlie House, Virginia, from 7 to 10 January 1975, with the Police Foundation acting as host; and at the Academy for Contemporary Problems, Columbus, Ohio, from 18 to 22 November 1974, with the American Bar Association Commission on Correctional Facilities and Services and the Academy of Contemporary Problems acting as hosts.

Page 74, E. Other intergovernmental organizations

At the end of the section *add*

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Roy Alexander Carr-Hill, Administrator, Social Indicators Section, Directorate for Social Affairs, Manpower and Education, Paris

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Chapter I

MATTERS CALLING FOR ACTION BY OR BROUGHT TO THE ATTENTION OF LEGISLATIVE BODIES OF THE UNITED NATIONS

1. The Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva from 1 to 12 September 1975, singled out the following matters as those calling for action by legislative bodies of the United Nations or to be brought to their attention. They are listed under the corresponding headings, with reference in parentheses to the relevant chapters and paragraphs of the present report.

Matters calling for action or brought to the attention of the General Assembly

DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (*Chap. II, paras. 290-301*)

2. Pursuant to General Assembly resolution 3218 (XXIX), in paragraph 4 of which the Assembly requested the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider the steps to be taken for the protection of all persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment and to report to it thereon at its thirtieth session, the Congress adopted a resolution in which it recommended that the General Assembly adopt the Declaration on the Protection of All Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹

[For the text of the Declaration, see paragraph 300.]

INTERNATIONAL CODE OF POLICE ETHICS (*Chap. II, paras. 254-258*)

3. In paragraph 3 of its resolution 3218 (XXIX), the General Assembly requested the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to give urgent attention, under item 3 of its agenda, to the question of the development of an international code of ethics for police and related law enforcement agencies, after taking into account the consideration given to that question by the Committee on Crime Prevention and Control in pursuance of Economic and Social Council resolution 1794 (LIV). The Congress considered the draft international code of police ethics which was drawn up by a working group of

¹ The General Assembly, at its thirtieth session, unanimously adopted the Declaration, changing the word "principles" in article 2 of the draft Declaration to the word "purposes" (see General Assembly resolution 3452 (XXX)).

police experts in preparation for the Congress and submitted to it as annex III of a working paper on the emerging roles of the police (A/CONF.56/5), as well as other models for law enforcement codes of ethics. The Congress decided that the General Assembly be requested to establish a committee of experts to study the question and that the Assembly might wish to consider the feasibility of regional groups drafting preliminary documents for the use of the committee.² The Declaration on the Protection of All Persons from being subjected to Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment was deemed to be an integral part of the future code of conduct for law enforcement officials.

VIOLENCE OF TRANSNATIONAL AND COMPARATIVE INTERNATIONAL SIGNIFICANCE (*Chap. II, paras. 84-95*)

4. At the thirtieth session, on 15 December 1975, the General Assembly decided by consensus, on the recommendation of the Sixth Committee, "that the item entitled 'Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes' should be included in the provisional agenda of its thirty-first session". In that connexion, the attention of the General Assembly is drawn to the conclusions and recommendations of the Congress relating to violence of transnational and comparative international significance.

5. The conclusions and recommendations of the Congress as a whole will be submitted to the General Assembly for its consideration at the thirty-second session through the regular channels involving the Committee on Crime Prevention and Control, the Commission for Social Development and the Economic and Social Council.

² The General Assembly, at the thirtieth session, considered the report of the Congress on the issue of an international code of conduct for law enforcement officials and by its resolution 3453 (XXX), paragraph 3, requested the Committee on Crime Prevention and Control to elaborate, on the basis of, *inter alia*, the proposals presented to and conclusions arrived at by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, a code of conduct for law enforcement officials, and to submit that draft code to the General Assembly at the thirty-second session through the Commission for Social Development and the Economic and Social Council.

Matters calling for action by or brought to the attention of the Committee on Crime Prevention and Control

6. The theme of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders having been established as crime prevention and control—the challenge of the last quarter of the century, the programme had been structured in such a manner as to provide the Committee on Crime Prevention and Control with the largest possible amount of information and the largest number of findings and suggestions on the basis of which it could prepare its report on the methods and ways likely to be most effective in preventing crime and improving the treatment of offenders, including recommendations on the measures most appropriate in such areas as law enforcement, judicial procedures and correctional practices (see General Assembly resolution 3021 (XXVII), para. 8), commonly referred to as the international plan of action, which was intended to guide the crime prevention policies of the United Nations and of the States Members through the remainder of the twentieth century.

7. The Congress considered the scope of action to be undertaken at various levels, including the international, regional and national, and also, particularly under items 5, 6 and 9 of the agenda, raised issues and made recommendations cutting across the various aspects of criminal justice and having broader policy and planning implications. The following recommendations, listed under the respective agenda items, merit the special attention of the Committee on Crime Prevention and Control for action at its fourth session, to be held from 21 June to 2 July 1976.

**CHANGES IN FORMS AND DIMENSIONS OF CRIMINALITY
—TRANSNATIONAL AND NATIONAL (Chap. II,
paras. 48-115)**

Crime as business: organized crime, white-collar crime and corruption (Chap. II, paras. 51-59 and 301-371)

8. In its recommendation on the issue of crime as business the Congress called, *inter alia*, for the provision of more information about economic criminality and for special studies on such issues as corruption and smuggling, in view of the extremely detrimental effect of such practices on national economies and international trade, particularly in developing countries; legislation against national and transnational abuses of economic power in the exercise of commercial activity by national and transnational enterprises; greater participation of shareholders in the affairs of major corporations or of workers in public enterprises; the establishment of national securities and exchange commissions or other administrative bodies and possibly the establishment of a similar body at the international level.

Offences involving works of art and other cultural property (Chap. II, paras. 60-64)

9. The Congress stressed the need for better exchange of information concerning the protection of cul-

tural objects, including particulars of national legislation designed to facilitate recovery of property which had been the object of illicit traffic and to deal effectively with those who engage in theft or destruction of cultural property. Such protection might be effected through the imposition of licensing requirements for auctioneers and dealers in antiques and the possible development of a code of ethics for professional art dealers. On the international level, the Congress called for wider ratification, acceptance or adherence to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Criminality associated with alcoholism and drug abuse (Chap. II, paras. 65-77)

10. The Congress selected the following priority areas for consideration with a view to appropriate action:

(a) With respect to illicit traffic, (1) the drafting of an international convention on judicial assistance and the improvement of extradition procedures at both the bilateral and multilateral levels by reviewing and amending existing extradition treaties or the conclusion of new ones which would include drug offences as extraditable offences, and the possible elaboration of an international convention in that respect; (2) consideration of illicit traffic in drugs as a transnational crime, to be included in a list of transnational crimes to be drawn up by the United Nations; (3) ensuring, in conformity with national legislation, that drug offenders, having been convicted in one country but having escaped, served the sentence in the country in which they had taken refuge or were found, if extradition were not feasible; (4) the sharing of all knowledge in the law enforcement field and exchange of relevant information, in particular concerning new methods and routes used by illicit traffickers; (5) improvement of the mechanisms for expeditiously disseminating and receiving evidence concerning drug offenders; (6) strengthening of all forms of border control; (7) ensuring, by whatever possible means, that convicted traffickers might not take refuge in other countries; (8) the desirability of increasing penalties for illicit traffickers and of decreasing penalties of users or possessors of small quantities of drugs for personal use if a Government considered use and/or possession as punishable offences; (9) the possible destruction of seized drugs and relevant material connected with illicit activities and not needed for legitimate purposes under strict supervision; and (10) ensuring that any national drug policy—such as decriminalization of activities concerning *cannabis sativa*—did not adversely affect the drug control situation in neighbouring countries and at the international level;

(b) With respect to drug abuse, the Congress held that since it formed part of the general public health problem, preference should be given to measures of treatment and social reintegration of drug abusers and addicts, and that penal measures, if not excluded, should in no way prevent the application of these measures and should be restricted to ensuring their application, if appropriate;

(c) With regard to preventive measures, the Congress stressed that those were to be preferred, including the provision of meaningful and suitable information to those responsible for dealing with population groups most at risk. Such action should include the preparation and distribution of appropriate educational material and leisure-time programmes for juveniles.

Interpersonal violence (Chap. II, paras. 78-83)

11. The Congress adopted the following conclusions and recommendations in regard to interpersonal violence:

(a) The increase in violent behaviour should be analysed in the broader context of the social, economic and political problems facing contemporary communities in many parts of the world;

(b) Research should be initiated to ascertain whether there is a relation between development and violent crime. Special attention should be paid to such effects as might be produced by the rapid social change taking place in various countries, the disintegration of traditional community rules and values, the discrimination against particular ethnic groups, the decline in opportunities for constructive adjustment to the social environment and, in general, the shortcomings of economic and social structures;

(c) Special attention should be paid to the factors contributing to the violent behaviour of many young people in various parts of the world. In particular it would be well to consider how far violent behaviour in its myriad manifestations reflected a failure or absence of national youth policies. It was deemed particularly desirable to examine how far the interests and anxieties of young people were taken into consideration and met by the social policy in force and what real share they have had in the adoption of decisions designed to solve major national problems;

(d) The problem of violent behaviour, because of the damage and anxiety it causes, should receive priority consideration in the formulation and application of national policies of crime prevention. In particular, every effort should be made to prevent the development of social conditions conducive to violence. The family, the educational system, community organizations and the mass communication media should take a more effective part in that work of prevention.

Violence of transnational and comparative international significance (Chap. II, paras. 84-95)

12. It was suggested that acts currently described as "terrorism" or as "terrorist" in nature could be classified into three types: first, acts committed by an individual in an international situation, for instance the unlawful interference with an aircraft in flight, whether intended for personal gain or because of psychopathology; secondly, acts similar to the first but committed by groups; thirdly, acts which appeared similar to the first two but which were committed to further not the private ends of the actors but some cause to which they felt committed. It was also suggested that acts of legitimate resistance against occupation should not be regarded as

terrorism. The need for a clear-cut definition of terrorism was emphasized by those participants who wished to distinguish between transnational violence of an extended but essentially criminal type and the operation of national liberation organizations. In such a definition they wished to make the motivation of the actor the crucial distinguishing element. The concern of others was with the innocence of victims who often had no connexion with the parties in the struggle as the primary distinguishing factor.

13. The participants were agreed on the need for international and multilateral action to rid the world of all forms of international violence; but there was also agreement that politically inspired violence, committed for the sake of gaining national independence or ethnic recognition or security, could not be expected to recede until the underlying causes had been satisfactorily dealt with.

14. In addition, there was agreement that measures should be studied with a view to strengthening the forces of criminal justice against the first two types of terrorism by (a) extending universal jurisdiction to all such crimes (as already existed in the case of air piracy)—for example, the taking of innocent persons as hostages and attacks against public buildings with explosives—especially if those crimes endangered the lives of innocent persons; (b) strengthening extradition laws and observing them more completely; and (c) strengthening the technical co-operation of agencies such as the International Criminal Police Organization (INTERPOL) by increasing both the number of nations participating and the mutual exchange of information. It was proposed, furthermore, that the United Nations should arrange for a commentary on all relevant international conventions, which would ensure that all were fully understood and their scientific and legal validity clarified.

Criminality related to motorized traffic (Chap. II, paras. 96 and 97)

15. The discussion on criminality related to motorized traffic led to conclusions and recommendations in two main categories. With regard to the criminal justice system, it was recommended that (a) minor traffic offences should be decriminalized or at least dealt with in a simplified manner; (b) the police should be relieved of the duty of controlling parking and of related tasks in order to enable them to concentrate their efforts on serious and dangerous offences, and that they should make greater use of technological aids; (c) traffic law enforcement should not be obstructed by national boundaries; (d) sentencing practices should be standardized to reflect the reality of international mass travel; (e) national criminal judgements should be valid in other countries whenever procedures might be transferred on the basis of treaties and conventions; and (f) short-term imprisonment should be avoided as far as possible and, in line with the urgent need for alternatives, unconventional methods should be developed.

16. Outside the criminal justice system, (a) diversified driver-education programmes should be organized; (b) manufacturers of motor vehicles should

improve existing safety features and develop new ones, the use of safety devices should be encouraged and expanded, and legislation to make this compulsory might be considered, taking into account different experiences in various countries; (c) effective speed limits should be observed; (d) more complete examinations should be given in granting drivers' licenses, particularly with reference to psychological factors; and (e) periodic inspections of vehicles should be instituted.

Criminality associated with migration and flight from natural disasters and hostilities (Chap. II, paras. 98-106)

17. It was recommended that (a) the United Nations consider offering migrants international travel documents for the period during which their status was being considered by national authorities, in order to allay the suspicions about political motivations that sometimes attach to internationally active social welfare agencies; (b) consideration be given to the establishment of an international agency of world-wide competence to deal with immigrant workers and to the elaboration of a charter for such workers; (c) the labour legislation of countries with immigrant labour be revised whenever appropriate; (d) the international machinery to assist refugees and disaster victims should be strengthened; and (e) representatives of migrant worker groups be brought into the public administration, especially in the area of law enforcement, of the host communities in which they are employed, wherever feasible. There was a consensus that the best way to eradicate criminality associated with migrants and refugees was to develop social, educational and health services rather than stricter law enforcement, and it was suggested that in developing countries voluntary welfare agencies could supplement governmental resources in short supply.

Female criminality (Chap. II, paras. 107-110)

18. In order to remove the issue of female criminality from the realm of guesswork and to engage in successful social defence planning, the Congress agreed that all States should be invited to inform the United Nations, through the national correspondents, of developments pertaining to female criminality and of the success or failure of their counter-measures.

19. The Congress also considered it necessary that controlled scientific studies be undertaken on the interrelations among socio-economic development, the integration of women into national economic life and female criminality, noting that such studies should focus on comparisons of countries with different experiences and trends in female criminality and on the causes and extent of differential treatment of women by the criminal justice system, as well as on experiences in dealing with the pre-delinquent and delinquent behaviour of women and children outside the criminal justice system.

Forecasting of crime and crime control problems (Chap. II, paras. 111-115)

20. The Congress deemed it essential to provide for the exchange of information among countries as to possible future conditions relating to crime and called upon the United Nations to provide leadership in setting up international collaborative machinery, which was to include the beginnings of a unified statistical data base. While recognizing that the technical, definitional and scientific problems involved were considerable, the Congress also recognized that since worthwhile forecasting was dependent upon the establishment of a scientifically sound research and data base, collaboration between national research bodies had to begin right away and immediate help made available to developing countries lacking the necessary resources.

CRIMINAL LEGISLATION, JUDICIAL PROCEDURES AND OTHER FORMS OF SOCIAL CONTROL IN THE PREVENTION OF CRIME (Chap. II, paras. 116-192)

21. While the debate on the various forms of social control used in the prevention of crime revealed that while differences in traditions, economic and political structures, available resources and levels of development made it pointless to try to dictate a preventive policy applicable to all countries, certain common aspirations nevertheless emerged, which were embodied in the following conclusions and recommendations:

(a) Social justice being the best means of preventing crime, greater emphasis should be placed on social action than on criminal proceedings;

(b) Historically speaking, there had been an abuse of the principle of repression without according sufficient attention to forms of non-penal social control and means of primary prevention;

(c) All countries should strive constantly to re-evaluate their criminal justice systems in order to adapt them to current social needs. That implied the replacement of laws and institutions which either were not indigenous or had become antiquated;

(d) Changes of penal systems and the practical application of their proceedings must always respect the human rights and fundamental freedoms of all persons involved;

(e) More frequent recourse should be had to the community for support of programmes of crime prevention and care of offenders;

(f) The many aspects of criminal policy should be co-ordinated and the whole should be integrated into the general social policy of each country;

(g) Criminological research providing the scientific basis for crime prevention policy should be extended to cover the interaction between delinquency and society, as well as the functioning of the judicial system and of community programmes of social control;

(h) Victim compensation schemes could serve as a useful substitute for retributive criminal justice;

(i) The training of judges in the art of sentencing was a prerequisite to the development of sentences that provided an alternative to imprisonment or fines;

(j) The United Nations had a special role to play in providing useful information and technical assistance to countries desirous of rationalizing and socializing their criminal policies, and in the promotion of the needed reforms.

THE EMERGING ROLES OF THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES, WITH SPECIAL REFERENCES TO CHANGING EXPECTATIONS AND MINIMUM STANDARDS OF PERFORMANCE (*Chap. II, paras. 193-259*)

22. In addition to calling for the elaboration of an international code of conduct for law enforcement officials (see para. 3 above), the Congress adopted a number of specific and more general conclusions and recommendations on the roles of the police and other law enforcement agencies. The participants agreed that:

(a) The United Nations should establish an international police academy, the facilities of which would be available to all nations, and which would concentrate on the preventive role of the police in crime control;

(b) Out-dated treaties relating to extradition and the gathering of evidence concerning criminal offences should be reviewed and new ones ratified to cope more effectively with contemporary criminality;

(c) International police co-operation should be strengthened and extended;

(d) Despite major differences in the structure and rationale of the world's police services there was common ground on which fruitful co-operation could be based;

(e) The police should be answerable to the laws of their respective countries;

(f) Integrity was the first quality required in police and other law enforcement officers;

(g) Police training should include the subjects of ethics, human rights and social science;

(h) Police were themselves part of the community whose support was indispensable to effective policing;

(i) Whenever possible, women should be employed as police officers on equal terms with men;

(j) Private security organizations should be subjected to a measure of public control;

(k) The police should participate in the preparation of legislation which would affect police functions.

THE TREATMENT OF OFFENDERS IN CUSTODY OR IN THE COMMUNITY, WITH SPECIAL REFERENCE TO THE IMPLEMENTATION OF THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS (*Chap. II, paras. 260-300*)

23. In addition to the adoption of the anti-torture Declaration (see para. 2 above), the following conclusions and recommendations were agreed upon:

(a) The use of imprisonment should be restricted to those offenders who needed to be neutralized in the interest of public safety and for the protection of society;

(b) A broad range of supporting after-care services and greater community involvement in facilitating the reintegration of the offender into the community should be provided for;

(c) A general reassessment of the purposes as well as the effectiveness of correctional systems was needed, along with special analytical studies under United Nations auspices to assess the effectiveness of various forms of imprisonment;

(d) The Standard Minimum Rules for the Treatment of Prisoners should not be substantively revised, but consideration should be given to the need for revising specific rules to assure that they are not in conflict with correctional policies and practices;

(e) A suitable commentary on the Rules should be drafted with special attention to regional considerations and cultural factors, and an easily understandable brochure should also be prepared;

(f) More vigorous efforts should be undertaken to assure the dissemination of the Rules in line with the draft procedures outlined in annex III of the working paper on the treatment of offenders (A/CONF.56/6);

(g) The United Nations, through appropriate bodies and agencies, should strongly encourage the full implementation of the Standard Minimum Rules throughout the world and offer assistance in this respect to countries requesting it;

(h) There was need to strengthen inmate grievance procedures through provisions for recourse to an independent authority such as an *ombudsman*;

(i) The United Nations should give serious consideration to the need for a continuing mechanism for the implementation of the rights of prisoners—for example, through the establishment of a sub-committee of the Committee on Crime Prevention and Control—but particularly through the continuation of the services of the Working Group of Experts on the Standard Minimum Rules or through the creation of a new committee on the treatment of prisoners;

(j) In order to facilitate the return to their domicile of persons serving sentences in foreign countries, policies and practices should be developed by utilizing regional co-operation and starting with bilateral arrangements;

(k) The United Nations should develop new rules for the treatment of offenders in the community, a task which could be undertaken in two phases—the first would concern itself with the articulation of principles and standards for programmes that are an alternative to imprisonment, while the second might address itself to guidelines concerning the content of the programmes.

ECONOMIC AND SOCIAL CONSEQUENCES OF CRIME: NEW CHALLENGES FOR RESEARCH AND PLANNING (*Chap. II, paras. 301-371*)

24. The Congress recommended that, in the interest of promoting more equitable and effective systems of criminal justice, a wider range of economic and social factors must be considered. Planners, researchers and those concerned with criminal justice policies and administration should:

(a) Encourage cost-benefit thinking, if not cost-benefit research, with the understanding that economic costs were only a part of the measurable cost along the whole continuum of social cost and that cost-benefit thinking, supplemented by simple research and comparative analysis, could provide crucial information on directional changes, which for some purposes would be sufficient for policy-making;

(b) Promote the development of the indigenous criminal justice research capability to directly serve the needs of policy-makers, planners and administrators;

(c) Promote the use of extra-governmental institutions, including universities and their students, as a research resource, particularly in a developmental context, through collaboration, financial support and the articulation of research needs;

(d) Promote the development of interdisciplinary research agencies for criminal justice and the organization of interdisciplinary workshops at the national, regional and interregional levels;

(e) Promote the collection and analysis of data for policy-making purposes, using simple, cheap and effective techniques of assessment, particularly by building in an evaluation component in pilot or demonstration projects;

(f) Encourage simple research techniques for conducting problem-solving or action-research appropriate in particular national settings in order to avoid repeating the mistakes of some developed countries;

(g) Encourage the writing of research reports in clear, concise language and in a form easily understood by administrators;

(h) Encourage the use of victimization surveys and crime damage statistics to complement the development of comprehensive criminal justice statistics;

(i) Develop greater awareness of the significance of economic crimes, particularly of corruption and damage to the environment within a developmental context, and of the effects of such crimes on the development process;

(j) Develop the means to predict changes in the types of crimes resulting from the interplay of criminogenic factors which might appear in some stages or processes of development and as a result of actions or policies of agencies outside of the criminal justice system;

(k) While recognizing the development model as one of the possible means of identifying and analysing criminogenic factors, consider other models as a basis for interpreting criminogenic factors and initiating crime preventive activities;

(l) Promote research leading to a more equitable distribution of the costs and consequences of crime among different segments of society;

(m) Incorporate dynamic crime prevention planning of a comprehensive and special nature within the framework of national planning, with emphasis on the

interdependence of crime and crime control activities with all other planning sectors;

(n) Further the co-ordination, as a smoothly working system, of the various agencies for preventing crime within countries, through the use of major structural reforms where necessary;

(o) Promote the maximization of individual freedom within the necessary constraints of effective crime control consistent with national policies;

(p) Promote the recognition of the fact that perhaps a substantial amount of crime was provoked by the nature of the social and economic structure and system of society itself, as well as by official action or negligence, and that effective crime control measures should be geared to changes in official actions as well as individual behaviour;

(q) Through the use of improved educational programmes and the mass communication media, promote a better understanding on the part of the public of the economic and social consequences of crime; narrow the gap between the perceptions of personnel working within criminal justice agencies and the general public, and further more active participation of the public in the prevention of criminality.

25. At the international level, the Congress called for:

(a) The inclusion of cost data in the reports on world crime trends, to the extent possible;

(b) The exchange of experts and experience between countries, with particular regard to regional and sub-regional needs;

(c) The convening of conferences, expert group meetings, seminars and workshops concerned with the assessment, minimization and redistribution of the costs of crime;

(d) The provision by the United Nations, within existing resources or from extra-budgetary funds, of technical assistance and training in order to encourage the use of cost-benefit analysis and systems analysis and other comprehensive comparative planning and evaluation techniques, as well as the collection and dissemination of information and reports using such techniques for crime control and prevention;

(e) The provision of United Nations assistance to national criminal justice programmes not only by specialized criminological services within the Organization but also by its regional planning institutes, public administration programmes, statistical services and the like;

(f) The Governments concerned and the United Nations to consider the early establishment of regional research facilities for crime prevention and the promotion of criminal justice in Africa, as well as in other areas where there was need, and the strengthening of the role of existing regional institutes in promoting research and training as a basis for policy-making and planning for crime prevention and criminal justice.

Matters calling for action by or brought to the attention of functional commissions of the Economic and Social Council

RULES OF PROCEDURE (Chap. V, para. 464)

26. The Congress, acting on a proposal by the representative of Czechoslovakia involving extensive amendments to the provisional rules of procedure, decided to recommend that the Committee on Crime Prevention and Control review the rules of procedure of the Congress with a view to bringing them into conformity with current practice in other United Nations bodies. The text of the rules of procedure, as adopted by the Congress, is contained in annex II of the report.

THE COMMISSION FOR SOCIAL DEVELOPMENT

27. The conclusions and recommendations of the Congress will be submitted to the Commission for Social Development at its twenty-fifth session, in January 1977, together with the observations thereon and proposals of the Committee on Crime Prevention and Control.

THE COMMISSION ON NARCOTIC DRUGS AND THE INTERNATIONAL NARCOTICS CONTROL BOARD (Chap. II, paras. 65-77)

28. In its resolution 1584 (L), the Economic and Social Council decided that the Committee on Crime Prevention and Control, in addition to reporting to the Commission for Social Development, should report as appropriate, on particular aspects, to the Commission on Narcotic Drugs. The attention of the Commission and of the International Narcotics Control Board (INCB) is drawn to the conclusions and recommendations of the Congress concerning criminality associated with alcoholism and drug abuse (see para. 10 above). In addition, the Congress urged intensified international drug control, calling on Governments, if they had not yet done so, to adhere to the Single Convention on Narcotic Drugs of 1961 and the 1972 Protocol amending that Convention, as well as the 1971 Convention on Psychotropic Substances. They were also urged to cooperate with the United Nations Fund for Drug Abuse Control in order to enable the United Nations to provide technical and financial assistance to Governments requiring it, in particular to Governments of those countries in which raw materials for narcotic drugs were produced, in order to enable them to carry out the provisions of international drug control treaties and to fight effectively against drug abuse problems and related criminality. The Commission on Narcotic Drugs and INCB may wish to consider the scope of co-operation of the Committee on Crime Prevention and Control in the areas emphasized.

THE STATISTICAL COMMISSION (Chap. II, paras. 111-115 and 301-371)

29. The attention of the Statistical Commission is drawn to the recommendations of the Congress pertaining to the establishment of a viable statistical data base in the crime field to permit the development of more scientific policies based on the current situation and on

forecasts; the use of techniques such as victimization studies and crime damage data to reveal the real extent and impact of crime; and the inclusion of cost data in crime reporting. The Commission may wish to indicate modalities for responding to the call for the establishment of collaborative arrangements to promote progress in that area and for the provision of immediate help to developing countries lacking the necessary resources in that respect (see paras. 20 and 24-25 above).

THE COMMISSION ON HUMAN RIGHTS (Chap. II, paras. 116-371)

30. Economic and Social Council resolution 1584 (L) also provided that the Committee on Crime Prevention and Control would report, as appropriate on particular aspects, to the Commission on Human Rights. The attention of the Commission is drawn, accordingly, to the conclusions and recommendations of the Congress relating to criminal legislation, judicial procedures and other forms of social control in the prevention of crime; the emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance; and the treatment of offenders, in custody and in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners (see paras. 21-23 above). More particularly, at the thirty-second session, in pursuance of General Assembly resolution 3453 (XXX), in considering the question of torture and other cruel, inhuman or degrading treatment or punishment, the Commission will be able to draw on the work of the Congress in this regard, as well as on the follow-up to its recommendations on the code of conduct for law enforcement officials. The Commission's attention is also drawn to the recommendations of the Congress concerning criminality associated with migration (see para. 17 above), in connexion with the implementation of General Assembly resolution 3449 (XXX) concerning measures to ensure the human rights and dignity of all migrant workers.

THE COMMISSION ON TRANSNATIONAL CORPORATIONS (Chap. II, paras. 51-59)

31. The attention of the Commission on Transnational Corporations is drawn to the conclusions and recommendations of the Congress on the issue of crime as business: organized crime, white-collar crime and corruption (see para. 8 above). The Commission may wish to consider, in connexion with the implementation of General Assembly resolution 3514 (XXX) and the Declaration and Programme of Action on the Establishment of a New International Economic Order (General Assembly resolutions 3201 and 3202 (S-VI)), the modalities of co-operation with the Committee on Crime Prevention and Control which would prove most useful.

THE COMMISSION ON THE STATUS OF WOMEN (Chap. II, paras. 107-110)

32. The attention of the Commission on the Status of Women is drawn to the conclusions and recommen-

dations of the Congress relating to female criminality (see paras. 18-19 above), particularly in the context of the United Nations Decade for Women and the World Plan of Action for the Implementation of the Objectives of the International Women's Year (General Assembly resolution 3520 (XXX)).

Matters calling for action by or brought to the attention of other bodies or agencies

THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AND THE OFFICE OF THE UNITED NATIONS DISASTER RELIEF CO-ORDINATOR (Chap. II, paras. 98-106)

33. The recommendations of the Congress concerning criminality associated with migration and flight from natural disasters and hostilities are brought to the attention of the above-mentioned Offices (see para. 17 above).

THE UNITED NATIONS REGIONAL COMMISSIONS AND INSTITUTES (Chap. II)

34. The attention of the regional commissions, the regional planning institutes and the crime prevention institutes is drawn to the conclusions and recommendations of the Congress, particularly to those contained in paragraphs 3, 23 (e) and 25 (e and f) above.

THE UNITED NATIONS DEVELOPMENT PROGRAMME (Chap. II, paras. 116-192 and 260-371)

35. The Congress repeatedly stressed the need to strengthen United Nations technical assistance in the field of crime prevention and control, particularly in areas such as criminal legislation and judicial procedures, the implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, the use of cost-benefit analysis and systems analysis and other comprehensive planning and evaluation techniques applied to crime prevention and criminal justice, and the like.

36. As noted above, the Congress also urged the exchange of experts and experience between countries in that field, with particular regard to regional and sub-regional needs, and called for the convening of conferences, expert group meetings, seminars and workshops concerned with the assessment, minimization and redistribution of the costs of crime. It also called for the strengthening of regional crime prevention training and research facilities and the establishment of new ones, as appropriate (see paras. 21 (a), 23 (g), 24 and 25 (b-e) above).

Matters calling for action by or brought to the attention of specialized agencies

THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (Chap. II, paras. 84-95)

37. The conclusions and recommendations of the Congress on violence of transnational and comparative

international significance, including the problem of air piracy (see paras. 12-14 above), are brought to the attention of the International Civil Aviation Organization, particularly the recommendation that the United Nations arrange for a commentary on all relevant international conventions in order to ensure that all were fully understood and that their scientific and legal validity were clarified (see para. 14 above).

THE INTERNATIONAL LABOUR ORGANISATION (Chap. II, paras. 96 and 97)

38. The conclusions of the Congress concerning criminality associated with migration, especially the recommendations concerning immigrant labour, are brought to the attention of the International Labour Organisation (see para. 17 above).

THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (Chap. II, paras. 60-83)

39. The attention of the United Nations Educational, Scientific and Cultural Organization is drawn to the conclusions and recommendations of the Congress relating to offences involving works of art and other cultural property (see para. 9 above) and to those concerning drug education (para. 10 above). Furthermore, in its consideration of the problem of interpersonal violence and possible preventive measures, the Congress recommended that "the cultural organizations of the United Nations should explore proposals for an international convention providing minimum guidelines for the content of mass media intended for consumption by children or young persons, where needed, to avoid negative impact on behaviour patterns".

THE WORLD HEALTH ORGANIZATION (Chap. II, paras. 65-77 and 260-300)

40. The conclusions and recommendations of the Congress concerning criminality associated with alcoholism and drug abuse, particularly those concerning the treatment of drug addicts and drug abusers (see paras. 12-14 above) are brought to the attention of the World Health Organization. The attention of WHO is also drawn to the recommendations of the Congress concerning the treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners (see para. 29 above), in pursuance of paragraph 4 of General Assembly resolution 3453 (XXX), in which the World Health Organization was invited to give further attention to the study and elaboration of principles of medical ethics relevant to the protection of persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment.

Chapter II

DELIBERATIONS OF THE CONGRESS

Opening plenary meeting

41. The Congress was officially opened on 1 September 1975 by Helvi Sipilä, Assistant Secretary-General for Social Development and Humanitarian Affairs, Department of Economic and Social Affairs of the United Nations Secretariat.

42. Speaking on behalf of the Secretary-General of the United Nations, Mrs. Sipilä extended a warm welcome to all participants and wished them success in their work.

43. In reviewing current social trends in the world, she observed that the Fifth Congress was being held at a critical time in the history of mankind. Human suffering brought about by disease, hunger, wars and crime had prompted nations to work together within the framework of the United Nations system to develop a wide range of programmes for economic and social progress.

44. Mrs. Sipilä recalled that a quarter of a century ago, the United Nations had established activities in the field of crime prevention and criminal justice to assist in the development of strategies for effective and humane crime prevention and treatment of offenders. Thus, the Fifth Congress marked two important anniversaries for the United Nations: the twenty-fifth anniversary of its effort to protect the peoples of the world from crime; and the twentieth anniversary of the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which had continued the great tradition of the Congresses of the International Penal and Penitentiary Foundation.

45. Mrs. Sipilä expressed the hope that the Fifth Congress would mark a turning point in the history of the efforts of the world community to combat crime. She emphasized the need to focus attention on how to deal with those who would not or could not abide by the rules of their own countries or of the world community, while, at the same time, maintaining close scrutiny of the rules and of those who enforced them, since one or the other might be at fault.

46. Both crime and crime prevention ranked among the most costly items in the budgets of many countries. The type of costs differed from nation to nation; but whether those costs were direct or indirect, their impact on the well-being of the citizenry could be devastating. Preventive and treatment strategies were difficult to formulate for universal application; obsolete codes, the paucity of reliable data on causation, cultural variations and limited resources all tended to make for a very difficult task. Nevertheless, the United Nations would do its utmost to provide assistance and guidance

in a world-wide effort to minimize the impact of crime through a long-range strategy aimed at the recognition and realization of the last of the human rights, that of freedom from crime.

47. Following the election of the President and officers of the Congress, the Executive Secretary of the Congress outlined the structural, procedural and technical features of the meetings which were to follow. In accordance with rule 14 of the rules of procedure, he read the list of section Chairmen, Vice-Chairmen and Rapporteurs and announced that Sir Arthur Peterson had been designated as Rapporteur General.

Reports on the discussions

REPORT ON AGENDA ITEM 5, CHANGES IN FORMS AND DIMENSIONS OF CRIMINALITY —TRANSNATIONAL AND NATIONAL

Rapporteur: H. FRAGOSO (Brazil)

48. The main purpose of the discussion on changes in the forms and dimensions of criminality was to consider the changing characteristics and magnitude of the crime problem as it had developed since the beginning of the last quarter of the century and to provide practical recommendations for improved national practice and international collaboration for the prevention and control of the new types of criminality.

49. With regard to that topic of discussion, the Congress had before it a working paper prepared by the United Nations Secretariat (A/CONF.56/3) and notes by the Secretary-General on criminality and social change (A/8372) and crime prevention and control (A/8844, A/9032). The Congress was also provided with the reports of the preparatory regional meetings held in Africa, Asia and Latin America. Those reports are referred to, as appropriate, in the present report.

50. In discussing the changes in the forms and dimensions of criminality, the participants deemed it appropriate to approach the key problems by taking up successively the topics dealt with in the working paper on that subject:

(a) Crime as business at the national and transnational levels: organized crime, white-collar crime and corruption;

(b) Offences involving works of art and other cultural property;

(c) Criminality associated with alcohol and drug abuse;

(d) Interpersonal violence;

- (e) Violence of transnational and comparative international significance;
- (f) Criminality related to motorized traffic;
- (g) Criminality associated with migration and flight from natural disasters and hostilities;
- (h) Female criminality;
- (i) Forecasts of crime and crime control problems.

CRIME AS BUSINESS: ORGANIZED CRIME, WHITE-COLLAR CRIME AND CORRUPTION

51. The Congress considered a wide variety of interrelated types of crime which, taken together, clearly posed new and increasingly serious problems in many countries throughout the world. It was agreed that the economic and social consequences of "crime as business" were typically much greater than the consequences of traditional forms of interpersonal violence and crimes against property—not least because organized and white-collar crime might also lead to interpersonal violence in the form of murder, intimidation, the destruction of property and the like. Such crimes were, of course, a serious problem in many developed countries, but several representatives of developing countries emphasized that white-collar crime, organized crime and corruption posed especially severe problems for their countries—indeed, they might be virtually matters of life and death—since the national welfare and economic development of the whole society might be drastically affected by such criminal conduct as bribery, price-fixing, smuggling and currency offences.

52. Those types of crime had been relatively neglected by criminologists, and the definitions of such terms as "organized crime", "white-collar crime" and "corruption" were often vague and ambiguous. The expression "crime as business" referred to heterogeneous groups of crimes that were characterized by all or most of the following features: (a) they were carried out primarily for economic gain, and involved some form of commerce, industry or trade; (b) they involved some form of organization, in the sense of a set or system of relatively formal arrangements between the various parties committing the illegal acts; (c) they involved either the use or the misuse of legitimate techniques of business and industry; and (d) the persons involved in committing such crimes often had high social status and/or political power. Crimes of corporations, on the one hand, and so-called "organized" or syndicated crime, on the other, had many similarities and interrelations; and, typically, both might involve the corruption of law enforcement and political authority. Such crimes tended to involve a high degree of planning, secrecy and sophistication; they thus tended to be "invisible" crimes, and their detection was very difficult. However, in terms of public fear, a distinction could be made between organized and white-collar crime.

53. The general pattern of economic or property crime in a society—of which "crime as business" was merely a part—necessarily depended on the social structure, the economic development and the economic institutions of the country concerned. Several partici-

pants pointed out that the socialist countries, which had generally abolished private capitalist industry and replaced it with co-operative or state-owned enterprises, naturally had no such problems of "white-collar" crime, organized crime and corruption in the sense of collusive price-fixing, illegal monopoly or violation of regulatory laws by private companies as were found in non-socialist economies. But even in the socialist countries, it was stated by others, there might be other equally damaging forms of economic crime.

54. At a transnational level, "crime as business" had so far been studied very little. It was argued by some participants that the concept of "transnational crime" was in fact superfluous, at least if it entailed the existence of supra-national law. Others, nonetheless, considered that it was clear that the consequences of economic crimes that span the borders of two or more countries might be at least as serious as those of purely national crimes.

55. Still more complicated problems were raised by the illegal (or at least deviant and economically harmful) behaviour of transnational corporations and other powerful and potentially monopolistic trading partners—for example, transfer pricing. The size and power of such trading partners were now immense; and there was much evidence that those enterprises operated in accordance with the goal of maximization of global profits, irrespective of the social conditions or public policies of the particular countries in which they operated. But transfer pricing was only one example of the illicit behaviour which might flow from such an ideology. The outright bribery of public officials was another.

56. A problem which evidently needed much further study was the variation that might exist in different countries regarding (a) the scope of the criminal law relating to "crime as business" and (b) the techniques used to control harmful forms of behaviour. For example, in some countries price-fixing was now regarded as criminal, whereas in others it was merely the subject of civil remedies. It was argued that it was also important to study value systems in relation to legislation, especially in respect of differences in the class structure of different societies. It was pointed out by several delegates that crime as business had its origins in class conflict, and that businessmen, managers, administrators and other economically powerful middle-class or upper-class persons might tend to control the machinery of criminal justice so as to succeed in getting their own deviant and economically harmful behaviour defined as non-criminal.

57. The discussion of what techniques might best be used to control crime as business concentrated on the question of how far the criminal law should be extended and how far traditional criminal penalties were likely to be useful. It was suggested that modern trends towards decriminalization should lead to the removal of many forms of crime as business from the scope of the criminal law. But several participants argued vigorously that just the opposite should be the case: that criminal law and imprisonment could have a definite deterrent effect in relation to businessmen-criminals, even though they might not be effective for

other crimes. It was also thought important to mobilize public opinion against those serious types of crime; and it was argued that the stigma of a criminal conviction could be useful in this respect. In several of the developing countries, it was claimed, the public already regarded profiteering, price-fixing, bribery and the like as more reprehensible than some traditional forms of violent or property crime.

58. Also mentioned were other techniques of control which might be applied efficaciously, either as alternatives to, or in conjunction with, criminal sanctions. Various forms of civil or administrative remedies, special law-enforcement agencies, and new bureaucratic procedures directed towards formalizing decision-making and thus minimizing the opportunities for corruption, were some of the things mentioned. It was also suggested that, for some forms of white-collar crime, changes in criminal procedures were needed in order to secure convictions. It was evident that there was great scope for exchanges of information in that area.

59. The discussion of those issues led to the conclusion that more effective control over the abuse of economic power by national and transnational enterprises could be enhanced by:

(a) The establishment of national securities and exchange commissions or other administrative bodies and, possibly, the establishment of a similar body at the international level;

(b) Legislation against national and transnational abuses of economic power in the exercise of commercial activity by national and transnational enterprises;

(c) Greater participation of shareholders in the affairs of major corporations or of workers in public enterprises;

(d) The provision of more information about economic criminality through such bodies as commissions of inquiry, consumer groups and labour unions, in order to alert the public; and

(e) Initiation of special studies on corruption and smuggling in view of their extremely detrimental effect on national economies and international trade, particularly in developing countries.

OFFENCES INVOLVING WORKS OF ART AND OTHER CULTURAL PROPERTY

60. The participants considered the many threats to cultural property in countries throughout the world, and various means of efficiently protecting such property. The intricacy of the problem was connected with the complexity of the notion of cultural property itself and the variable extent of the legal protection afforded to such property by different States. This protection was a relatively new phenomenon, which ought to be supported through international co-operation and the activities of international organizations.

61. Among the perils threatening cultural property were vandalism and wilful damage for predatory, political or religious reasons. Systematic theft, organized in certain regions with the use of the most modern equip-

ment, simple plundering by occasional thieves, and the fondness of the average tourist for procuring souvenirs were equal threats to the cultural property of nations. In some parts of the world, the illicit traffic in art objects threatened to result in the depletion of the entire national cultural heritage. In various cases involving the recovery of cultural property, it appeared that professionals in the art trade—art dealers, retailers and antique dealers—had been involved. Among the factors that were causing the opportunities for theft and art-blackmail to multiply were the considerable and constant increases in the price of collectors' items, aided by unprecedented increases in tourism and the ease of international transport by air.

62. Certain means of protection of cultural property were already unquestionably accepted—for example, at the national level, improved technical systems, national inventories of cultural objects, publicity of the dangers of cultural losses, and specialized police and customs units; and at the international level, the exchange of information concerning national legislation and practical experience with its implementation, the establishment of an international registry of particularly significant art objects and the inculcation of respect for cultural property among tourists and others.

63. It was worth noting that even States that were traditionally opposed to any hampering of the free circulation of art objects now acknowledged the value of cultural heritage and the importance of international co-operation in that field. The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1970, reflected the acceptance of that view. However, the Convention had been ratified by only 17 States, almost all of them developing countries suffering from illicit export of objects that formed part of their cultural heritage. The small number of ratifications was indicative of the failure of nations to recognize the true dimensions of offences that potentially entailed the destruction of a country's cultural heritage. In many parts of the world, public officials and citizens alike were still largely unaware of the dimensions of the destruction and dissipation of objects which constituted their cultural heritage.

64. Several participants pointed out the important difference between movable and immovable cultural property. When movable property was taken it could often be traced, but demolished architectural monuments, temples and holy sites could not be replaced, and they sometimes constituted the most important part of a country's cultural heritage besides being among the treasures of all mankind. They helped to form and maintain the national identity of the country; in that respect their loss was irreparable. Throughout history such crimes had been committed by individuals and by States, and means had to be found to prevent them in the future. The discussion led to the following conclusions:

(a) There was a need for better exchange of information concerning the protection of cultural objects at the international level, particularly through such

specialized bodies and agencies as the United Nations Educational, Scientific and Cultural Organization, the International Council of Museums and the International Council of Monuments and Sites;

(b) Such information should include particulars of national legislation designed to facilitate recovery of property which had been the object of illicit traffic and to deal effectively with those who engaged in theft or destruction of cultural property, through licensing requirements for auctioneers and dealers in antiques;

(c) Consideration should be given to the desirability of a code of ethics for professional dealers in art objects; and

(d) New efforts should be made to obtain wider ratification, acceptance or adherence to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

CRIMINALITY ASSOCIATED WITH ALCOHOLISM AND DRUG ABUSE

65. It was agreed that alcohol was a drug and that alcoholism was a major aspect of drug abuse. Although the criminality associated with those two factors might involve many common characteristics, there were other and perhaps more significant aspects which separated them.

66. First, the use of alcohol was institutionalized, and its problems had long been known, although they might be increasing, whereas the introduction of narcotics and psychotropics into many countries represented a relatively new intrusion into and disruption of their cultures.

67. Secondly, because alcohol was usually legitimately available, criminality in the main occurred because of the effect of consumption, in that it lowered self-control and a sense of responsibility and led to accidents. Only rarely did alcoholics commit crimes in order to obtain alcohol or money to buy it, and such criminality was of a low level. The possession of narcotics and psychotropic substances, however, was usually illicit and the trafficking in them was nearly always so. Therefore, the criminality associated with those substances was concerned more with their transportation and with attempts to obtain them than with acts committed under their influence.

68. Thus, criminality connected with alcoholism was different from that connected with most drug abuse. In its violent manifestation, such criminality was a result of the depressant effect of the drug on the normal mechanism of self-control. It was generally agreed that alcoholism was an increasing problem but that in order to achieve anything more than a superficial change in the situation, action had to be taken by agencies operating within a framework of social policy rather than by those of the criminal justice system.

69. It was noted that the international control system of narcotic drugs was predominantly based on the Single Convention of Narcotic Drugs, 1953, to which most Governments represented at the Congress were

parties. It had been amended by the 1972 Protocol that had come into force recently. The Convention on Psychotropic Substances of 1971, which provided a similar international control system, had as yet not entered into force. The goals of those treaties had to be implemented by national Governments that were parties to them, and the current international control system was functioning well and had achieved considerable results in controlling the drug problem by its obligatory control provisions. It was also the legal basis for all forms of international co-operation, particularly for the fight against illicit traffic in drugs. That system thus contributed to the prevention of and fight against crimes related to drugs—especially recently, by the highly improved extradition provisions in the 1972 Protocol—and to coping with the drug abuse problem.

70. Those treaties in no way insisted exclusively on harsh national sanctions and were much more subtle and flexible than the interpretations and applications that were sometimes given to them; the penal provisions of the treaties distinguished between simple offences and serious offences and provided that only the latter should be liable to stringent punishment, particularly to penalties of deprivation of liberty. They envisaged, primarily, all activities as forming part of the illicit traffic in drugs. Illicit personal "use" was not included in the penal provisions, so that parties did not need to consider it a punishable offence. Similarly, illicit "possession" of drugs for personal consumption did not need to be considered a punishable offence. Governments that went beyond the requirements of the treaties and considered illicit possession and even use as punishable offences could provide fines, censure or other measures. At any rate, a distinction should be made between legal intervention against illicit producers, manufacturers and traffickers, on the one hand, and illicit possessor-consumers, on the other, for whom non-penal forms of social control might sometimes be more appropriate and effective.

71. The primary goal of international drug control, which was to limit all activities in that field exclusively to medical and scientific purposes, could be fully achieved within the current framework of drug treaties, if properly implemented at the national level and in co-operation with Governments and with the international organs, particularly the United Nations Commission on Narcotic Drugs and the International Narcotics Control Board. Increased efforts in all sectors were needed, however, both on the national and international levels.

72. From the discussion it became apparent that the most important areas in which action should be considered were illicit traffic, drug abuse, preventive measures, distinctions in the approaches taken by different countries, and international drug control.

Illicit traffic

73. Concerning the control of illicit traffic in drugs, the following measures were recommended:

(a) The drafting of an international convention on judicial assistance should be considered and extradition procedures improved on both the bilateral and multilat-

eral levels by reviewing and amending existing extradition treaties or concluding new ones to include drug offences as extraditable offences; drug offences should be recognized by all Governments as extraditable offences, and consideration might also be given to the elaboration of an international convention by the United Nations Secretariat;

(b) Illicit traffic in drugs should be considered as a transnational crime to be included in a list of transnational crimes to be prepared by the United Nations;

(c) Measures should be taken to ensure, in conformity with national legislation, that drug offenders who had been convicted in one country but had escaped served the sentence in the country in which they had taken refuge or were found, if extradition was not feasible;

(d) All knowledge in the law enforcement field should be shared, and relevant information, in particular concerning new methods and routes used by illicit traffickers, should be constantly exchanged;

(e) The mechanisms for expeditiously disseminating and receiving evidence concerning drug offenders should be improved;

(f) All forms of border control should be strengthened;

(g) Measures should be taken to ensure, by whatever means possible, that convicted traffickers could not take refuge in other countries;

(h) Consideration should be given to the question of whether it was desirable to increase penalties for illicit traffickers and to decrease penalties for users or possessors of small quantities of drugs for personal use if a Government considered use and/or possession as punishable offences;

(i) Seized drugs and relevant materials which were connected with illicit activities and were not needed for legitimate purposes under strict supervision should be destroyed if possible;

(j) Measures should be taken to ensure that any national drug policy—for example, decriminalization of activities concerning *cannabis sativa*—would not affect adversely the drug control situation in neighbouring countries and at the international level.

Drug abuse

74. As drug abuse formed part of the general public health problem, preference should be given to measures of treatment and social reintegration of drug abusers and addicts. Penal measures, if they were not to be excluded, should in no way prevent the application of those measures and should be restricted to ensuring their application, if appropriate. Governments should follow the provisions of the 1972 Protocol Amending the Single Convention on Narcotic Drugs, 1961 and of the Convention on Psychotropic Substances of 1971 and should provide for effective treatment measures. They should also provide, either as an alternative or in addition to conviction or punishment, that drug addicts and drug abusers, where appropriate, undergo measures of treatment. It was generally accepted, however,

that as yet very little evidence of the success of treatment was available.

Preventive measures

75. In general, preference should be given to preventive measures, in particular, by providing meaningful and appropriate information to those responsible for dealing with population groups most at risk. All educational programmes should include some information on the drug problem and the dangers of drug abuse. It was noted, however, that the experience of some countries had shown some of these programmes to be counter-productive. Special leisure time programmes for juveniles should be encouraged.

Distinctions in the approaches taken by different countries

76. Because of the differences which necessarily stemmed from the social, economic and political situations in different countries, distinctions had to be made in the approaches to the drug and drug control situations in the various countries, taking into account their stages of development and their political systems. A similar distinction appeared to be valid with regard to the relation between drug abuse and criminality. A policy of decriminalization of consumption and possession of certain substances in highly industrialized countries, for example, could affect or have side effects on aspects of the economic, social or cultural relation between developed and developing countries. Moreover, it was not easy to distinguish between drug abusers and traffickers. Combating drug abuse itself might sometimes require changes in the social, economic and cultural structure of a country in order to remove abuses and reasons for abusing drugs. The responsibilities in the fight against drug abuse, including the financial costs involved, should be shared by all Governments concerned.

International drug control

77. Governments were called upon, if they had not yet done so, to adhere to the Single Convention on Narcotic Drugs, 1961, and the 1972 Protocol amending that Convention, and to the Convention on Psychotropic Substances of 1971; they were also called upon to co-operate with the United Nations Fund for Drug Abuse Control, in order to enable the United Nations to provide technical and financial assistance to Governments requiring such assistance, in particular, to Governments of those countries in which raw materials for narcotic drugs were produced, in order to enable them to carry out the provisions of the international drug control treaties and to fight effectively against the drug abuse problem and related criminality.

Interpersonal violence

78. The discussion demonstrated the concern that was aroused by violent crime in many countries and by the rapid increase in violence between strangers, including homicides, assault, rape and robbery. Further-

more, a change appeared to be taking place in the direction of an increase in the number of victims and greater brutality in the perpetration of those crimes involving significant physical and psychic suffering of those victimized. In many areas, violent behaviour was causing acute public alarm and a growing feeling of collective insecurity and anxiety, particularly among the citizens of some big cities. As a consequence, certain areas of those cities were virtually deserted by the terrified public at night, and that desertion of public places aggravated the situation still further. Especially dangerous for society were the violent acts committed by organized groups which, in some cases, were ideological in character and tried to exploit differences between ethnic or national interests. Only the representatives of some socialist countries and of one Latin American country reported a reduction in violent crime in their countries.

79. Some participants maintained that, in their countries, economic development as such—in particular, industrialization and urbanization—had not entailed an increase in violent crime. The increase in violent behaviour in general should be seen in the broader context of social problems that faced contemporary societies in different parts of the world. In that connexion, it was necessary to consider such factors as unemployment, discrimination against different ethnic groups, deprivation which made it impossible to achieve a certain status except through violent or deviant behaviour, and many other conflict-producing situations. Those factors were coupled with decreased opportunities for socializing in a constructive manner. The discussion revealed a lack of adequate scientific information on that subject.

80. Violent behaviour appeared in many ways to be the outward expression of a crisis in social policy and in the social controls of the contemporary community. Several participants maintained that behind behaviour of that kind, there were usually social and political causes, although there were also other causes stemming from deep-rooted problems of personality. In particular, mention was made of changing conditions of life and lack of opportunities for a fitting participation in the benefits of economic development. Individuals who saw the avenues of progress and achievement steadily closing before them might take the view that the lawful means to their ends were ineffective and might accept violence as a convenient solution, justifying their aggression or violent reaction in terms of their own conception of social justice. That led to the development of violent subcultures, which posited a system of norms and values standing apart from the dominant or central culture. The spread of such subcultures could be especially dangerous for youth, which seemed to be particularly involved in violent behaviour.

81. Alcohol and, to a lesser degree, drugs played a significant role in crimes of violence. Statistics revealed that in the majority of homicides one or the other protagonist was in a state of intoxication. The next type of offence most closely related to alcohol was assault and battery. The association between alcohol abuse and violence appeared to be strong, especially among the young, where alcohol abuse frequently resulted in

senseless and aimless offences involving mischief and destruction.

82. The mass communication media might act as a conditioning factor with respect to violent behaviour. Certain mass media thrived on the depiction of violence in its most sanguine and salacious forms, whether as entertainment or in news presentations. An individual's reaction to such exposure depended on a variety of factors, especially those that were familial and environmental. Some persons, especially juveniles, were negatively influenced by the mass communication media under certain circumstances and, particularly in the long term, a dulling of sensibilities occurred. That could lead to a greater readiness to accept violence as a means of responding to situations of conflict and to the actual use of violence. If the mass media had the capacity to exert a negative impact on individuals by potentially increasing the likelihood of violence, it might also be possible to reverse that impact by using the mass communication media for the education of the public towards socially acceptable responses to situations of conflict.

83. There was consensus among the participants that the Congress should make the following recommendations:

(a) The increase in violent behaviour should be analysed in the broader context of the social, economic and political problems facing contemporary communities in many parts of the world;

(b) Research should be initiated to ascertain whether there was a relation between development and violent crime. Special attention should be paid to such effects as might be produced by rapid social change taking place in various countries, the disintegration of traditional community rules and values, discrimination against particular ethnic groups, the decline in opportunities for constructive adjustment to the social environment and, in general, the shortcomings of economic and social structures;

(c) Special attention should be paid to the factors contributing to the violent behaviour of many young people in various parts of the world; in particular it would be well to consider how far violent behaviour, in its myriad manifestations, reflected a failure or absence of national youth policies. It was particularly desirable to examine how far the interests and anxieties of young people were taken into consideration and met by the social policy in force, and what real share they had in the adoption of decisions designed to solve major national problems;

(d) The problem of violent behaviour, because of the damage and anxiety it caused, should receive priority consideration in the formulation and application of national policies of crime prevention. In particular, every effort should be made to prevent social conditions that were conducive to violence. The family, the educational system, community organizations and the mass communication media should take a more effective part in that work of prevention. The cultural organizations of the United Nations should explore proposals for an international convention providing minimum guidelines for the content of mass communication

media intended for consumption by children or young persons, where needed, to avoid a negative impact on patterns of behaviour.

VIOLENCE OF TRANSNATIONAL AND COMPARATIVE INTERNATIONAL SIGNIFICANCE

84. The Congress noted that the problem of violence and aggression had been much aggravated by change, in particular by the vastly increased speed and ease of communication and transportation and by the growing vulnerability of the means of transportation.

85. The growth of tourism had led to citizens of one country committing "traditional" offences in another, sometimes including acts of violence. Indeed, many crimes had now become international, and the resulting complications had begun to undermine the criminal justice systems of many countries. But those offences could probably be handled through traditional channels, in the main by an extension of extradition procedures and greater exchange of information between police forces. Participants unanimously recommended those measures, and urged the United Nations to provide leadership in that connexion.

86. The term "terrorism" appeared in the discussion at an early stage, and participants were agreed both that it was extremely difficult to define this concept with any precision and that serious implications arose from a failure to formulate a precise definition. Some participants emphasized that "terrorism" and "transnational violence" should not be used synonymously. A more general source of imprecision was that "terrorism" was not commonly defined in legal codes: it was more of a journalistic, emotive term; and because it had no definitive legal status, there were real difficulties in considering it within the context of criminal justice processes.

87. Certain delegates suggested that the acts currently described as "terrorism" or as "terrorist" in nature could be classified into three types: first, acts committed by an individual in an international situation—for instance, the unlawful interference with an aircraft in flight, whether intended for personal gain or because of psychopathology; secondly, acts similar to the first but committed by groups; thirdly, acts which appeared similar to the first two but which were not perpetrated to further the private ends of the actors but some cause to which they felt committed. Other participants pointed out that, in their view, acts of legitimate resistance against occupation should not be regarded as terrorism. That view was strongly contested.

88. There was agreement that measures should be studied with a view to strengthening the forces of criminal justice against the first two types of terrorism by:

(a) Extending universal jurisdiction to all such crimes (as was already the case for air piracy—for example, the taking of innocent persons as hostages and attacks against public buildings with explosives—especially if those crimes endangered the lives of innocent persons;

(b) Strengthening the observance of extradition laws;

(c) Strengthening the technical co-operation of the International Criminal Police Organization (INTERPOL) by increasing both the number of nations participating and the mutual exchange of information.

89. It was emphasized that international terrorism, of whatever kind, was a genuine area for concern on the part of the United Nations, and the value of existing conventions was mentioned, as were the limitations of their scope. Those limitations were explained as arising from an attempt to achieve only the possible; and to that end the conventions did not go beyond the point at which some reasonably general level of agreement existed. Extradition had in the past proved a difficult problem.

90. Based on those observations, a proposal was made that the United Nations should arrange for a commentary on all relevant international conventions, which would ensure that all were fully understood and their scientific and legal validity clarified.

91. The need for a clear-cut definition of terrorism was emphasized by those participants who wished to distinguish between transnational violence of an extended but essentially criminal type and the operations of national liberation organizations. In such a definition, they wished to make the motivation of the actor the crucial element of distinction. Others were concerned with establishing the innocence of the victims, who often had no connexion with the parties in the struggle, as the primary distinguishing factor.

92. It was pointed out that the first position in effect turned the situation into one of war, and that the international conventions which established the rules for decision in such cases were the Customary and Conventional Laws of War, the 1949 Geneva Conventions and the Hague Convention. Therefore, such considerations were beyond the terms of reference of this Congress. With regard to the second position, it was pointed out that the General Assembly had on several occasions—for example, in its resolutions 3034 (XXVII), 3070 (XXVIII), 3246 (XXIX)—reaffirmed the rights of peoples to wage struggles of national liberation and that blanket condemnation of all violent acts would impede that. On the other hand, in its resolution 3034 (XXVII) the General Assembly also expressed deep concern regarding the increasing acts of violence which endangered or took innocent human lives or jeopardized fundamental freedoms. There was a basic lack of agreement on the distinction between a political act and a criminal one, so that the terms "terrorism" and "revolutionary violence" were not differentiated. It was proposed that acts reflecting a struggle for liberation should be considered by bodies that were appropriate for the purpose, including authorities under the four Geneva Conventions, thus focusing on the rights of protected targets, such as civilians or the postal service. It was pointed out that the transfer of all problems of transnational violence of a political or ideological kind to that supervising authority, supported by participants from both developing and developed countries, would entail the recognition of the legitimacy of the forces against which they were engaged, an alteration of the status of prisoners of war and other implications.

93. A certain number of participants suggested that the real answer to acts of terror-violence of a transnational or international nature which were not for personal gain required the examination and correction of the causes of discontent which led to them. Alternative techniques of conflict resolution were commended as a possible ultimate solution. It was also suggested that an immediate definition of terrorism was not possible, and efforts of the General Assembly in that regard were cited as an example.

94. International criminal terrorism which was carried out for personal gain or for the material gain of small groups was considered to be unquestionably an appropriate object of attention for criminal justice systems. The debate centred largely around the long-standing efforts to create an International Court of Criminal Justice with effective enforcement mechanisms.

95. In summary, participants were agreed that strong multilateral action was urgently needed to fight not only current levels of personally motivated transnational crime, especially violent crime, but also anticipated increases, and that clear-cut definitions of the difficult terms and concepts involved were necessary in order to permit both personal and political acts of terror-violence to be appropriately and differently handled, whether committed by individuals or by States. It was significant that the Congress did not approve of "political terrorism" while condemning other forms of terrorism. Indeed, the participants were agreed on the need for international and multilateral action to rid the world of all forms of international violence; but there was also agreement that politically inspired violence, committed for the sake of gaining national independence or ethnic recognition or security, could not be expected to recede until the underlying causes had been satisfactorily dealt with.

CRIMINALITY RELATED TO MOTORIZED TRAFFIC

96. The alarming world-wide increase of traffic accidents was emphasized and it was noted that the courts were overwhelmed with traffic cases. There was no single answer to the problem of traffic accidents and offences, although it was agreed that proposals for the improved handling of traffic cases should be based on the general principle that prevention was better than punishment. As far as law enforcement and the administration of justice were concerned, criminological research had shown that:

(a) Quick, certain and uniform apprehension and punishment of offenders were of the utmost importance;

(b) Criminal law enforcement involved the interplay of three factors: law, procedure and sentencing. The interrelation of those factors should be carefully considered so as to achieve an optimum balance and effectiveness in their operation;

(c) There were different types of traffic offenders. In particular, a rough distinction should be drawn between casual and first offenders and minor offences, on the one hand, and multiple and persistent offenders and serious offences on the other. Studies in one country

had shown that persistent traffic offenders had psychological anomalies—in particular, low intelligence. There was also a relation between traffic violations and general crimes:

(d) Many traffic accidents were caused by factors unrelated to the motor vehicle or its operator, such as poorly designed highways, hazardous intersections, uncontrolled highway crossings and slippery road surfaces.

97. The discussion led to conclusions in two categories:

(a) With reference to the criminal justice system:

(i) Minor traffic violations should be decriminalized or at least be dealt with in a simplified manner;

(ii) The police should be relieved of the duty of controlling parking and of related tasks in order to enable them to concentrate their efforts on dangerous and serious offences. The police should make more use of technological aids;

(iii) Traffic law enforcement should not be obstructed by national boundaries;

(iv) Sentencing practices should be standardized to reflect the reality of international mass travel;

(v) National criminal judgements should be valid in other countries whenever procedures might be transferred on the basis of treaties and conventions;

(vi) Short-term imprisonment should be avoided as far as possible; there was an urgent need for alternatives—in other words, for unconventional measures.

(b) Outside the criminal justice system:

(i) Diversified driver-education programmes should be organized;

(ii) Manufacturers of motor vehicles should improve existing safety features and develop new ones. The use of safety devices should be encouraged and expanded; and legislation to make that measure compulsory might be considered, taking into account different experiences in various countries;

(iii) Effective speed limits, which undoubtedly reduced traffic accidents, should be implemented;

(iv) More complete examination, particularly with reference to psychological factors, should be made before granting driver licences;

(v) Periodic inspections of vehicles should be instituted.

CRIMINALITY ASSOCIATED WITH MIGRATION AND FLIGHT FROM NATURAL DISASTERS AND HOSTILITIES

98. The Congress considered three situations of social and criminological concern which exerted severe strain on law enforcement and the administration of justice:

(1) Natural disasters which often resulted in extreme suffering and economic ruin for the survivors

and, on occasion, in the uprooting or displacement of major segments of populations;

(2) Wars, political persecution and similar events which compelled individuals to flee and seek asylum in a foreign country; and

(3) The influx into a country of large numbers of migrant workers from other countries in search of better economic opportunities.

99. These situations often entailed similar forms of criminality, such as passport and visa violations, falsification of documents, exploitation of labour, trespass, larceny, prostitution and so forth. Thus, people who would otherwise not have been criminals were often compelled to become such by conditions beyond their control.

100. The participants agreed on the point made in the working paper that the problems were mainly political and social and often not of direct concern to criminal justice. There was a consensus that the best way to eradicate criminality associated with migrants and refugees was to develop social, educational and health services rather than to institute stricter enforcement of the law. It was suggested that in developing countries voluntary welfare agencies could supplement governmental resources in short supply.

101. In cases of hostilities and political persecution it was possible to discern specific criminological problems. It was pointed out that the accumulation of large numbers of refugees frequently entailed problems regarding the diversion of aid and fostered the commission of espionage. One participant suggested that war refugees would naturally turn against the State from which they fled and feel compelled to perform many acts of revenge.

102. Some participants reported on serious problems attributable to large numbers of illegal entries where major political disasters had occurred and where authorities suspended strict enforcement of the relevant laws. It was pointed out that the International Civil Aviation Organization's Facilitation Programme already provided for continuing revision of immigration laws with the result that Governments frequently realized they could achieve their goals equally well by non-penal means.

103. As far as migratory workers who had been transferred legally to other countries for purposes of lawful employment were concerned, there seemed to be no evidence to suggest that there was among them a greater incidence of criminality than among the comparable age groups in their countries of residence or origin. However, where host countries had failed to integrate migratory workers into the social system there was a danger of a negative effect over the long run, particularly through criminality resulting from ghetto-like living conditions and cultural conflict between migratory workers and those of the host country and between the new generation and earlier generations. Moreover, basically lawful forms of contemporary migratory movements had led to such multiple abuses as unlawful forms of recruitment, maltreatment of workers and, in particular, the illegal transportation and substandard employment of migrant workers.

104. The most significant problem involved the considerable number of illegal immigrants who were brought into host countries, frequently by unscrupulous purveyors of cheap labour and often under circumstances that subjected them to unfavourable living conditions, including slum dwellings, malnutrition and poor education. The absorption of those governmentally unscreened immigrants into the national economy was deemed unacceptable to most Governments, not only because of interference with planned labour policies but also for reasons of public health. In addition, the methods used in transporting those workers to the host country and the life style imposed upon them after their arrival frequently entailed violations of basic human rights.

105. Two major issues concerning migratory workers were raised. One participant suggested that foreign workers drew extra vigilance from the police and that that might amount to discrimination, extreme cases of which he felt might need to be made criminal. The 1965 Convention for the Elimination of all Forms of Racial Discrimination was considered a means of preventing discrimination against migrants. Another participant drew attention to the persuasion of young girls to move to other countries, where they were used for illicit purposes.

106. The discussion led to the following conclusions:

(a) The United Nations should consider offering migrants international travel documents for the period during which their status was being considered by national authorities. That would preclude suspicions about political motivations which sometimes attach to internationally active social welfare agencies;

(b) Consideration should be given to the establishment of an international agency of world-wide competence to deal with immigrant workers and of a charter for immigrant workers;

(c) Much of the labour legislation of countries with immigrant labour needed revision;

(d) The international machinery to assist refugees and disaster victims—namely, the United Nations High Commissioner for Refugees and the Office of the United Nations Disaster Relief Co-ordinator—should be strengthened;

(e) The advantage of bringing representatives of migrant worker groups into the public administration, especially in the area of law enforcement, of the host communities in which they were employed should be kept in mind.

FEMALE CRIMINALITY

107. Among the more notable changes in forms and dimensions of criminality were recent changes in female criminality in various countries. Because there were no accurate and internationally comparable data on female criminality, there was agreement on the need for considerably more research and more internationally comparable research data before any universally valid conclusions could be reached and planning initiated.

108. The available evidence indicated that in a number of non-socialist developed countries the female crime rate had increased much faster than the male crime rate during the past decade, and changed police practices alone could not account for this. However, the opposite phenomenon had occurred in other countries under similar conditions. There seemed to be agreement that participation of women in the development of their countries was not a criminogenic factor. In some countries, on the other hand, an increase in female crime rates could perhaps be attributed to lack of opportunities to participate fully in socio-economic life.

109. In order to remove the issue of female criminality from the realm of guess-work and to engage in successful social defence planning, the Congress agreed that all States should be invited to inform the United Nations, through the national correspondents, of developments pertaining to female criminality and of the success or failure of their counter-measures.

110. The Congress also considered it necessary that controlled scientific studies be undertaken on the interrelation between socio-economic development, the integration of women into national economic life and female criminality. Such studies should focus on comparisons of countries with different experiences and trends in female criminality, the causes and extent of differential treatment of women by the criminal justice system, and experiences in dealing with the pre-delinquent and delinquent behaviour of women and their children outside the criminal justice system.

FORECASTING OF CRIME AND CRIME CONTROL PROBLEMS

111. All items before the Congress were concerned, at least implicitly, with the future. The final topic was expressly concerned with the possibility of using modern forecasting techniques to predict the directions which criminality might take during the next several decades and to consider what counter-measures might best be employed.

112. The forecasting of trends in crime and its control could not be separated from the forecasting of economic and social trends in general. Opinions varied as to how accurately those general trends could be forecast. Current methods of forecasting were still rather primitive and notoriously fallible even when used to make relatively short-term predictions concerning phenomena for which past data were available. But when considering whole patterns of social, economic and cultural change, the problem became vastly more complex: one could not extrapolate from past experience since many changes would be qualitative and not simply quantitative. Several delegates and experts thought that extrapolation could not be valid for a period longer than three years.

113. It was proposed that more subjective techniques, such as the so-called Delphi methods, should be used instead. That involved characterizing the present as a set of states and estimating what possible future states might exist in a given time, then estimating the probabilities of change from various present states to

various future ones. The opinions of experts in particular fields were used to gauge those probabilities. The resulting estimates were necessarily subjective but were supported by reasons, modified in the light of the arguments of other experts, and were therefore not merely arbitrary guesses.

114. Many issues concerning forecasting were still unclear. But a number of questions were considered to be pertinent as a first step towards achieving greater clarity. Those included:

(a) What were the best methods and techniques of forecasting in relation to crime and criminal justice? Perhaps a distinction should be made between short-term forecasting (up to five years at most), medium-term forecasting (five to 15 years) and long-term forecasting (over 15 years);

(b) How much emphasis should be put on long-term or medium-term, as opposed to short-term, forecasting? It might be more profitable to try to look instead into the nearer future;

(c) What kinds of information were likely to be needed for making effective forecasts in the area of law and criminal justice? Various social, economic, psychological and other factors might be used in different ways in longer-term forecasting. The effects of changes in the organization and resources of criminal justice and in legislation should be included but, owing to cultural differences, a single model of forecasting would probably not be universally valid.

115. It was essential to provide for the exchange of information between countries as to possible future conditions. The United Nations should provide leadership in setting up international collaborative machinery, which was to include the beginnings of a unified statistical data base, although the technical, definitional and scientific problems involved were considerable. Future worthwhile forecasting was dependent upon the establishment of a scientifically sound research and data base. Collaboration between national research bodies should begin immediately and help should be made available to developing countries lacking the resources that were immediately required. The United Nations was already providing some assistance through the Crime Prevention and Criminal Justice Section of the Secretariat, the United Nations Social Defence Research Institute and the regional crime prevention institutes.

REPORT ON AGENDA ITEM 6. CRIMINAL LEGISLATION, JUDICIAL PROCEDURES AND OTHER FORMS OF SOCIAL CONTROL IN THE PREVENTION OF CRIME

Rapporteur: S. C. VERSELE (Belgium)

116. For its examination of factors characterizing the current difficulties in the criminal justice system—which some participants did not consider a true “crisis”—and in its search for appropriate means of solving those difficulties, the Congress found some particularly useful material in the working paper prepared on that topic by the Secretariat for the Fifth

United Nations Congress on the Prevention of Crime and Treatment of Offenders (A/CONF.56/4), which made use of, among other materials, the notes by the Secretary-General on criminality and social change (A/8372) and crime prevention and control (A/8844, A/9032). The reports of the regional preparatory meetings also provided useful information.

117. The participants in the discussion decided to take up the topics under consideration in the following order:

(a) The characteristics and factors of the current, pronounced difficulties of the criminal justice system in various countries;

(b) The need for long-term re-examination of the role of the subsystem of social control represented by criminal justice;

(c) Short-term and medium-term reforms in criminal law;

(d) Procedural means of lightening the load on the judicial machinery;

(e) Non-judicial methods of crime prevention.

118. It was hoped that the many participants who had informed the Congress of experiments carried out in their countries would understand that the present report could not mention all of those experiments. However, all comments had been taken into account in the choice and orientation of problems and in the solutions outlined in this report. It was hoped that it would also be understood that the report would touch on problems that were not encountered in all countries. Moreover, because the subject was so complex and the opinions expressed so diverse, the Rapporteur had to formulate his own account of the discussion (see paras. 116-188 of the present report). The Congress did not discuss those paragraphs and therefore could not pronounce itself on them. However, after discussion the Congress did adopt the amended conclusions and recommendations included in the present report (paras. 189-191).

EVALUATION OF THE CRIMINAL JUSTICE SYSTEM

119. A number of factors were judged indicative of the relative inadequacies in the criminal justice systems of several countries: rising crime rates, overburdened courts and prisons, the number of undetected offences and the professionalization of crime, to name a few. The criminal statistics of a great many countries showed a quantitative increase and a qualitative worsening of crime. That phenomenon was continuing in spite of legislative and prison reforms and the resources allocated to research on crime prevention and the treatment of offenders. Technical progress seemed to be utilized more by offenders than by law enforcement agencies.

120. The overburdening of the courts and prisons often indicated that too many persons were being prosecuted through traditional criminal procedures and punished by deprivation of liberty. What was more, traditional criminal procedures had proved to be very cumbersome and extremely expensive. Attention was

also drawn to the abuse of preventive detention in some areas and to excessive recourse to short-term imprisonment in most countries.

121. That situation seemed to be even worse if undetected criminality were considered in addition to recorded crimes. To illustrate, the figures for undetected crimes were extremely high, particularly in certain fields, and the perpetrators of a great number of socially harmful acts were rendered immune because of their links to political authority or economic power, often in combination in a structured and subtly disguised manner.

122. Social development had led to a certain awareness of the difficulties encountered through the present techniques of crime prevention and repression. That raised the question as to whether it might be necessary to rethink the entire basis of criminal policy and criminal justice.

123. The objective of legal rules and of the judicial machinery was to protect an "established order", which might be challenged simply on the grounds that the "values" it defended entailed a good deal of discrimination and privilege. The emancipation of man was conducive to the thought that both the defence of an established order and the attempt to replace that order were equally political.

124. The "established order" was characterized in many countries by inequalities, and even by real political, cultural and social injustices rooted in the economic structure. In some economically developed regions, a profit-oriented approach might result in the exploitation of citizens. By the same token, a naive and static bureaucratic approach might stifle the development of the individual. In developing regions, political independence was not always accompanied by economic independence and cultural decolonization. Those situations led to social frustrations which were frequently crime-provoking.

125. In most countries one found discrepancies between the norms or criteria of the law and the needs or aspirations of the community governed by that law. Legal and judicial regulatory mechanisms were often outmoded or unreal.

126. Some systems were reluctant to accept the fact that law was relative and that the norms and mechanisms of that law were valid only for a given moment in history. A successful revolution rendered legal and legitimate that which was formerly illegal and unacceptable. Progress in the behavioural sciences tended to challenge justifications and traditions.

127. It was found that it was not sufficient to amend a text in order to adapt a legal and judicial system to the changing demands of a community or a science. Laws on probation might still be applied with the traditional repression-minded attitude; social services might still function in a spirit of discriminatory paternalism.

128. Among those who were prosecuted, sentenced and imprisoned, the socially under-privileged classes were unquestionably overrepresented. Since that was not the case with regard to crimes that were not represented in official statistics—except for certain varia-

tions depending on the type of crime—it had to be concluded that most judicial systems were biased.

129. What was more, a regression of criminal justice towards forms of severe repression was to be noted whenever a country had to face new phenomena whose causes were still unknown and whose effects were often unjustly assumed to be socially harmful.

130. Whatever the intention of the judges, the penalties they imposed entailed a social stigmatization of the persons who were the subjects, if not the objects, of those penalties. That characterization of sentenced offenders was a cause of social alienation and therefore recidivism.

131. Many countries deplored the alienation of public opinion from criminal justice. People no longer seemed to have confidence in a justice they considered either too indulgent or too severe. Justice seemed unrelated to social reality; its notions, criteria, setting and speech were alien to real life. There was a certain social schizophrenia in criminal justice. Divorced from reality, criminal justice no longer guaranteed the safety of citizens and often seemed uninterested in certain socially harmful situations.

132. Moreover, criminologists sometimes became discouraged in their efforts to serve justice. On the one hand, clinicians realized that their suggestions based on the offender's personality, the dynamics of his behaviour and the mechanism leading to the commission of his crime could not be adequately followed because of the rigidity of legal imperatives. On the other hand, sociologists regretted that the reactions of the judiciary did not always correspond to those of the social services, that preventive mechanisms did not have a place in existing political, cultural, social and economic structures and that "new social values" were rejected by the system, which termed them "subversive".

133. It was generally acknowledged that judicial and prison mechanisms might have effects conducive to crime and might in certain cases actually create criminal careers. It had to be recognized also that prosecutors and judges were perceived in quite a different manner from that in which they would like to be regarded.

134. Consequently, it was necessary, in the long-term, to rethink the whole of criminal policy in a spirit of rationalization, planning and democratization. While avoiding abrupt reforms that would only deal with short-lived situations, the criminal justice system should be transformed so as to be more responsive to contemporary social necessities, the aspirations of the whole population and the demands of a scientific evaluation of needs and means in preventing and containing criminality.

135. Criminal policy was an aspect of social policy and its planning therefore had to be integrated into that of the general progress of the community. Profound changes required rigorous evaluation, deep thought, progressive experimentation and a strict assessment of their results.

THE ROLE OF THE CRIMINAL JUSTICE SYSTEM IN CRIME PREVENTION

136. It was pointed out that in contrast with other branches of law, criminal law had historically inflicted a legal wrong on the person who had caused a social disturbance. Criminal justice had therefore to be analysed as an aggressive reaction of the community against those of its members who disturbed its order.

137. Criminal justice was a subsystem of social control over actions or omissions declared to be harmful to the community, and it constituted the extreme and radical form of social control, but it did not exist independently of social control as a whole. As a social mechanism, criminal justice had to be directed towards an objective that was social rather than moral. Accordingly, the relations and criteria of criminal justice had to be more operational and pragmatic and less based on abstract concepts.

138. Many factors contributed to the isolation of criminal justice from the machinery of social control as a whole. The preparatory work for the Congress had emphasized some of the factors preventing the criminal law system from accomplishing that which was essentially social.

139. Criminal law was an excessively static subsystem of social control. Like any legal system, it was based on norms whose stability, to be sure, guaranteed the security of those under its jurisdiction but which gave rise to conflict between "legally protected interests" and the current needs of a social life that in recent decades had been particularly prone to change.

140. The image of criminal justice was, to a large extent, rendered sacred and ritualized by texts that were more understandable to the officials who applied them than to the citizens who were to live by them. The staging of justice, the dress of its officials, its special meanings and its language were those of insiders, of professionals whose choice of career, whose training and whose hierarchy were characterized by a certain rigidity.

141. This gave rise to something which was not authentic in the relations between the protagonists of a criminal trial: between the victim and the perpetrator, between the latter and the police, the prosecutor, the judges and the prison officers, between criminal justice and public opinion.

142. Criminal justice was discriminatory in the sense that it was exercised against traditional forms of crime, consisting of certain offences against persons, property and morals. It appeared to be inoperative with respect to socially harmful acts that were made unchallengeable by the fact that they were historically built into the political and economic structure.

143. In addition to the dark number of offenders who escaped all official detection, there were numbers of "gilded" criminals—namely, those who had political power and wielded it with impunity when injuring citizens and the community for the benefit of their oligarchy, or who possessed an economic power that was being developed to the detriment of the community as a whole. The offences of those criminals were compara-

ble to those of certain criminal justice functionaries who violated the law by abuse of their power and remained unpunished because of that power. Such offences might range from bribery and corruption to torture of persons in custody.

144. It was to be feared that the criminal justice system might sometimes become an alienating factor. More and more often procedures and decisions were no longer being understood by the citizen directly affected or by the wider public. Citizens sometimes hesitated to turn to the law, even when they had been the victims of punishable acts. Honest citizens, good people, boasted of never having appeared in court, "even as a witness".

145. Lastly, there was a lack of harmony between judicial decisions, which were rather on the strict side, and their implementation, which was rather on the flexible side. Sometimes the reverse was also true. In reality, what was done was "other" than what had been solemnly decreed.

146. Another problem was that criminal justice seemed to be powerless in the face of transnational criminality, whether directed against persons or whether of an economic nature. Detection and suppression of that type of criminality was handicapped by the collusion of persons in authority as well as by legal/technical problems of jurisdiction. Collaboration between States, which was essential to contain that criminality, was sometimes frustrated by divergent interests among them. Adherence to conventions and treaties was not necessarily strict.

147. To accomplish its tasks better, criminal justice had had recourse to criminological research. Unfortunately, such research was often centred on the individual clinical analysis of the offender, on diagnosis and prognosis. It had done that on the basis of samples that were not representative because they did not include offenders who had been filtered out by the police or the public prosecutor, or the undetected and the "gilded" figures. In addition, some practices of "clinical" criminology might lead to illusory individualizations, because their demands were irreconcilable either with the norms of the law or with the equality which the collective conscience required.

148. A socially responsible criminology was indispensable if criminal justice was to become effective. It was perhaps equally important to study the motivations and attitudes of policemen, prosecutors, judges, prison officers and all the other minions of the law as it was to investigate the psycho-analytical etiology of the behaviour of an individual.

149. The dynamic interrelation between the totality of offenders, the judicial system and the public would seem to have to serve as the basis for the reconstruction of criminal justice, which was regarded as an extreme modality of criminal policy, which in turn was considered a phase of social policy.

150. The majority of penologists and criminologists had been willing to confine their attention to existing institutions without also examining the motives, motivations and the complex mechanisms of those who created and maintained those institutions. All that was

particularly true for countries which had known periods of colonization and which had won their independence only in the past few decades.

REFORMS OF CRIMINAL LAW

151. Participants in the discussion on the reform of criminal law noted that in some regions, the codes, laws and institutions forming the framework of penal systems were outmoded; in some cases they had been imported in colonial times. That resulted in systems that were unsuited to the current social requirements of the regions to which they were applicable, just as they were unsuited to the recognitions of contemporary criminology and the requirements of criminal policy. It was agreed that innovation and adaptation of proven experience were to be preferred to imitation, and traditions should be accorded no more than their true value.

152. Furthermore, the majority of countries were succumbing to the very real phenomenon of proliferating penal institutions. In the face of the steady growth of problems of maintaining order raised by the increasing complexity of contemporary life, penal procedures were instituted without any attempt to see whether other equally effective solutions could not be found through non-penal and non-judicial channels.

153. On the other hand, penal systems suffered from certain omissions in that they provided inadequate penalties or none whatever for the restraint of acts that were prejudicial to the community and that were previously unknown or were becoming more serious. New offences were frequently the result either of technical progress or of stretching the limits of permissible practices in industrial, commercial or financial activities.

154. Consequently, there seemed to be sufficient justification, in the long or short run, for modifying the general principles of the penal system to bring them in line with current criminological knowledge and for modifying the criminal law by the elimination of certain offences and the introduction of new ones, so as to adapt the penal system to the contemporary requirements and wishes of society.

155. Reform of the general principles of criminal law should be directed towards rectifying the historical error which had resulted in codes written for lawyers and not for those to whom they were applicable but incomprehensible.

156. In order to adapt the repertory of offences to the social needs of the moment, it was necessary, on the one hand, to cut out the dead wood through decriminalization or depenalization and, on the other, to include new offences.

157. Decriminalization consisted of terminating the suppression under criminal law of conduct which contemporary societies felt should no longer fall under that system or under any other form of social control. Each country should be free to decide whether—and to what extent—the evolution of its moral standards justified abandoning the suppression or restraint of conduct which previously, and in a different social environment, had had to be prosecuted.

158. Depenalization consisted of transferring the corrective action called for by certain types of conduct to forms of social control other than the criminal justice system. Those other forms of control would be the responsibility of bodies or agencies of an administrative or social nature, and their action would be persuasive rather than coercive. Experience had shown that some antisocial behaviour required medical, socio-pedagogical or material assistance and that recourse to the criminal justice system was unsuitable, if not altogether harmful, in such cases.

159. The purpose of decriminalization and depenalization was not to condone the forms of behaviour concerned but to alleviate the burden on the judicial system by removing from its purview minor offences which were relatively harmless to society. Depenalized acts would be handled by agencies whose closer ties to the community would permit more flexible procedures and action better suited to the specific circumstances of the case. The more developed countries could take as an example in that area the customary arbitration systems which had been maintained or re-established in the developing countries.

160. A policy to create new offences seemed necessary in order to provide protection against the socially harmful effects of certain forms of technical progress, economic speculation or political violence. Before criminalizing heretofore legal conduct or modifying the coverage of existing prohibitions, the following conditions should be taken into account: the existence of a real risk to the entire population or to some segments of the population, the inadequacy of non-penal methods and the assurance that the negative effects of the charges brought in connexion with the new offences would not outweigh their positive effects. Areas in which it had been felt that new offences should be defined included economic or fiscal delinquency, acts of national or transnational violence, numerous forms of environmental pollution, and political and financial corruption and collusion.

161. It would be necessary to elaborate general criteria for decriminalization, depenalization and the introduction of changes. Each country would have to find ways of determining the real social needs and wishes of its entire population. The will of the people should not be distorted through the use of channels whose democratic nature was more apparent than real. There was a general agreement that the severity of sanctions for many offences could be drastically reduced, especially in the case of offences that did not entail serious social or personal harm.

REFORMS IN CRIMINAL PROCEDURE

162. It was emphasized that any changes in judicial procedures should essentially be directed towards reducing the number of matters put through the whole penal process and towards entrusting their solution to organizations or services in whose operation the community itself took the initiative. More specifically, an attempt should be made to create or widen channels whereby the penal process could be replaced by social actions which were more direct, less time-consuming, less costly and without stigma.

163. There, as in the traditional process of criminal law, human rights and the rights of defence should be respected. Methods should be avoided which would result in an overrepresentation of underprivileged social groups, both in the diversion process and in correctional facilities. Moreover, a revision of legal aid systems to serve all citizens equally was required. Lastly, easier access by all citizens to the social services should be provided in all countries.

164. When the authorities became aware of an offence, it should not be mandatory for them to set the cumbersome and often counter-productive judicial process into motion. Instead, they should be encouraged to entrust the solution of the problem to non-judicial services. Both the common-law countries and the socialist countries supplied examples of that technique. It would be useful if wider circulation could be given to the results of those non-judicial systems, a characteristic feature of which was that the matter was taken in hand directly by institutions which, though often non-statutory, were deeply rooted in popular tradition.

165. Matters that could be side-tracked in that way would of course involve only minor offences of a kind that required social intervention rather than criminal proceedings, the negative effects of which would be excessive. Nevertheless, it should not be possible for such decisions to be taken without the consent of the perpetrator of the act, who should specifically be given all the rights of defence, including that of choosing to have recourse to the judicial process.

166. There was no unanimity as to whether the police should have the power to divert a case towards administrative and social bodies. Views varied considerably, as did actual practice. In practice, the police sometimes refrained from instituting proceedings and gave a "warning" instead, while some laws empowered the police to impose fines of an administrative type. Some people feared that the latter would lead to arbitrary decisions and discriminations according to the social class of the offender. Others took an opposite view and considered that that technique could very usefully lighten the workload of the courts.

167. Nevertheless, there was general agreement that all the details of the case should be recorded in writing, with a written statement of the reasons for the decisions and of the fact that the citizen in question had consented after having been informed that he was entitled to opt for judicial proceedings.

168. It was pointed out that decriminalization might become particularly effective where, as is the case in many countries with indigenous systems of justice, compensation of the victim by the perpetrator was still an established practice. Developed countries might well wish to examine the advantages of victim compensation schemes as substitutes for retributive criminal justice.

169. In several countries, authorities had always had the right not to prosecute an offender. In actual practice, dismissal without proceedings was left to the judgement of the courts under the supervision of the prosecutor or the minister of justice, except in a few

countries in which there was a body especially responsible for supervising the use of the acknowledged discretionary powers. In some countries, legislation stipulated that the authorities might propose a "settlement"—namely, payment of a sum of money representing a sort of fine with costs—which protected the offender from any later prosecution. Lastly, by virtue either of a law or of tolerated practice, the authorities might grant a stay on condition that the victim be compensated and that other conditions be fulfilled which were designed to alleviate the conditions or situations apparently linked to the offence committed.

170. That practice could be extended if certain guarantees were given, among which the following requirements should be emphasized:

(a) The accused must deny neither the act nor his guilt and must expressly accept the proposal of the authorities;

(b) The circumstances of the case must be such that prosecution did not appear essential to the achievement of the individual and social purposes of intervention;

(c) The commitments entered into by the offender must include the commitment to make good all the damage resulting from his act.

171. Detention pending trial should be a genuinely exceptional procedure in the case of the vast majority of suspects and accused. The law should determine the conditions, fix maximum limits for detention pending trial and require the grounds for the issue or extension of the warrant of arrest to be checked by the judicial authorities. Since a person was presumed innocent until found guilty, anyone detained pending trial should be held in an establishment which was not a prison and should be placed under as tolerant a régime as possible, especially as regards contacts with lawyers and family members.

172. Judges should be advised to avoid discrimination which would have the effect that some classes of accused persons, such as foreigners, non-conformists and the poor, could be detained pending trial more easily or for longer periods than others. The community should organize services to provide shelter for suspects and to make it easier for them to be left at liberty.

173. The courts should also be anxious to avoid repressive sentences, with all their negative effects. They should be empowered by the law to pronounce a judgement other than a sentence of imprisonment or a fine, and that aim should be achieved, on the one hand, by widening the range of punishments and, on the other, by providing for the training of judges in the art of sentencing.

174. Several countries had already widened the range of measures which the courts might apply to end legal proceedings, including:

(a) Suspension of sentencing, with or without conditions;

(b) Suspension of the punishment, with or without conditions;

(c) Compensation for the damage done, regarded as a penalty under public law;

(d) A ruling that the act was not socially dangerous and that no punishment was necessary;

(e) Work on behalf of the community; and

(f) A simple reprimand, with or without the requirement of a promise of good conduct. Those measures which were not deprivative of liberty might nevertheless sometimes include restrictions on the exercise of certain activities.

175. It probably would be useful if all countries would follow the example given by some in:

(a) Limiting the number of short-term prison sentences, either by prohibiting imprisonment for certain offences or by requiring judges to give reasons to justify prison sentences;

(b) Laying down conditions for intermittent imprisonment, with provision, for example, for release on week-ends;

(c) Arranging for active participation by the prisoners in the organization of prison life; and

(d) Working out criteria for early release and arrangements for social rehabilitation, with the direct and active co-operation of the community.

176. It was concluded that sentencing problems deserved special attention. They were rendered difficult by the diversity of procedures, judicial organizations and penalties or measures provided for by the law, and of the powers granted to the penal administration to execute judicial decisions.

177. Nevertheless, it seemed possible to suggest to all countries some general guidelines which, owing to the limitations of the present report, necessarily had to be brief:

(a) Constant and effective respect for the dignity of the offender and for the freedoms and rights he still retained despite conviction;

(b) Due regard for the permanent relation between the offender, the courts and the community;

(c) Professional qualifications for judges, specialized training for criminal court judges and a greater representation of women in the judiciary;

(d) Some correspondence between the social seriousness of an act and the severity of the punishment, with due regard to especially dangerous conditions;

(e) A constant and persistent endeavour to seek sanctions that were less aggressive in their application and less aggression-provoking on the part of offenders, particularly as regards capital and corporal punishment;

(f) A persistent endeavour to select measures that carried the least stigma and with the application of which the community could be associated;

(g) Care not to lengthen a trial unduly by studies of personality which were not really essential;

(h) Provision of specific reasons for decisions, in a language intelligible to the offender and to public opinion, avoiding stereotyped expressions;

(i) The endeavour to establish a certain correspondence between types of offences and types of punishment;

(j) Care to select, from among solutions offering equal chances of success, that which was least harmful to the offender and least expensive to the community, which meant avoiding imprisonment whenever possible; and

(k) An understanding of the para-judicial factors involved in delinquent behaviour and of the occasional nature of such behaviour.

178. The law faculties and the schools of criminology should include in their programmes courses and exercises in sentencing. In addition, arrangements should be made, within the judiciary, for refresher courses given with the co-operation of university teachers and researchers. It had been recommended that judges should be associated with empirical research projects on the functioning of social control and of criminal proceedings, and particularly with research on decision-making.

179. A common concern regarding all judicial proceedings was the importance of keeping them as closely as possible in line with social realities and the aspirations of the community and of mobilizing the community for direct or indirect participation in legal procedures and decisions and in their application.

NON-JUDICIAL FORMS OF SOCIAL CONTROL

180. Crime prevention, the participants agreed, was more a matter of social justice than of criminal justice. Undue and, at least in some regions, exclusive reliance had been placed on traditional criminal procedures involving the police, the courts and the prisons. Crime prevention policy was one aspect of general social policy and hence should be integrated into a country's development planning as a whole. To that end, crime prevention should be subjected to an assessment of requirements and resources and to cost-benefit analyses, although certain crime prevention expenditures should be regarded as social investments.

181. Primary prevention of deviance and delinquency entailed putting an end to economic inequalities and thereby greatly reducing political, cultural and social inequities. Such action could be carried out only at the speed appropriate to each country and with due regard to specific historical conditions.

182. It should be borne in mind that certain forms of progress were not without risk in that they created new needs without providing the means to satisfy them or in that they engendered criminogenic situations. That applied, for instance, to certain new forms of sale, financing and credit. The "crime-hindrance" technique (*technique du délit-obstacle*) held out possibilities inasmuch as it prevented offences by making them more difficult to commit. It was recommended that community programmes of crime prevention should be devised, comprising both preventive arrangements in such areas as health, education, housing, employment and social security and the provision of help for individuals involved in legal or other difficulties.

183. It would be necessary to lay down criteria and make practical arrangements for decision-making, control and on-going assessment. It appeared that such efforts should be centred around decentralization, de-professionalization and popularization, in order to ensure optimum control and minimum stigmatization. However, societies should also learn that a certain amount of deviance was unavoidable and thus natural. Yet each society had to find its tolerance level.

184. Efforts to replace judicial proceedings by social control should focus on direct links between the "controllers" and the "controlled", easy communications between the two, the sensibility and solidarity of micro-environments and the possibility that the micro-environments of neighbourhood, work and family could ward off the need for judicial proceedings. A society which was equipped to control deviance through the exertion of preventive social pressure, the use of persuasion and the provision of direct assistance, was far better off than a society which had to create an artificial and expensive crime control apparatus. So far as possible, popular non-judicial control measures should be decentralized and socialized: in other words, they should be taken by small communities and non-professionals acting on their own unprompted initiative.

185. It was important that traditional forms of primary social control should be revived and developed. In that, the example could be set by developing countries and countries in which the power stemmed from the people. Efforts should be made to replace technical and paternalistic social services by voluntary acts of solidarity. Action originating in small communities seemed likely to be more effective than services imposed by a centralized authority. It should be borne in mind that charitable paternalism might be a means of perpetuating oligarchical privileges and social injustices.

186. Non-judicial social control might be exercised in a wide variety of ways, depending on specific historical traditions and diverse political and social options. Petty disputes arising from certain deviations or certain minor forms of delinquency might be settled by a council of elders, a comradeship court, a neighbourhood committee, a board of arbitration and conciliation, a solidarity body or any other organ or service of a popular nature. That form of social control and assistance would cover deviants, offenders who had not been prosecuted or who had been placed on probation or given a suspended sentence or remission, and the physically, mentally or socially handicapped.

187. Special care should be taken to avoid social labelling and stigmatization. To that end an extensive information campaign should be launched to ensure that the whole population knew and accepted the view that the fate of the handicapped deviants and offenders was the business of the entire community and of each of its members.

188. It was to be regretted that, in at least some countries, the mass communication media paid more attention to criminal acts, exploiting their sensational character, than to preventive social action. The press,

radio and television should strive to alert public opinion to the plight of deviants and offenders and to mobilize opinion so as to secure the co-operation of the entire population in programmes for the prevention and containment of socially dangerous behaviour. Every citizen needed to be convinced that there was more merit in being fair and showing fellow-feeling than in dispensing charity while remaining selfishly discriminatory.

189. Budgetary expenses should be studied on the principle that the savings made by relieving congestion in the courts and prisons could be used to carry out community programmes of prevention and to provide the victims of offences with compensation which the offender himself would be unable to give.

CONCLUSIONS AND RECOMMENDATIONS

190. It was concluded that differences in traditions, in economic, social and political structures, available resources and levels of development made it pointless to try to dictate a prevention policy common to all countries.

191. However, the work of the Fifth Congress had revealed certain common aspirations which might be outlined in the following propositions:

(a) Social justice was the best means of preventing crime. Greater emphasis should be placed on social action than on criminal proceedings;

(b) Historically speaking, there had been an abuse of the principle of repression and insufficient attention to forms of non-penal social control and means of primary prevention;

(c) All countries should strive constantly to re-evaluate their criminal justice systems in order to adapt them to current social needs. That implied the replacement of laws and institutions which either were not indigenous or had become antiquated;

(d) Changes in penal systems and the practical application of their proceedings should always respect the human rights and fundamental freedoms of all persons involved;

(e) More frequent resort should be made to the community for support of programmes of crime prevention and care of offenders;

(f) The many aspects of criminal policy should be co-ordinated and the whole should be integrated into the general social policy of each country;

(g) Criminological research providing the scientific basis for crime prevention policy should be extended to cover the interaction between delinquency and society and the functioning of the judicial system and of community programmes of social control.

192. Several participants stressed the functions of promotion and technical assistance which the United Nations should assume in the field of crime prevention and containment. Useful information for all countries that envisaged rationalizing and socializing their criminal policy could be found in a note prepared by the Secretary-General on crime prevention and control (A/9032).

REPORT ON AGENDA ITEM 7. THE EMERGING ROLES OF THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES, WITH SPECIAL REFERENCE TO CHANGING EXPECTATIONS AND MINIMUM STANDARDS OF PERFORMANCE

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193. For its examination of the emerging roles of law enforcement agencies and in its search for more appropriate and effective methods by which the police could perform its function in the fields of crime prevention, law enforcement and the maintenance of order, the Congress found particularly useful material in the working paper prepared on that topic by the Secretariat of the United Nations for the Fifth Congress (A/CONF.56/5), the analytical summary by the Secretary-General concerning the question of torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment (A/CONF.56/8), the paper prepared by the World Health Organization, entitled "Health aspects of avoidable maltreatment of prisoners and detainees" (A/CONF.56/9), and the reports of the regional preparatory meetings.

194. The participants in the discussion considered it appropriate to approach the key problems by taking up in succession the topics dealt with in the working paper prepared by the Secretariat:

(a) Police professionalism and accountability;

(b) Police recruitment and training;

(c) Police response to changing forms of criminality;

(d) Police/community relations;

(e) Private security organizations;

(f) Police involvement in the formulation of legislation;

(g) International police co-operation;

(h) The present and future role of the police; and

(i) An international code of police ethics.

POLICE PROFESSIONALISM AND ACCOUNTABILITY

195. At the outset of the discussion on police professionalism and accountability it was observed that that was the first occasion on which the roles of police and other law enforcement agencies were to be examined in detail by a United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The theme—emerging roles, with special reference to changing expectations and minimum standards of performance—was deemed particularly apposite in view of the substantial evolution that had taken place in policing since the Second World War.

196. During that period, the term "professionalism" has been increasingly associated with the police, with all that the word implied in connexion with experience, responsibility, ethics and service. There was unanimous support for absolute insistence on

police integrity. While entrance to the classical professions required academic qualifications, police entrance standards varied widely from country to country and police forces rightly recruited members from a cross-section of the population, which necessitated a great deal of in-service education, including training of a professional nature.

197. There was consensus that police officers operated under the rule of law and were individually answerable to the law. That demanded of every officer complete integrity and impartiality. The status of the service could be no higher than the status of the individual police officer, since the reputation of all depended to a large extent upon the standing of the individual officer in the eyes of the public. The service, like every other profession, had to be careful to protect its good name by ridding itself of those who did not measure up to its code.

198. To ensure adherence to that standard, a high degree of objectivity in compiling personnel reports was required. The senior officers of the service should be honest with themselves if they were to be honest with each other.

199. There was complete consensus on the need to recognize police professionalism, with its concomitants of careful selection and training. The need for appropriate salaries, pensions and benefits was stressed.

200. It was pointed out that the police officer of today was not a mere receiver of orders but someone who needed to be convinced of the rightness of what was ordered. Police leadership had to function within the confines of a humanely responsive system that permitted the delegation of responsibility in the knowledge that the trust placed in the capacity of an individual to act independently stimulated confidence, efficiency and pride.

201. It had to be understood that the police officer was a member of the community and, as such, was correspondingly affected by communal values. It was observed that the liberalization currently found in many countries had led to a relaxation of formerly fixed societal standards and to a decrease in authoritarian control. The police had to cope with that situation not only in the community but also in their own organization. In that regard, reference was made to Lacassagne's dictum that a country got the criminals it deserved and it was said that a country, likewise, also got the police it deserved. It followed, therefore, that the conditions would have to be right if true professionalism were to be attained.

POLICE RECRUITMENT AND TRAINING

202. During the introduction of the topic of police recruitment and training, it was emphasized that the recruitment process was crucial to the establishment of a competent and responsive police organization. While police services varied in many respects, several countries were encountering difficulties in their efforts to attract and retain well qualified recruits. Those difficulties were due mainly to low salaries, poor or dangerous conditions of service and, in some cases, the availabil-

ity of positions in other fields which offered higher salaries, more perquisites and better working conditions. The stress placed on academic, psychological, physical and moral qualities varied between regions and police systems. The question of the minimum educational qualifications which should be set for police recruits evoked considerable discussion. The view was expressed that the scholastic level of policemen should be approximately that of the average citizen in the area to be served and that there was a danger of excluding potentially capable recruits through insistence on high entry qualifications. The observation was made that members of the police should represent all the interests of the community and that candidates for police service should meet cultural and educational standards that would permit them to perform their duties effectively. Those included educating the public with the aim of preventing crime and deterring criminality. In one instance, outside institutions of learning were used to train the more senior personnel of the service while special courses were arranged for those members who had not previously been educated at higher levels. One participant stressed the need for police recruits who were oriented more towards providing services to the community than towards legalistic enforcement of laws, and several others expressed the view that police forces should become an integral part of the community itself. The composition of a police organization should reflect the ethnic, cultural and educational composition of the community or country which it served. Thus, members of minority groups should be recruited, the services of women should be fully utilized and they should be treated as equals with male personnel in the performance of the police function.

203. To complement an effective recruitment programme, adequate training facilities were necessary. It was emphasized that training curricula should be designed to prepare the recruit for the type of work he or she would be expected to perform. Provision should be made for the increased demands resulting from scientific and technological progress. It was the majority view that police officers should, in addition to technical training, receive comprehensive instruction in such subjects as law, human and constitutional rights and behavioural sciences so that they could gain the confidence of the citizens they served. It was generally agreed that for the police to achieve professional status and recognition, their training should be thorough and should continue throughout their careers. Such training should instil pride in their organization and a desire and, in fact, a commitment to serve all segments of the community.

204. In the discussion of police training a description was given of the positive results achieved through a programme which taught police how to react when dealing with such problems as threats of violence arising from family disputes. Instances were cited in which police officers who had had the benefit of instruction in crisis-intervention were able to successfully neutralize a potentially dangerous situation and at the same time avert harm or injury to those involved, including fellow police officers. Studies to identify the areas in which the police could benefit from various types of specialized

training were continuing and police in many parts of the world could benefit from an exchange of information in that regard. In response to a suggestion that the United Nations should establish an international police academy which would make its facilities available to all nations, it was pointed out that for some time INTERPOL had been sponsoring police training seminars on such subjects as narcotic law enforcement and counterfeiting. In the view of INTERPOL, the practicality of training policemen in an international academy tended to be limited to a few specialized subjects by reason of the diversity in legal and police systems throughout the world. In the discussion of centralized training facilities as opposed to those established by each individual police agency, it was observed that although centralized facilities provided a greater consistency of training and offered training of a higher quality than that which could be offered by small departments, it was of the greatest importance that "user" agencies should be involved in curriculum planning in order to ensure that the training given would meet local needs.

POLICE RESPONSES TO CHANGING FORMS OF CRIMINALITY

205. In the discussion of police response to changing forms of criminality it was emphasized that the police were faced with the delicate and crucial task of seeking to cope with the ever-changing balance between efforts to control old and new forms of criminality and the general concern for human rights. It was recognized that the police were a component of the larger system of criminal justice which operated against criminality, and that any significant change in that larger system would, of necessity, affect the police as the major organ of the system's intake. Improvements in the control of crime therefore required the existence of a flexible and responsive police structure. It needed personnel of the highest integrity, endowed with objectivity, social awareness and good judgement. The *people* in the criminal justice system, as opposed to its rules and regulations, which take far too long to change should be the main vehicles of progress. Police management would have to take due account of that and itself become more open in its approach both to subordinates and to the public.

206. It was pointed out that the current rate of social change might be in itself criminogenic and that police had to cope with the process of change. They had usually tackled criminality as and when it occurred, whereas it might be better if a more comprehensive assessment of problems were made and efforts were undertaken to tackle them on a larger scale. That strategy should be characterized by planning not for the most immediate situations but for the best possible long-term solutions.

207. *Ad hoc* reactive measures precluded the development of progressive management techniques. However, the advance to pro-active strategies posed challenges: uncertainty would be a major factor and specific, measurable goals for policing would be needed. The development of objective methods and measures of the efficacy of crime prevention was overdue.

208. During the discussions, the illegal traffic in drugs, "white-collar" crime, fraud, currency offences, the taking of hostages, hijacking of aircraft, theft of art and antique objects and robbery were mentioned as being among the crimes which had caused grave concern in recent times. Mention was made of instances in which whole villages had taken to crime, belying the common assumption that crime was an urban phenomenon.

209. Those latter-day forms of criminality, often associated with better organizations and better equipment, had necessitated changes in police organization, personnel and equipment. Some training had had to be re-oriented. A common response was the formation of specialist police units to tackle particular kinds of crime, such as the illicit traffic in drugs or commercial fraud. Those units had amply justified their existence ("serious crime squads", for instance, had achieved great success recently against major criminals), but with them had come the danger of the non-specialist majority of police officers tending to leave certain matters entirely to the specialist at the expense of general vigilance, which should be maintained. It sometimes happened, also, that too much was expected of specialist police when, in fact, the true position was that they should be experts only in the sense of knowing where to look for expert aid.

210. It was noted that police computers were currently in regular operation in several countries, thus relieving over-burdened command systems, and that electronic data processing was providing invaluable assistance in the operational use of records. Forensic science laboratories were employing new techniques. Alarm and surveillance systems were facilitating the prevention and detection of crime. New electronic devices were in use for traffic-control. It was evident that police were availing themselves of technological advances in co-operation with industry and science.

211. It was emphasized that in some countries the problem of crime had been largely solved by revolutionary changes in the political, economic and social spheres. The eradication of poverty, free education, the closing down of gambling enterprises and the elimination of prostitution had resulted in massive reductions in the incidence of criminality. During the discussion, it became clear that different countries at different stages of development had widely different problems of criminality.

212. The decriminalization of certain offences had enabled police to concentrate on more serious crimes. In that regard, the belief was expressed that, in some countries, the judicious use of police discretion could offset the ill effects of laws which were obsolete or, for various other reasons, difficult to enforce. Police discretion, nevertheless, should be kept in bounds, and one way of doing that was to ensure that police policies were in harmony with those of the other components of the criminal justice system. Those policies should also be monitored by means of a continuous dialogue with the community. It was noted that while the sophistication of much of modern crime was being countered by the institution of sophisticated police methods, it was

necessary to make certain that over-sophistication did not lead to neglect of the prime principle of keeping in touch with the public, whose support was essential.

POLICE-COMMUNITY RELATIONS

213. It was unanimously agreed that a police force could not perform its duties successfully without the support of the people whom it served. In some regions, the role of the police had not been clearly established, and in addition, there was the problem that the public did not fully understand the purpose and functions of the police, resulting in a negative effect on police relations within the community.

214. As a consequence, many police agencies had devised a variety of programmes that were designed to develop a greater dialogue between police officers and members of the community. Those programmes ranged from greater deployment of officers at the street level to special public education efforts through community organizations and schools. Essentially, those schemes were carrying the message that the police were a part of and not separate from the community and that the majority of a policeman's time was spent on "service-oriented" tasks rather than on law enforcement duties. In order to prevent crime and at the same time provide a visible presence of the police in the community, many police agencies had developed innovative personnel deployment systems which were variously referred to as team or neighbourhood policing. In one instance, there were so-called crime prevention panels composed of police officers and citizens from various levels of the community, while in others there were citizen/police boards, which discussed problems of mutual interest and concern. In some large police departments, community relations units had been established. It was pointed out, however, that such units should not be allowed to become more concerned with "polishing the police image" than with creating better lines of communication with the citizens.

215. Attention was drawn to the fact that in some regions, particularly in highly developed urban areas, many youthful citizens displayed open disdain for authority, disenchantment with the "establishment" and a declining respect for law and order. It was those persons, in particular, whom the police should reach if their community relations efforts were to be successful. A sincere and vigorous community relations programme would reduce group hostility, provide a safe outlet for grievances that might otherwise erupt into violence and promote greater respect for police officers in their day-to-day contact with the public. It was emphasized that crime and violence were community problems and that members of the community should be involved in any efforts to solve them. Mention was made of a country in which community relations were the basis for crime prevention programmes in which all public institutions and citizens participated and many volunteers assisted in law enforcement and the prevention of crime.

216. The view was expressed that the communication media often placed too much emphasis on the repressive aspect of police work and on dramatic and

violent aspects of police functions rather than on the service-oriented duties performed by most police agencies, even though there were many examples of close co-operation between the media and the police which had enhanced relations between the police and community and contributed to the prevention and detection of crime. It was mentioned that in one country which had recently experienced a decline in its crime rate, special efforts had been made to sensitize the community to the existence of organs of law enforcement, and everything possible had been done to ease law enforcement procedures for citizens by making visits to the homes or workplaces of citizens rather than requiring them to report to police headquarters. Police were instructed not to be officious in their dealings with the public, thereby encouraging greater co-operation on the part of the community. In that regard, the view was expressed that the police should avoid being considered as cold and distant representatives of authority rather than as friends and partners and as defenders of citizens.

217. It was also mentioned that in one country the police made special efforts to inform the public of their crime-prevention work as well as of the range of their services.

218. It was suggested that it was necessary for citizens to refuse to tolerate crime and to make personal contributions to crime prevention before crime rates could be reduced. Those contributions would include the institution of measures to protect life and property, reporting crimes promptly, co-operating to the fullest extent with the police, serving as witnesses and jurors willingly and, in general, taking a more personal interest in crime prevention. The police should be worthy of the co-operation they sought and should, by their conduct, demonstrate their dedication to the safety and best interests of the citizens they served.

PRIVATE SECURITY ORGANIZATIONS

219. At the beginning of the discussion, it was pointed out that private security organizations should be considered within the scope of law enforcement since they were engaged in the protection of property and the prevention of crime.

220. The rapid growth of such organizations reflected the extent of crime and, in some respects, compensated for the limitations of the manpower and other resources of the police. In some countries, the staff of private security organizations exceeded that of the police in terms of the number of security guards and related personnel.

221. The major functions of private security companies were to prevent, detect and report to the police criminal acts concerning private property, to protect against fire and to control access to private property. Those functions differed radically from those of the police. Private security personnel therefore did not require the lengthy training needed for police officers; they were trained in the limited duties they were engaged to perform.

222. Some private security organizations provided private investigative services. It was important that

their inquiries should be conducted in a manner that would not infringe upon the privacy or constitutional rights of the subjects of such investigations. A measure of public control to deal with the possibility of abuses in that respect was advisable.

223. Public controls, to a greater or less extent, already existed in many countries. The rapid growth of the private security sector was deemed to necessitate regulation in the interests of both those who availed themselves of private security services and the general public. That should take the forms of licensing, screening and the requirement of basic qualifications. The view was expressed that an alternative method of control would be for the security industry, with the assistance of the State, to regulate itself. Industrial and commercial buildings, some with complicated installations, could not be left unattended. The fire risk alone required patrolling of the premises. That branch of the security companies' business was probably larger than that concerned with the prevention of crime.

224. It was the majority view that reputable private security played a useful part in the prevention of crime and helped to supplement the work of the police in the provision of certain services. The protection of cash in transit, surveillance in stores and the safeguarding of premises served the public interest.

225. In a few instances, however, the view was expressed that the security industry served only minority groups and that its existence could not be justified; it was the duty of the State to guarantee the security of all citizens. Private security organizations, wherever they existed, should be supervised under stringent rules by the police. It was considered a proper function of the police to protect plants, warehouses, factories and similar installations.

POLICE INVOLVEMENT IN THE FORMULATION OF LEGISLATION

226. At the initiative of both police and officials of other components of the criminal justice system, the topic of police involvement in the formulation of legislation had been discussed at regional preparatory meetings for the Congress.

227. It was generally conceded that the police were in a unique position to contribute to legislation. Their continuous presence gave them the opportunity to monitor the impact of legislation on crime and on the community. They had the potential to act as both a thermometer and a barometer of social change.

228. However, police involvement in the legislative process had not been significant in most countries. In order to rectify that situation it first had to be recognized that law-making and law-reform were the business of the whole community and not only of one professional group. Government should be prepared to commit itself to cross-systems planning. Police should be liberalized to give all ranks an appropriate and constructive share in planning and advising. Police training should give adequate attention to community organization, crime prevention and interagency collaboration.

229. It was suggested that such involvement on the part of the police should be part of a wider involvement in policy-making for the whole criminal justice system, in which the police, being at the front end, could make decisions (among others, as to whether to invoke the criminal process, at what level to enforce the law, what priority to give to certain kinds of offences) that would have important consequences at each subsequent stage. Administrative as well as penal policy could benefit from police participation in decision-making.

230. The alienation and frustration currently experienced by police in their dealings with the judicial and correctional components of the criminal justice system in some countries might be much reduced if they were permitted to participate with others in developing a balanced criminal justice policy. There was unanimous agreement that police should thus be taken into partnership in the legislative process. Police reports gave, as it were, first-hand experience of the application of the law to the legislators who formulated it, and police had a particular part to play in law reform.

231. Mention was made of the long tradition of government consultation with police in some countries. It had been found that police were especially qualified to advise ministers on criminal legislation because they were in a position to say whether or not a given law was adequate for the problem involved and to assess the practicability of its enforcement. Police were also able to express their views through the representative organs of their service and were also assigned to serve on commissions and other organs of public inquiries, as well as to participate in the drafting of laws.

232. Instances were cited in which police advice had materially facilitated the making and enforcement of laws that had greatly benefited the public. Their advice on legislation concerning such diverse matters as youth and urban planning was also valuable.

INTERNATIONAL POLICE CO-OPERATION

233. It was pointed out that there was considerable evidence to suggest that, with the rapid development of communication and transportation facilities in recent years, criminals were finding it profitable to use those facilities to their advantage. As a result, they were able to commit crimes in one country and within hours seek refuge elsewhere, often on another continent. In many instances, the criminal was safely beyond the jurisdiction of the country in which the crime was committed before the offence had even been detected.

234. It was obvious that for police forces of all nations to deal effectively with that type of international criminal, means had to be found to improve and expand police co-operation on an international scale.

235. The Congress was told that for many years the International Criminal Police Organization (INTERPOL), which currently had a membership of 120 countries, had co-ordinated the activities of police forces throughout the world, in so far as they related to persons suspected of committing common crimes. INTERPOL maintained a wide-ranging communication

network that connected its central headquarters with national central bureaux in many countries.

236. It was pointed out that INTERPOL, had no supra-national police power and that its work consisted of facilitating the international exchange of information relating to criminal matters. The effectiveness of INTERPOL was determined, to a large extent, by the efficiency of the national central bureaux located in member countries.

237. A representative of INTERPOL reported that there were means by which the aims of his organization could be more fully achieved and international police co-operation strengthened considerably. To that end, it was of the utmost importance that police forces throughout the world should be aware of the nature and scope of services offered by INTERPOL since there were some countries which were members of the United Nations but not members of INTERPOL; there was scope for further expansion in that regard. He observed that many countries could make progress by passing laws that would be more favourable to the co-operation of police services at the international level.

238. The point was made that States members of INTERPOL should ensure that persons staffing the offices of national central bureaux were highly competent and well trained and that the Member States supported programmes designed to familiarize police forces within their own countries with the services and assistance that were available from INTERPOL.

239. In addition to facilitating the international exchange of information on criminals, INTERPOL disseminated information of general interest to police agencies relating, for example, to crime prevention, police training, organization, equipment and police and forensic science. It also arranged and conducted periodic seminars on such topical subjects as drug trafficking and counterfeiting.

240. It was mentioned that the International Association of Chiefs of Police published and distributed material on a wide variety of subjects relating to the police, including organizational and investigative techniques. Other bodies with international police scope were the International Federation of Senior Police Officers and the International Police Association. The efforts of those associations should be encouraged.

241. A description was given of the activities of the police forces in the Arab States which co-operated with one another on a regional basis and with INTERPOL through a central agency for the region.

242. In commenting on the increase in organized crime, participants envisaged greater regional co-operation between police forces as forming the basis for harmonizing and improving world-wide police policy and as being the means of setting up forums for discussion of common police problems.

243. The value of informal police co-operation between neighbouring countries was mentioned and, in particular, the good relations which had existed between the police of the Scandinavian countries for

some time. There was great scope for the development of bilateral and other agreements.

244. Reference was made to Nicéforo's aphorism that criminality does not disappear—it evolves and changes. Such crimes as counterfeiting, the illicit traffic in gold and drugs and the theft of art and archaeological treasures could only be combated through international police co-operation. International police co-operation and the assistance of INTERPOL were credited with the successful conclusion of two major drug trafficking cases in 1975.

245. It was observed that international police co-operation was often impeded by the diversity of legislation in different countries, particularly in relation to offences commonly referred to as "white-collar" crime. Difficulties were frequently encountered when searching records for evidence and arranging for the interrogation of witnesses. The standardization of legislation dealing with those matters and wider acceptance of extradition proceedings were desirable. Concern was expressed over the issue of extradition; many extradition agreements had been ratified in the nineteenth century and were not effective in dealing with present-day crime patterns. It was recommended that out-dated treaties relating to extradition should be reviewed and new ones ratified to cope more effectively with contemporary crimes and to facilitate the gathering of evidence, particularly with respect to the illegal traffic in narcotics and to fiscal and economic crimes. Multinational discussions should be held to achieve those goals.

THE PRESENT AND FUTURE ROLE OF THE POLICE

246. It was generally agreed that there was no consensus of opinion on the role of the police. The maintenance of order, the prevention and detection of crime, the protection of life and property, the provision of social services, the performance of a wide range of administrative duties, education of the people in political philosophy, the inculcation of civic discipline, service as border and prison-guards; those and other functions were variously performed by the police services of the world. Political, social and economic changes in the present century were reflected in the multifarious structures and operations of police organizations, many of which were still in process of rapid evolution.

247. There were many indications of the directions in which police were developing. Of them, perhaps the most significant was a world-wide desire for police and public to be integrated. Several delegates spoke of the police as an element of national solidarity in the post-revolutionary order of their respective countries, and it was mentioned that where there was a well administered force, the people regarded the police as friends. It was unanimously agreed that police could not function satisfactorily without the approval and support of the community. To this end, it was necessary for police to be responsive to social change.

248. In that connexion, several references were made to the value of the police programmes for schools and colleges, together with visits and talks by police

officers, and of the work, including rehabilitation, among young people. It was suggested that a police academy to study crime-preventive work in schools and elsewhere should be founded under the auspices of the United Nations.

249. It was mentioned that police often tended to be too secretive and did not take the public sufficiently into their confidence. It was clear from the discussions that there was a general awareness of the need for more open policies and a genuine concern that those should be implemented. The resources of the mass communication media were the subject of several references. At an Asian seminar which had recently been held on the role of police in a changing society there had been unanimous agreement that the police should operate as a social agency with the prime function of preventing crime. Mention was also made of the value for public relations purposes of the performance by police of such tasks as transporting injured persons to hospitals and providing first aid.

250. There was every indication that all delegates supported the increasing degree of international co-operation between police.

251. The police response to new problems, it was remarked, was often to create specialist branches, and some participants saw future dangers in that. Police specialization tended to narrow the field of promotion. A specialist traffic corps, distinct from the police, had been proposed but since the motor-car was so much linked with crime, it was considered that it would be a retrograde step to employ any but fully trained police officers on traffic patrol. The public was accustomed to the generalism of the police, too, and would not take kindly to being referred from branch to branch of the service, which would militate against the establishment of harmonious relations with the police. It had also been suggested that the police should concentrate on crime while other agencies took over other departments of police work. But that was regarded as a step that would cause the police to forfeit the goodwill that had accrued to them from their present extensive range of duties with the public.

252. The recruitment of highly educated persons to serve in the patrol grade of police forces was seen as constituting, in some countries, a problem that was likely to increase as more of such people came into the service. They needed greater scope, responsibility and variety than the present conditions of beat-duty allowed.

253. The police faced the prospect of unprecedented population growth in urban areas, with rapid social change and international population movements conducive to crime. There was evident awareness of the need for police to be ready to accept new challenges. It was felt that usually it was not more but better trained and better equipped police personnel which was required for appropriate responses to community needs.

INTERNATIONAL CODE OF POLICE ETHICS

254. In its resolution 3218 (XXIX), the General Assembly of the United Nations requested the Fifth Con-

gress "to give urgent attention to the question of the development of an international code of ethics for the police and related law enforcement agencies". At the invitation of the United Nations, a working group of police experts met in January 1975 to prepare for presentation to the Congress a draft code which would form the basis for a code which would meet the approval of Member States. The working group studied the code currently recognized by the International Association of Chiefs of Police, the regulations governing police conduct in several countries, documents provided by representatives of different countries and the principles relating to police standards, as proposed by the Professional Standards Law Enforcement Association.

255. In discussing the subject at the Congress, a representative of the Division of Human Rights of the United Nations Secretariat made introductory comments on the draft code prepared by the working group and explained that methodological considerations had required that the terms should be general. However, the use of such phrases as "servant of the law" and "exemplary conduct" were in the category of tenuous, ambiguous expressions. In his view, the police might find the code confusing and might, in consequence, resort to routine and precedent. The proposed code needed to be aligned and harmonized with the prevailing international law.

256. Another draft code was introduced by one country, laying stress on the specific prohibition of torture, with the request that it be regarded as an addition to the draft of the working group. Considerable doubt was expressed over the implications for police discipline of one article of that draft code.

257. In the course of the discussion it became clear that, while the majority was in favour of the adoption by the United Nations of an international code of police ethics, the consensus was that there should be further expert consideration of the matter.

258. The Chairman, after dialogue with delegates, decided to make the following motion, to which there was general agreement:

"That the General Assembly of the United Nations be requested to establish a committee of experts to study the question of an international code of police ethics and within one year prepare a new document to be considered by the competent organs of the United Nations. The General Assembly may wish to consider the feasibility of regional groups drafting preliminary documents for the use of the committee of experts. Such groups should consist of representatives who would reflect the cultural and legal systems of each region."

CONCLUSIONS

259. In addition to specific recommendations and conclusions appearing under the various headings above, the following general conclusions might be drawn from the proceedings concerning agenda item 7:

(a) Despite major differences in the structure and rationale of the police services of the world, there was

common ground on which fruitful co-operation could be based;

(b) There was general agreement that police should be answerable to the laws of their respective countries;

(c) Integrity was the first quality required in police and other law enforcement officers;

(d) Police training should include the subjects of ethics, human rights and social science;

(e) Police were themselves part of the community, whose support was indispensable to effective policing;

(f) Wherever possible, women should be employed as police officers on equal terms with men;

(g) Private security organizations should be subjected to a measure of public control;

(h) Police should participate in the preparation of legislation which affected police functions;

(i) International co-operation between police services should be strengthened and extended; and

(j) An international code of police ethics should be established.

REPORT ON AGENDA ITEM 8. THE TREATMENT OF OFFENDERS, IN CUSTODY OR IN THE COMMUNITY, WITH SPECIAL REFERENCE TO THE IMPLEMENTATION OF THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS ADOPTED BY THE UNITED NATIONS

Rapporteur: V. N. PILLAI (Sri Lanka)

260. For the consideration of the treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations the Congress had before it the following documents: a working paper prepared on that subject by the Secretariat (A/CONF.56/6); an analytical summary by the Secretary-General, entitled "Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment" (A/CONF.56/8); a paper prepared by the World Health Organization, entitled "Health aspects of avoidable maltreatment of prisoners and detainees" (A/CONF.56/9); the Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations adopted by the United Nations;³ a conference room paper containing the Draft Principles on Freedom from Arbitrary Arrest and Detention, and amendments thereto proposed in the "Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests"; and the reports of the regional preparatory meetings for the Fifth Congress.

261. The Congress took note of the fact that the present Standard Minimum Rules were adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders 20 years ago and

³ See United Nations publication, Sales No.: 56.IV.4.

that questions concerning the need for the revision of the Rules had been studied by the Fourth United Nations Congress at Kyoto. In the five years since that Congress, there had been two meetings of the Working Group of Experts on the Standard Minimum Rules, which was appointed by the Secretary-General in response to its recommendations. The recommendations of the Working Group were presented to the Congress in paragraphs 95-121 of the working paper on the treatment of offenders (A/CONF.56/6). The Congress was also invited to turn its attention to annex III of the working paper, "Draft procedures for the effective implementation of the Standard Minimum Rules".

262. The Congress was also asked to consider in its discussions the request of the General Assembly in its resolution 3218 (XXIX) of 6 November 1974, that the Congress, under the appropriate agenda item, include in the elaboration of the Standard Minimum Rules, rules for the protection of all persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment.

263. For the purpose of facilitating the work regarding those issues, the Congress decided to address itself to the key issues set out in the provisional agenda and organization of work (A/CONF.56/1/Rev.1 and Corr.1):

(a) Alternative to imprisonment;

(b) Factors in correctional reforms;

(c) The Standard Minimum Rules in the climate of change; and

(d) Protection of all detainees against torture and other inhuman treatment.

ALTERNATIVES TO IMPRISONMENT

264. It was recognized that within the broader context of humanization of the criminal justice and correctional systems, which included such movements as those of decriminalization and depenalization, a wide range of alternatives could be used in suitable cases to replace imprisonment. Those alternatives were generally referred to under the concept of diversion, and they extended from economic sanctions such as fines and restitution to victims, through systems of probation, parole and community service to means such as half-way houses, sheltered workshops and a variety of similar programmes.

265. In many countries, the role and functions of penal institutions were the subject of vigorous debate, and there was a crisis in public confidence regarding the effectiveness of imprisonment and a tendency to discount the capacity of correctional institutions to contribute to the control or reduction of crime. Further, it was argued that in some instances the experience of imprisonment was so harmful as to seriously impair the ability of the offender to resume a law-abiding existence upon being released.

266. Some participants urged that caution be exercised in order to avoid over-emphasizing the negative aspects of imprisonment and expressed confidence that

some closed institutions had demonstrated their effectiveness in re-educating and re-socializing offenders to some extent. The point was also made that neither the deterrent function of imprisonment nor the importance of providing protection to the public could be ignored. It was also noted that the adoption of the medical model of prison treatment within the past 50 years tended to create high expectations for successful results which, in turn, might have contributed to the imprisonment of persons for long periods in anticipation that the use of clinical methods and extended periods of confinement would reduce criminality.

267. Several participants noted that caution should be exercised in rejecting the capacity of some types of institutions to contribute to the social re-education of the offender and directed attention to favourable results which had been obtained through the establishment of diversified systems of institutional programmes especially designed to meet the needs of particular categories of offenders. It was noted that the success of those programmes was enhanced by public participation both in the institutional programmes and in the transition of the offender to conditions of full freedom in community life. Moreover, particular attention was drawn to the fact that the medical, sociological and psychological models continued to have validity within correctional systems in so far as they provided for the needs of prisoners who suffered from chronic or acute physical or mental illness or disturbance.

268. There was, none the less, a substantial consensus that, as a matter of public policy, the use of imprisonment should be restricted to those offenders who needed to be neutralized in the interests of public safety and for the protection of society. While several speakers commented upon the apparent ineffectiveness of correctional institutions in reducing crime and recidivism, the view was expressed that recidivism was not necessarily a valid measure of the effectiveness of the correctional system. The failure of individuals who were returned to the community might well be a consequence of their rejection by society or of the inability of the correctional system to have employed adequate rehabilitation methods. The need for a broad range of supporting after-care services was stressed, as was the need for greater community involvement in facilitating the reintegration of the offender into the life of the community. It was also argued that the reduction of prison populations was related in no small way to the manner in which a society responded and to the ability of its social and economic institutions to meet the needs of all its citizens adequately.

269. Treatment programmes within a community involved important problems both for the penal administrator and the community concerned. First among them was that of locating areas and facilities within the community suitable for schemes of that nature with the view that treatment should be given within the community from which the offender had come or remained while serving his sentence, or to which he would return after serving his sentence. However, all such offenders returning to the community should be treated equally. Secondly, it was necessary for the community to accept some form of direct or indirect responsibility in the

treatment process. The significance of adopting suitable criteria for the selection of offenders in accordance with the nature and resources of the programme was emphasized. Furthermore, a wide range of supportive services to assist in supervision, in consultation and in the creation and maintenance of proper relations appeared to be a prerequisite for such programmes. It was pointed out that emphasis should be placed on the adequate and well-planned use of existing facilities rather than on a quest for new alternatives. In some cases the probation services had been directly involved and in others projects had been organized by volunteers and voluntary organizations. The importance of moving offenders to different programmes as the need arose and making the schemes flexible had not been overlooked.

270. Two aspects relating to the use of community treatment schemes, the unique feature of which was to put the offender in a position of helping others (for example, the victim and dependants) instead of being an object of help, were referred to as being of significance. First, the promulgation of laws and enactments without adequate resources for implementing them might tend to make futile any attempt to carry out alternative treatment measures. That aspect should be carefully taken into consideration, particularly in developing countries, where the social services were not sufficiently available to those needing them among the population as a whole, let alone to the offenders, and where, however, indigenous forms of social control might still be used for the same purpose. Secondly, the development of advisory and technical services to assist the courts or administrative organs responsible for making decisions as to the categories and individuals suitable for such treatment should not be overlooked.

271. Reference was made to corrective settlements, open camps and similar facilities in some countries for offenders under conditions of minimum security as an alternative to imprisonment. It was pointed out that the collective responsibility of citizens for supervising individual offenders in such settlements reduced the likelihood of recidivism and helped in the re-socialization of the offender, while at the same time reducing the cost of operating the correctional system and giving the offenders the satisfaction of contributing usefully to the life of the community.

FACTORS IN CORRECTIONAL REFORMS

272. A number of significant factors in relation to correctional reforms were introduced in the discussion: *inter alia*, the increasing emphasis which had been given to the protection of the human rights of the person charged with or convicted of crime, the importance of operational research in the determination of public policy with respect to corrections, the critical role of citizen involvement both in the formulation of policy and in the development of effective correctional programmes, the need for co-ordinated and comprehensive planning for change, the necessity for staff training and development at all levels of operations to assure that personnel worked towards common objectives and goals, and the importance of maintaining close working relations between the system of corrections and the national health and social welfare services.

273. Participation agreed that there was a need for a reassessment of the purposes, as well as the effectiveness, of correctional systems in most countries. The United Nations should initiate action to develop research on the effectiveness of forms of confinement and deprivation of freedom. The use of regional institutes as a resource for such purposes was recommended. The re-socialization of the offender, the protection of society and the reduction of crime in the community continued to be the ultimate objectives of corrections. The main problem was the necessity to strike an adequate balance, in practice, between the needs of rehabilitation, on the one hand, and the necessity to protect society, on the other, under rapidly changing political and economic conditions. It was generally accepted that the least restrictive sanction should be utilized to achieve that balance.

274. In many countries, both developed and developing, the large numbers of persons who were under detention while awaiting trial and were thereby utilizing already congested accommodations and hindering rehabilitative programmes for convicted persons, caused serious concern. It was the general view that the majority of such persons should not be held in custody and that maximum use should be made of existing legal and administrative procedures to ensure that the penalty of confinement would be applied only to those persons whose offences were of a grave nature or whose detention in custody was necessitated by reasons of national security or the protection of the community or to ensure appearance at trial. It was suggested that house arrest could be used as a form of detention in suitable cases. Attention was drawn to the principle of the presumption of innocence of persons who had not been convicted, as an inviolable human right.

275. A problem frequently mentioned was the availability of suitable staff with appropriate training and education and with perhaps some dedication to the humanitarian concepts embodied in the Standard Minimum Rules. It was reported that vigorous recruitment and training programmes were already in existence in some countries while, in others, efforts were being made to utilize and expand existing resources to meet specific needs. The positive contribution that could be made by adequately motivated trained personnel at all levels was accepted as a basic factor in correctional reform. Furthermore, training schemes for correctional personnel appeared to be most appropriate for the dissemination of the principles contained in the Standard Minimum Rules at all levels of the staff hierarchy. The use of the United Nations Technical Assistance Programme to achieve that end in countries that needed and requested such assistance was noted.

276. Until relatively recently, it was noted, the human and civil rights of prisoners had been defined only vaguely in many regions of the world. The adoption in 1948 of the Universal Declaration of Human Rights, by the United Nations in General Assembly resolution 217 (III), had given impetus to the clarification of the rights of the offender. The historic concept of civil demise had been replaced in many countries by the recognition that the prisoner should continue to enjoy the same rights as other citizens, except those specifi-

cally withdrawn by law or as the result of imprisonment. It was recognized, moreover, that a balance had to be maintained between the rights of the prisoner and his responsibilities as a citizen. One member reported that in his country the rights of offenders were defined by the national declaration of human rights, which was applicable to all citizens. Attention was directed to the fact that the Standard Minimum Rules, properly implemented, assured the protection of individual rights to a very significant degree.

277. Several participants directed attention to the fact that correctional research institutes had recently been established in their countries. Greater attention was being given to operational research since such efforts were seen to make an important contribution to the assessment of the effectiveness and the cost/benefits of both existing and experimental programmes. It was also noted that research might make important contributions to the development of correctional policy at national levels. An additional contribution of such institutes had been the preparation of information that was valuable to staff in operational research, training and development, as well as to the creation of better informed public opinion.

278. Concern was expressed over the fragmentation and compartmentalization of the correctional services in many countries, and the need for comprehensive co-ordination of planning efforts was stressed. Some participants cited the organization of broadly representative planning and advisory commissions and councils as useful mechanisms for assuring better co-ordination and communication. While the need for the integration of correctional efforts was recognized, the importance of maintaining flexibility within bureaucratic structures was also mentioned. It was observed that overly rigid and authoritarian structures inhibited innovation and experimentation and constituted serious obstacles to efforts to respond to changing conditions and needs.

279. Reference was made to the tendency in certain countries for prisoners to object to compulsory treatment measures and to active participation in educational and psychiatric programmes. The view was expressed that correctional programmes could not coerce change in the behaviour of prisoners and that without the active co-operation of the prisoners, attempts at re-socialization would be nullified. It was suggested that administrators of penal institutions should make efforts to motivate offenders to extend their co-operation and that positive measures of orientation to that end should, as far as practicable, commence at the outset of rehabilitation programmes.

280. There had been awareness in recent years in some countries of the influence of groups of ex-prisoners who demanded, vociferously at times, correctional reforms at a faster pace than would be tolerated, or could be afforded, by the general community. It was mentioned that those groups should, in principle, be recognized as having a legitimate and informed voice, even though an extreme one at times, in the constant search for reform and remedy. It was reported that in some cases, ex-offender groups offered services

to prisoners and ex-offenders by counselling and by assisting with rehabilitation.

281. The importance of public understanding of correctional policy was strongly emphasized. It was noted that in those countries in which there was broad-based community involvement both in the formulation of penal policy and in carrying forward the objectives of corrections, there was evidence of high levels of effectiveness of correctional programmes. Attention was also directed to the problem which was presented in many developing countries, where the low levels of living of the majority of citizens made efforts to improve the standards of care of persons who were imprisoned complicated and very difficult. Where the labour of prison inmates made significant contributions to the national economy, however, there tended to be a higher level of public acceptance of correctional reform.

282. Some participants reported that in their countries strong efforts had been made to relate correctional services more closely to the larger system of human services established by the State. Special importance was attached to ensuring that offenders and their families were provided access to the health and social welfare benefits which were available to other citizens. In some instances, it was reported, the correctional services for youthful offenders and, in others, for all offenders had been incorporated into state social welfare departments. Other participants informed the Congress that although correctional services in their countries were organizationally separated from social welfare services, they worked closely with both public and private human service departments and agencies. There was a consensus that the re-integration of the offender into the community was greatly facilitated when supporting services were made available without restriction. It was noted, however, that when responsibility for the provision of services to the offender within the institution was shared by corrections departments with other social and health agencies, care should be taken to ensure that the responsibility of the corrections service to respond to the day-to-day human needs of the offender was not diminished.

THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS IN THE CLIMATE OF CHANGE

283. The discussion on the Standard Minimum Rules in the climate of change took into account the recommendations put forward in the working paper of the Secretariat, which included the proposals advanced by the Working Group of Experts on the Standard Minimum Rules at their meetings in 1972 and 1974. The questions discussed at the Congress related to the following issues:

- (a) The need for amendments to the existing Rules;
- (b) The proposal that a commentary on the Rules and an easily understandable brochure be prepared;
- (c) The recommendation that a new set of Rules be drafted relating to persons in non-custodial forms of treatment;

(d) The formulation of policies and practices to facilitate the return to their domicile of persons serving sentences in foreign countries;

(e) The need for special analytical studies to be undertaken under United Nations auspices to assess the effectiveness of various forms of imprisonment; and

(f) The recommendation that the United Nations, through appropriate bodies and agencies, strongly encourage wide dissemination of the Standard Minimum Rules throughout the world, urge their full implementation and offer assistance to those countries requesting assistance in this regard.

284. Several participants endorsed, in principle, the recommendations contained in the working paper on the treatment of offenders and implementation of the Standard Minimum Rules (A/CONF.56/6). It was noted that the Standard Minimum Rules were vital and a veritable *magna carta* of prisoners' rights. The failure in many regions to implement the Rules resulted from economic constraints, from the overcrowding of institutions and from the lack of availability of trained staff. The point was made that the prison system would have to be seen in relation to the whole social situation within a country. It was also noted that cultural differences among the regions of the world posed some difficulties. The remark was made that at the time of the adoption of the Rules in 1955 there were only about 50 States Members of the United Nations, while the number today was nearly three times as great. Thus, all current Member States had not had the opportunity to collaborate in the formulation of the Rules. On the other hand, several participants had reported notable success in obtaining the incorporation of both the spirit and the letter of the Rules in national legislation. There was a general consensus that the Rules should not be substantively revised. The view was expressed that to do so would tend to reduce their influence in bringing about necessary changes in prison administration in some parts of the world. However, some participants advocated that the Rules be amended from time to time, since they would otherwise become out of date. The representative of the Council of Europe observed that regular meetings of the countries that adhered to the Council's version of the Rules were envisaged in order to guarantee that those Rules were kept up to date. With regard to the responses to the inquiry made by the Secretary-General on the implementation of the Rules, it was observed that many countries had responded with candour and objectivity concerning the state of the implementation of the Rules. The representatives of two countries observed, however, that the information from the Government of Chile had been at variance with the reported inhuman treatment meted out to prisoners by that country, and it was suggested by several participants that a reference to a specific country in the present report was inappropriate.

285. While strong reservations had been expressed about amendments to the Rules, some participants urged that consideration be given by the United Nations to the need for revising specific rules to ensure that they would not be in conflict with newly developed correctional policies and practices. Specific reference

was made to the need to re-examine the rules relating to the employment of women in correctional institutions for men, and male staff in institutions for women, as well as the experimental development in some countries of co-educational correctional institutions. The individual accommodation system for offenders on trial was advocated by one participant, but it was also pointed out that there were cases in which offenders preferred to be housed in association with others. The need to strengthen inmate grievance procedures was mentioned, and it was urged that provision be made for prisoners to have recourse to other independent authorities, such as an *ombudsman* or supervisory judges. Further, one participant pointed out that the Standard Minimum Rules did not expressly declare the right of a prisoner to be protected against other inmates. It was suggested that more attention should be given to the offender as a person who has rights, duties and obligations, rather than as a person to be subjected to treatment on a scientific basis.

286. While there was a general consensus regarding the usefulness of a suitable commentary on the Rules, a note of caution was sounded regarding the form and content of such a document. Concern was also expressed about the possible effects of such a commentary on current efforts at implementation of the substantive Rules. It was pointed out that the Rules in their current form tended to be somewhat terse and austere and that elaboration would help towards a more realistic understanding of their provisions. The use of examples, the consideration of varying regional approaches to identical situations, and a greater appreciation of the differing social and cultural patterns of life in the different areas of the world in explaining specific rules might be of the greatest assistance in realistic implementation processes. It was understood that such a commentary would neither have the force of law nor the same significance as the substantive Rules but would be expected to serve as an explanation of the main text. There was some concern over the possibility that the commentary might weaken the Rules, or derogate from their authority, but the overwhelming view was that, on the contrary, it would help to strengthen understanding of the Rules and support their eventual implementation.

287. It was urged that more vigorous efforts be made to assure the dissemination of the Rules in line with the draft procedures outlined in annex III of the working paper on the treatment of offenders and implementation of the Rules (A/CONF.56/6). Special emphasis had been placed upon the inclusion of the Standard Minimum Rules in educational material used for the training and development of correctional personnel at all levels. Attention was drawn to the potential role of voluntary organizations and individuals, such as welfare workers, in promoting the fullest observance of the Rules. The continuing importance of providing technical assistance to help countries to give the Rules full effect was stressed. It was further proposed that every effort be made to enlist the good offices of voluntary agencies in obtaining public understanding of and support for the implementation of the Rules. Another suggestion was that the year 1980 be designated as the year for the protection of the civil and human rights of detain-

ees and prisoners. It was also proposed that the United Nations give serious consideration to the need for a continuing mechanism for the implementation of the rights of prisoners, perhaps through the establishment of a sub-committee of the Committee on Crime Prevention and Control but particularly through the extension of the service of the Working Group of Experts on the Standard Minimum Rules, or the creation of a new committee on the treatment of prisoners. There was an additional proposal that attention might be given by such a continuing body to the development of standards of practice for all correctional workers, similar to the standards for police services under consideration at present.

288. The proposal that the United Nations be authorized to develop new Rules for the treatment of offenders in the community received approval in principle. It was observed, however, that the task of preparing such Rules was an extremely complicated and difficult one and should be approached with caution with a view to providing maximum flexibility with respect to substantive matters. It was strongly suggested that the development of the new Rules might be undertaken in two phases—the first would concern itself with the articulation of principles and standards which concern programmes that are alternatives to imprisonment, while the second might begin to address itself to guidelines concerning the content of the programmes.

289. Considerable attention was attracted by the proposal to begin work on the development of methods to facilitate the international exchange of prisoners. It was suggested that regional arrangements, such as those adopted by the Council of Europe, might provide instructive guidance. It was also suggested that bilateral arrangements could be employed to test the effectiveness of such procedures. It was noted by some participants, however, that the laws of their countries might not permit such undertakings. Some other participants observed that reciprocal exchanges of parolees and probationers might possibly be the point at which a beginning might be made and urged Governments to consider bilateral arrangements. In addition, several participants suggested that the United Nations Secretariat be encouraged to develop mechanisms whereby multilateral discussions could be undertaken and a draft convention prepared. One participant reported that provision had been made in the legislation of his country for reciprocal exchange of prisoners on a conditional basis.

PROTECTION OF ALL DETAINEES AGAINST TORTURE AND OTHER INHUMAN TREATMENT

290. In responding to the request contained in General Assembly resolution 3218 (XXIX) of 6 November 1974, the participants took into account the points made by the Director of the Division of Human Rights of the United Nations Secretariat and by the representative of the World Health Organization. Full consideration was given to a report of the informal intersessional working group authorized by the Steering Committee of the Congress, which submitted to the Congress a proposed declaration on torture for adoption by the General As-

sembly. Limited consideration was also given to the draft procedures for the effective implementation of the Standard Minimum Rules, included in annex III of the working paper A/CONF.56/6.

291. When the report of the intersessional working group was introduced, it was reported that the proposed declaration, which had been initiated by the delegations of the Netherlands and Sweden, had been exhaustively reviewed by an informal group which had thereafter formulated the draft placed before the meeting. Attention was drawn to the fact that the draft declaration had set out what should be deemed to be the broad principles relating to the problem of torture and was not intended to be a juridical document susceptible of strict legal interpretation, nationally or internationally. The text of the draft declaration follows:

292. *The Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,*

Supporting the rejection by the General Assembly, in its resolutions 3059 (XXVIII) of 2 November 1973 and 3218 (XXIX) of 6 November 1974, of torture and other cruel, inhuman or degrading treatment or punishment,

Sharing the conviction of the General Assembly that because of the increase in the number of alarming reports that torture is being practised in many countries of the world, further and sustained efforts are necessary to protect under all circumstances the basic human right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment,

Noting the decision of the General Assembly to consider at its thirtieth session the question of torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment,

Recommends that the General Assembly adopt the following Declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment:

The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Considering that these rights derive from the inherent dignity of the human person,

Considering also the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment,

Adopts this Declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment as a guideline for all States and other entities exercising effective power.

Article 1

For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person, for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a breach of the principles of the Charter of the United Nations and as a violation of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

Article 5

The training of the police and related law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each State shall keep under systematic review interrogation methods and arrangements for the custody and treatment of persons deprived of their liberty in its

territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

Article 8

Any person who alleges he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to have his case impartially examined by the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well-founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation, in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned in any proceedings.

Article 13

All States shall endeavour to implement this Declaration as soon as feasible. All appropriate international governmental organizations are requested to cooperate in the implementation of these standards in accordance with international law and practice.

293. Unanimous support was expressed for the draft declaration, in principle. A number of participants, however, proposed amendments to specific articles contained in the draft. Several participants expressed the view that the definition of torture contained in article 1 should be modified. It was proposed that the word "severe" be struck from the definition and that it be made clear that the article would not apply to a penalty or punishment imposed by a judicial tribunal in accordance with law or to a disciplinary administrative action taken under the provisions of the law and in accordance with the provisions of the Standard Minimum Rules. It was also proposed that the definition include reference to the arbitrary detention and sentencing of innocent persons, that the phrase "by or at the instigation of public officials" be eliminated and that the definition embrace "physical, mental, moral or other suffering".

294. It was further proposed that the language of article 2 be modified to show that the United Nations "condemns" torture. Some participants recommended the elimination from article 3 of the second sentence, which referred to "exceptional circumstances" which should not be invoked as a justification for torture, but there did not appear to be a consensus on that point. A number of comments were made concerning the reference to "the training of police" in article 5, and it was proposed that the article be revised to include all law-enforcement personnel responsible for the arrest, detention or imprisonment of persons for whatever cause. One participant recommended that article 6 be amended by the inclusion of the word "practices" in addition to "methods of interrogation". Concern was expressed by one participant over the problems relating to the implementation of articles 8, 9 and 10. He suggested the revision of articles 8 and 9 in such a way as to include the points contained in article 10.

295. With respect to article 12, some participants suggested that it be amended to reflect the fact that statements made as the result of torture or other cruel, inhuman or degrading punishment should not be used as evidence against a victim of torture or "any other person". Finally, there was considerable debate about the inclusion of article 13: while several participants supported the inclusion of the article, there were others who thought that the article should be eliminated.

296. Attention was directed to the proposal in the working paper A/CONF.56/6 that the Standard Minimum Rules be amended to reflect their applicability to "any person deprived of his freedom regardless of whether or not a criminal charge had been lodged against him" and that that might be accomplished by amending rule 4 (1) and rule 84 (1). In addition, one member proposed that consideration be given to the possibility of further amending the Rules to ensure protection against torture. It was proposed that the substance of articles 24, 25, 26 and 27 of the draft principles on freedom from arbitrary arrest and detention be incorporated in the Rules, part II, "Rules applicable to special categories", as an added section E, "Prisoners under arrest and detention". It was also recommended that an additional rule be drafted to reflect the need for inclusion in the instructions to prison staff of the mean-

ing and implementation of the Rules in the administration of institutional discipline, punishment and restraint. Note was also taken of the additional proposals for the amendment of the Rules placed before the meeting by non-governmental organizations having consultative status with the Economic and Social Council.

297. The need for more effective procedures in assuring the implementation of the Standard Minimum Rules, specifically as they related to the protection of detainees from torture and abuse, was referred to in annex III of the working paper A/CONF.56/6. The lack of time for such deliberations did not permit discussion of those recommendations, but no objections were raised to that proposal. Those matters will undoubtedly require the further attention and consideration of the Committee on Crime Prevention and Control or such other committee as may be established by the United Nations in accordance with the recommendations of paragraph 287 of the present report.

298. The deliberations of the Congress clearly demonstrated that the practice of torture and other cruel, inhuman or degrading treatment or punishment was abhorrent to the community of nations. Many participants reported the steps that had already been taken to protect human rights within the context of national laws. It was noted, however, that international action was also urgently needed to ensure more effective protection of all people. The draft declaration represented but an initial step in that direction. There clearly remained the need to move towards more effective international procedures to implement that declaration. The ultimate objective would of course be the development of an international convention ratified by all nations. Through such measures the desire for the protection of human beings from abuse might be assured and the reduction of crime achieved.

299. It was therefore recommended, in the light of the foregoing, that the draft declaration, as amended, be approved by the Congress and brought to the attention of the General Assembly of the United Nations for further consideration.

300. The text of the Declaration, as adopted, follows.

The Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Supporting the rejection by the General Assembly, in its resolutions 3059 (XXVIII) of 2 November 1973 and 3218 (XXIX) of 6 November 1974, of torture and other cruel, inhuman or degrading treatment or punishment,

Sharing the conviction of the General Assembly that, because of the increase in the number of alarming reports that torture is being practised in many countries of the world, further and sustained efforts are necessary to protect under all circumstances the basic human right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment,

Noting the decision of the General Assembly to consider at its thirtieth session the question of tor-

ture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment,

Recommends that the General Assembly adopt the following Declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment:

The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Considering that these rights derive from the inherent dignity of the human person,

Considering also the obligation of States under the Charter of the United Nations, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant of Civil and Political Rights, both of which provide that no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment,

Adopts this Declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment as a guideline for all States and other entities exercising effective power.

Article 1

For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person, for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2

Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations and as a violation of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Article 3

No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Article 4

Each State shall, in accordance with the provisions of this Declaration, take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment from being practised within its jurisdiction.

Article 5

The training of law enforcement personnel and of other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment. This prohibition shall also, where appropriate, be included in such general rules or instructions as are issued in regard to the duties and functions of anyone who may be involved in the custody or treatment of such persons.

Article 6

Each State shall keep under systematic review interrogation methods and practices as well as arrangements for the custody and treatment of persons deprived of their liberty in its territory, with a view to preventing any cases of torture or other cruel, inhuman or degrading treatment or punishment.

Article 7

Each State shall ensure that all acts of torture as defined in article 1 are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture.

Article 8

Any person who alleges he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 established that an act of torture as defined in article 1 appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal, disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed, by or at the instigation of a public official, the victim shall be afforded redress and compensation, in accordance with national law.

Article 12

Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or against any other person in any proceedings.

301. While the participants agreed to adopt that declaration, several indicated their reservations with respect to specific provisions of the declaration. A summary of these follows:

Article 1

(a) Deletion in line 2 of the word "severe" and the substitution of "cruel" or another appropriate term;

(b) Deletion of "by or at the instigation of a public official" in line 3;

(c) Adding to line 7, after "or other persons", the words "or for any other purpose";

(d) Deletion of the word "intentionally" in line 3.

Article 2

Substituting in line 2 "is condemned" instead of "shall be condemned".

Article 7

Deletion in line 4 of the words "an attempt to".

Article 8

Inserting after the word "competent" the words "and independent" in line 4.

Article 10

Inserting in line 3 after "criminal" the words "disciplinary or other appropriate".

Article 12

Inserting after the word "statement" in line 1 the words "or physical evidence which is obtained as the result of torture".

REPORT ON AGENDA ITEM 9. ECONOMIC AND SOCIAL CONSEQUENCES OF CRIME: NEW CHALLENGES FOR RESEARCH AND PLANNING

Rapporteur: W. WOODHAM (JAMAICA)

302. In considering the subject matter before them, the participants in the discussion on the economic and social consequences of crime decided to follow the general framework of the working paper prepared on that subject by the Secretariat for the Fifth Congress (A/CONF.56/7), which was considered a useful basis for discussion and contained a number of new ideas. Participants also had before them the reports of the regional preparatory meetings. They considered the following key issues:

(a) Identification of some of the major economic and social consequences of crime and of policies for crime control;

(b) Assessment of the costs of crime, including policies for crime control, with the implications for research; and

(c) Planning for the purpose of minimizing and redistributing the costs of crime.

303. Until recently, the concern of criminologists had been with causation and with advancing policies and practices for the control of crime. The criminal justice system had been limited to a fringe role in national development efforts. Lately, a new perspective had emerged in which crime was being viewed in terms of its economic and social consequences. That new approach could not only revolutionize policies for crime prevention and control but, just as important, also develop an awareness in the public and in government that crime and efforts directed towards its control called for an integrated approach to national economic and social development strategies. It was argued that the nature and manner of organization of economic and social development programmes could be more effective in crime prevention than the services created specifically for that purpose.

304. During the last decade there had been an increasing recognition in a number of countries of the cost of crime. The cost could be assessed in terms of the losses and damages to individuals and society, public expenditures for crime prevention and control, and the anxiety generated in the population regarding the prevalence and increase of both violent and property crimes. That concern had expanded beyond the fears engendered by ordinary crimes of assault and theft to the serious effects of illegal activities of business and trading enterprises and the corruption of public officials.

305. It was generally accepted that the main concern in the last quarter of the twentieth century would be with the quality of life and that there was a crucial link between crime and other social problems that demanded urgent attention. That required the development of strategies to minimize the negative economic and social impact of crime, and the more equitable distribution of those consequences which could not be

avoided. Indeed, it was contended by some that the strategies required might result in the criminal justice system itself playing only a secondary role in the prevention and control of criminality, and that major emphasis would have to be placed on sensitizing and utilizing the over-all economic and social complex to provide the ingredients of an effective and rational crime prevention and control policy. The cost of crime varied with the structure of crime and with different economic and social systems. There was no doubt that, in its effects, crime distorted national goals and impeded their attainment and that it prevented the optimum use of national resources. The consequences for the community of certain economic crimes heretofore overlooked by some systems of control might be much more serious than the effect of traditional petty criminality, on which the apparatus of justice had concentrated.

306. It was urged that decision-makers in the criminal justice system should develop the procedures and skills to focus on costs, which in some instances approximated the dimensions of a national disaster. The economic, social and humanitarian dimensions of the problem had to be known, and that was often made more difficult by the fact that the dark or "hidden" figure of the cost of crime was considerably greater than the cost of known crime. A major re-evaluation of existing practices was required, with new criminal policies and preventive planning based on an assessment of the relative harmfulness to society of different kinds of antisocial acts and of the merits of the control programmes applied, as well as of their long-term consequences for the well-being of individuals and communities and for national development. Better knowledge of the consequences of different forms of crime and of other forms of harmful behaviour could provide a better base for policy-making, planning and programming, as well as for the allocation of resources in the criminal justice system and in other relevant sectors. It could be used for a number of purposes, not the least of which was the revision of existing criminal legislation so as to reduce the social lag which often existed between such legislation and social reality. That might involve the processes of decriminalization of some acts and the criminalization of others recognized as particularly harmful to a society.

SOME MAJOR ECONOMIC AND SOCIAL CONSEQUENCES OF CRIME AND OF POLICIES FOR CRIME CONTROL

Economic consequences

307. The direct costs of known crime could be considerable, but they constituted only the tip of the iceberg. Contra-criminal activity consumed sizable amounts of resources, ranging up to 16 per cent of governmental operating budgets. The developing countries appeared to spend a larger proportion of their scarce resources for crime control than did developed countries. Crime increases in developing countries had meant, in many cases, that developmental resources urgently needed for industrialization, health, education and other aspects of development had had to be diverted to crime control. If that kind of cost were reduced, scarce resources could be released to meet other pressing needs.

308. The impact of crime was relatively well perceived at the micro level, the level of the individual or of a small segment of society. The indirect costs of crime at the macro level were less clearly perceived and less easily measured. Particularly in the developmental context, there was an urgent need for better information on the impact of increases in crime and changes in types of crime. To describe the indirect economic consequences of crime and crime control, one had to address oneself to questions of efficiency and equity: of misallocation of scarce resources at both the national and transnational levels, of improper distribution of income both within and between nations, and of the effect of improper resource allocation and income distribution on development and growth.

309. Some of the most damaging antisocial acts were not yet legally defined as crimes in some jurisdictions. That hampered control and called for remedial legislation. To facilitate the analysis of their effects in both the short and long run, major types of socially harmful behaviour were singled out. Those included violence, theft, the provision of goods and services in illegal markets, large-scale appropriation of resources and maldistribution of income through the exploitation of widespread economic power, sometimes combined with exploitation of police power when the appropriation was made by agents of Governments, destruction or waste of scarce national resources, impairment of the environment and corruption.

310. The first three types of behaviour had traditionally received the most attention. The last two, however, tended to have the most serious consequences, both economic and non-economic. And when agents of Governments themselves engaged in such behaviour, the resources of individuals to combat it were few.

311. If individuals were discovered manipulating the international exchange rate of a nation for private profit, they would be treated as criminals. If agents of government engaged in the same behaviour as a matter of national policy, the victim nation might be helpless. In either case, through a single act the victim nation could suffer radical shifts in internal and external prices, strong inflationary or deflationary pressures, misallocation of resources and major shifts in income distribution.

312. Any exploitation of large-scale economic or monopolistic power might have all of those effects indirectly. In developed countries the general public tended to feel the effects to a relatively minor degree; for developing nations the results could be highly damaging. When such exploitation occurred across national boundaries, the means of counteracting it were even more limited, particularly in view of the differences between countries regarding what was considered legal.

313. It was suggested that the Congress go beyond legal definitions in some cases and focus on forms of behaviour that exact the greatest social cost and should be defined as crimes in future criminal codes. While the damage inflicted by traditional crime could be great, it was suggested that, in developing guidelines for the rest of the twentieth century, the Congress should make

recommendations for measures to combat situations that might, in the long run, be much more pernicious in their effect, such as the exploitation of large-scale economic power, particularly across national frontiers, and the destruction of natural resources and the environment. In those areas, the contra-criminal services were still in their infancy, and traditional justice systems were poorly equipped to deal with them.

314. It was emphasized that, in the analysis of some of the economic consequences of crime, care should be taken to provide data that would permit estimates to be made of its impact on the developmental process. The ecological problems created by large corporations or other powerful trading partners (local as well as transnational) which were engaged in such practices as clearing the jungle without instituting a replanting programme were obvious, and it was felt that actions of that sort were crimes against the State, with the economic costs ultimately borne by the people. There should therefore be some means of identifying crimes which have relevance to development. Some attempts should be made to find alternative methods of crime control in such circumstances. The solutions to those kinds of problems were conceptual in nature and called for problem-related research to minimize their economic consequences while at the same time supporting the developmental process.

315. Neither should it be overlooked that any delay in the prosecution and trial of offenders was not only a denial of justice but carried with it certain financial implications. The involvement of witnesses added to the cost of trials. The families of persons incarcerated often received social welfare benefits from the State, and persons undergoing treatment—for example, drug therapy—often received it free of cost. However, it was felt that there were certain types of crimes that should be investigated and, if necessary, prosecuted regardless of cost because public disapproval was so strong and their economic consequences could not be measured in terms of economic cost.

316. The experience of certain countries could be used as an illustration of the substantial economic burden imposed by crime. Crime-related costs included direct financial losses to the victims of crimes against property and person, costs of preventive and security measures in public institutions and private enterprises and residences, costs of insurance and of the wages lost by confined offenders and incapacitated victims, and the welfare burden arising from the need to support the families of prisoners and victims.

317. In considering the cost of crime, the Congress judged it prudent to consider the cost of administering criminal justice. Considerable operating costs, along with the high cost of constructing institutions, gave impetus to major efforts currently under way in some countries to take new initiatives for reducing the cost of crime control. To provide more economical and humane alternatives, participants hoped that the movement in criminal justice towards community-based correctional systems and the decriminalization of violations of certain types of "social rules" would bring considerable rewards in reducing not only the cost of

the administration of criminal justice but also recidivism rates.

Social consequences

318. Of even greater consequence than the material burden it imposed was the suffering that crime inflicted and the fear it generated in the population concerning the security of person and property, among both the rich and the poor. The fear of crime, together with corruption, had in some countries resulted in social, economic and political instability and even in changes of government. There was no divergence of opinion as to the serious effect which crime had on the social fabric and on the community, often in an arbitrary, selective manner. It was felt that every attempt should be made to minimize such consequences and ensure that the irreducible social cost was justly distributed. Neither was there any doubt that traditional systems of criminal justice in a number of countries were unable to dispense a socially-oriented criminal justice. Until there was a concordance between social and criminal justice and a greater awareness of the social consequences of crime as a debilitating phenomenon, its noxious effects could not be combated effectively. Social justice demanded that consideration be given to the social costs, and the fact that the burden of crime fell most heavily upon those least able to bear it should be borne in mind. All too often the consequences of crime hit most severely the weaker members of society, permitting the powerful to commit crimes with impunity.

319. Note was also taken of the many interrelated social problems connected with crime: ill-health, economic insufficiency, mental illness, poor education and the like. The cost of relieving any one of them could not be easily separated from the cost of dealing with the total set of interrelated problems. Individuals and families who suffered a variety of social and economic handicaps tended to be caught in that web and, aware of it, tended to lapse into an attitude of lethargy and fatalism or of resentment about their lot. Among the personal costs to them was the fact that they felt themselves to be members of a submerged, second-class group of citizens within their societies. There was no doubt that that attitude in turn aggravated the cost of crime to the community. Furthermore, the individuals and groups concerned failed to use the social services offered by most modern States to meet social needs and to promote positive change. They made heavy use of material aid (food, clothing and "handouts") but less of counselling and related services than did more advantaged sections of the community.

320. It was appreciated that the concept of the social cost of crime was not understood in many societies and that that accounted for the inadequacy of policies, the gaps in and between them, the lack of appreciation of common objectives and the resistance of the community to collaborating with the criminal justice system. In so far as traditional crimes were concerned, the psychological effect of fear was widespread in some countries, and more particularly so among certain segments of the community.

321. There seemed to be a differential distribution of the effects of certain kinds of crime. The majority of

victims of property offences tended to belong to affluent social strata, while crimes against persons tended to occur primarily among the disadvantaged. When the personal circumstances of the victim were taken into consideration, it might, however, frequently turn out that the relative loss to the victim was much higher in the lower socio-economic strata. In looking at the social cost of crime, one had to look at its effect on different social strata to appreciate the inequity of the burden borne by both victims and offenders in the lower socio-economic classes in countries in which that situation prevailed. Neither should it be overlooked that human suffering or injustice could be a cost and that a greater awareness of that fact was necessary.

ASSESSMENT OF THE COSTS OF CRIME, INCLUDING POLICIES FOR CRIME CONTROL

Assessing the costs of crime

322. It was recognized that a scientific assessment of the consequences of crime and crime control policies was needed if more effective preventive strategies designed to minimize those costs were to be instituted. Better knowledge of the consequences of crime might attract attention to those crimes which were most harmful to society. More extensive research on the economic and social consequences of crime would also be of great help in identifying the essential factors responsible for the damaging effects.

323. Two immediate problems existed in assessing the consequences of crime. The first was the problem of cross-cultural adaptation in transferring models from developed to developing countries. There was obviously a need to take into account special circumstances and realities before the models could be usefully applied. But there was also wide scope for the development of new approaches and techniques based on indigenous traditions. The second and even more serious problem was one of making judgements on the basis of incomplete data. It was recognized that very often crime statistics were inaccurate, and that even demographic figures were sometimes inadequate. The first essential step in assessing the cost of crime, therefore, was seen as the provision of accurate statistical information. That was basic to the allocation of resources and to the determination of priorities. The programme of data-gathering should be structured in such a way as to permit the measurement of subsectoral as well as global costs. Much could be achieved in assessing the costs of crime without extensive resources so long as the data were accurate.

324. It was suggested that in setting up and developing criminal statistics systems, attention should be given to the principles on which the collection of data was based. The data available could be vastly improved by the use of sampling techniques which need not involve heavy expenditures and which could be applied on a country-by-country or region-by-region basis. Special care should be taken to study the social circumstances of crimes—for example, the population groups most likely to be involved. It was felt that in developing a statistical programme rigid compartmentalization

should be avoided. Data that could be used for the prediction of future trends in crime would be an important tool in facilitating planning.

325. Indices of victimization should be particularly valuable to most countries, and regional criminological institutes could usefully develop guidelines for the collection of statistics in the different regions of the world to provide comparability and collaborate in advancing knowledge and practice.

326. It was noted that indices could be useful in reflecting the severity of different kinds of crime in accordance with cultural factors and that multiple indices could bring greater reliability to crime data. Note was taken of the difficulties inherent in gauging hidden crime, bearing in mind the fact that white-collar crimes could be very costly to society. However, while the existing methodological difficulties were recognized, it was felt that various ways of studying the dark figure of crime could profitably be undertaken.

327. The relevance of social indicators for the assessment of the consequences of crime was appreciated and the importance of certain key indicators of the quality of life noted. The usefulness of the work done by various international agencies in that area was acknowledged, but it was stressed that there was a need for a wider range of objective and subjective indicators pertaining to crime and public safety.

328. It was recognized that it would be of immense value for any scientific assessment if the statistics permitted the measurement of the factors related to crime and to feelings of public security. It was suggested that measuring the "level of safety" was one way of assessing the consequences of crime and crime control. The concept of safety involved social as well as individual rights, but such surveys were necessary to provide assessments of the cost of protecting individuals from physical danger and of promoting a general sense of well-being. The use of that technique to assess crime costs reflected the need to use a range of social indicators and a variety of other assessment techniques, such as opinion surveys that determine the anxiety score of individuals on the basis of differential responses. The total sum of those scores could be used to indicate the level of safety and of criminal activity in the community. That could be supported by surveys conducted by specialists and by attempts to see how far the aspirations of people were met by a given level of satisfaction. Among the advantages of that approach were the psychological value of increased personal security and the indication of the effectiveness of police operations which it provided.

329. It was also useful to try to estimate the cost of future crimes, which should be possible by using linear and other programming techniques; forecasts of that type, particularly if they took into account the complexity of the factors involved, could provide a useful guide to planning. It was hoped that assessments could be made, both on a quantitative and qualitative basis, so as to be of the greatest possible value to policy-makers weighing alternative options.

330. Fear was expressed concerning the implications of underestimating the costs of crime from mis-

leading figures. But such exercises were necessary in order to assess the relative advantages of alternative crime control measures. Researchers had an obligation to provide policy-makers with alternative options for action. Close collaboration and exchanges of expertise and experience between the criminal justice agencies and academicians were needed in order to formulate the objectives and techniques necessary for an on-going programme of assessment of the consequences of crime.

331. It was not surprising that some countries doubted the value that would flow from the use of some of those techniques. But there was a general feeling that more research was needed to develop the techniques and that such work would generate greater confidence in their scope and value. It was noted that it was sometimes difficult to find qualified people to undertake those tasks and to apply the models. However, a systematic approach related to the achievement of specific goals should greatly facilitate the task. It was stressed that whatever method was adopted should have relevance to the problem at hand, and that sophisticated methods should not be adopted where they were not relevant. For some economic crimes, for example, an accurate assessment might be obtained from the development and analysis of the relevant basic statistics, while in other cases the assessment might be reflected in an index. Still other tasks might require even more detailed and elaborate measures. In the case of traditional crimes involving physical security and violent assault police statistics might be the preferred information. There was particular scope in crime damage statistics, which some countries were currently introducing. The use of a battery of techniques rather than single measures offered greater promise of revealing the real consequences of crime.

332. It was pointed out that in some cases measurements of social damage might underestimate as well as overestimate criminality. It was not uncommon for petty thefts to be included with large thefts and for some reporting systems to register only the more serious crimes, ignoring less serious ones. Very often those practices reflected the scale of values existing in a particular society and criminal justice system. Underlying those practices were factors considered by the community as more important than the official statistics, although the fear of crime was determined by a variety of factors including personal bias.

333. It was suggested that elaborate criminal statistics were not necessary in developing countries. They were quite expensive and were sometimes not adequately utilized even after they were collected. Sample official statistics on crime could be gathered instead. Probably a better method was to conduct, at periodic intervals, criminal victimization surveys on a representative sample of the population of a country, city or local community. In such surveys a small representative sample of the population was asked whether they had been victims of certain crimes during the past 12 months and whether they had reported them to the police. In the case of property offences, the value of the stolen goods was often asked. Such inquiries were confidential. Another method was to secure information

from other countries that had less homicide, property crime or political corruption in order to discover what factors might account for the difference. All of those procedures gave a country some knowledge of the most appropriate measures to use, and all were less costly than elaborate official statistical analyses.

334. It was obvious, however, that the assessment of crime control costs, particularly for non-economic crimes, was not always easily amenable to quantification. However, in calculating the cost of crime, social spending had to be included, and special difficulties arose in attempting to estimate the cost of crimes before they were committed.

335. Traditionally, law enforcement agencies had been concerned with narrowly defined rules; hence police statistics were limited in scope and not linked to such other social statistics as, for example, those dealing with health or education. It was obvious that crime rates tabulated with other social indicators, such as marital status, unemployment, age and sex of offenders and victims, provided ample evidence for justifying other social programmes which in the long run could have the effect of minimizing and redistributing the cost of crime. Such information could also provide a basis for a closer examination of the relation of crime to other social, as well as economic, issues. In particular, the importance of employment to crime control could be better assessed. An analysis of road accidents and traffic control would permit better use of police resources, since they traditionally attracted a disproportionate amount of those resources and that circumstance, in turn, affected the ability of the police to respond to serious crime. Crime statistics could therefore be helpful in rationalizing law enforcement, as well as in optimizing social planning, provided that the expertise for that purpose was made available.

Assessing the efficacy of crime control policies and increasing it through action-research

336. Given the changing conditions in which crime flourished, particularly the variations in the types of crimes and the scarcity of public resources, on-going evaluation assisted administrators and policy-makers in the assessment of the efficacy of criminal justice programmes. It was observed that a continuing monitoring and evaluation process could aid in programme improvement and permit policy-makers to ensure better use of resources.

337. Note was taken of the range of comprehensive and comparative quantitative techniques which were currently available. Some were rather expensive and in some cases their applicability was limited. The more sophisticated techniques included systems analysis, simulation, model building, operations research, cost-benefit analysis, and planning and programme budgeting systems. All of those could in specific situations play an important role, particularly within a developmental context, but they had to be used with caution. It was also observed that other, cheaper techniques were available which might not provide comprehensive comparative solutions for decision-makers but which could serve as useful guides for making directional

changes in both operations and effectiveness. If directional change rather than absolute numbers were emphasized, it was felt that fairly efficient modes of evaluation could be developed by imaginative administrators and researchers.

338. Regardless of whether or not one was using the more sophisticated systems of analysis or one of the simpler techniques, the first step in evaluation was the detailed analysis of the operations. The various elements had to be identified and all the independent points of decision inherent in all operations taken into account. Evaluation in the criminal justice system was complicated by the lack of well-defined or coherent goals and by the occasionally conflicting objectives of its subsystems. Realistic and coherent goals and objectives had to be postulated and the methods of operations clearly articulated, so that objective performance measures or other criteria could be devised to indicate whether or not the goals of the programme had been achieved. Good evaluation design dictated the types of data to be generated and could be expected to eliminate the costly collection of useless information.

339. The cost of assessing the economic consequences of crime and crime control did not need to be considered prohibitive. The task was facilitated by a genuine commitment to more rational and less socially costly policies on the part of national leaders and by the collaboration of non-governmental institutions, including universities, in assessing the situation.

340. While it was accepted that evaluation was necessary for the effective use of resources in the criminal justice system, there was a feeling that for many countries the practical effects of such evaluation might lie in the future. The significance of research for the practical conduct of society and resolution of problems such as crime was, however, acknowledged. The view was taken that research touched only a small part of the elements in the criminal justice system and that current quantitative research might still be focused on traditional systems for handling criminals. If that were so, then evaluation had to depend on things other than scientific methodologies. It was generally agreed that criminal justice policies were founded on certain theories. The psychological and psychiatric theories on which the criminal justice system was predicated were often adopted without evidence that they were useful in practice. The point at issue was what theories or scientific premises formed the basis of policies followed in the criminal justice system. For example, if a policy were based on the theory that aggressiveness was the basis of human behaviour, then the evaluation would depend on what a programme did to reduce aggressiveness. The test results therefore had to be consonant with that theory.

341. Another kind of evaluation was the direct check. For example, in the case of punitive measures one could determine whether or not they produced positive results by referring to recidivism rates, although such rates did not necessarily provide clear-cut evidence of failure or success. The third type was the indirect check, which represented a combination of the first two methods. That meant a follow-up to see what

happened to an offender who had undergone a certain kind of treatment. In other words, what was being sought were the concomitant variables by which change could be measured. For example, by looking at the concept of alienation in juveniles, states of alienation could be measured by means of structured interviews. By so doing one could assess whether alienation had decreased after a certain programme had been implemented. That would then lead to a conclusion as to whether a programme worked. By the use of those techniques involving applications of a qualitative and quantitative nature, decision-makers in the criminal justice system could provide alternatives, based on research results, to serve as a guide to action.

342. The main question that could be asked of administrators with respect to evaluation, as the need arose, was what means or methods had been employed in agency operations that were economical and that provided administrators with adequate information for programme improvement and policy makers with sufficient data for more informed decision-making and a more rational allocation of resources? That question had a corollary. In setting priorities for action or problem-solving in the day-to-day operations of the subsectors of the criminal justice system, resources were being increased in one area or being devoted to an entirely new activity. It was economical to include from the beginning an evaluation component that provided for "action research" or "problem-solving research". Such research should be interdisciplinary and could be relatively cheap. It had to be practical for administrative and policy-making purposes. Imaginative procedures rather than large outlays were necessary for an economical assessment of programme efficacy.

343. Other kinds of research relating to policy or action could also help significantly in optimizing planning and programming for crime prevention. Demonstration projects and pilot schemes enabled decision makers to test out premises in limited situations and to expand and replicate them in other settings if they showed promise. That kind of experimental innovation permitted the adoption of new policies and planning on an empirical basis.

344. Stress was laid on the need for improved channels of communication between researchers and decision makers in order to ensure continuing and fruitful collaboration and to permit the formulation of research needs in terms of policy and planning requirements. In that respect, the presentation of research results in a form which facilitated their utilization by decision makers should be of considerable help. Some practical organizational arrangements to promote co-operation between researchers and decision makers dealing with crime were also suggested with a view to ensuring a more reciprocal relation between research and policy-making in that field.

PLANNING IN ORDER TO MINIMIZE AND REDISTRIBUTE THE COSTS OF CRIME

345. To deal with crime effectively, criminal policy must be a part of over-all developmental planning. Attempts should therefore be made to establish the rela-

tion between national development planning targets and objectives and crime control measures. In achieving economic growth planners must also consider its relation to the prevention of crime and attempt to contain crime costs within acceptable limits. In countries in which social and economic planning systems had been developed there were consequently more opportunities for planning crime control measures.

346. The importance of planning of the criminal justice system had received insufficient emphasis. Such planning was crucial to attempts to minimize and redistribute the costs of crime. It was felt that it was important to compare the relative costs of different planning techniques in the light of the postulated objectives. Systems analysis was recognized as capable of reducing the cost of planning but, at the same time, much could be achieved more cheaply by other methods—for example, by an analysis of the operation of the criminal justice system. It was sometimes felt that police statistics adequately met the need in most situations, but in view of the fact that the social reaction to criminality started before the criminal justice system began its intervention, an examination of other forms of social control might provide just as good a basis for action. For example, health programmes, particularly mental health and social welfare programmes, might provide relevant data for planning at much lower cost.

347. The main purpose of evaluation was to improve the planning process, and towards that end, alternative methods for achieving established targets on a macro-level had to be envisaged, specifying various roles and dividing tasks and resources to achieve certain goals. Planners needed information from policy makers for the formulation of national goals and priorities. In order to do that, they had to obtain information from the operating agencies, researchers and evaluators about what was possible. They had to develop ways and means and mobilize the necessary resources in order to promote over-all growth and development. Effective planning required the development of concepts and tools to be applied to a wide range of social, political and economic issues in a society, and a reconciliation of conflicting options as a preliminary stage of the development planning process. In sectoral planning of criminal justice much the same tools were necessary, and in the changing environment in which crime grew conflicting options had to be analysed and alternatives chosen. It was accepted that to do that successfully many of the sophisticated tools already identified could be employed. Although that approach could be very expensive and might frustrate the achievement of the desired objectives, such need not be the case. It was rather a matter of applying a cost-benefit way of thinking than of employing sophisticated analytical techniques. However, a number of impediments to the adoption of a cost-benefit approach in the criminal justice system could be identified:

(a) Persons working in the judicial system in the main were trained to accept that the law, especially public law, must be respected and enforced, regardless of the various economic and social consequences. Some of them tended to fear that the cost-benefit approach might undermine that principle;

(b) Persons working in the judicial system subscribed to a certain scale of assessment of the seriousness of different crimes, based largely on the ethical and moral norms of their society. They sometimes feared that with the cost-benefit approach the scale of assessment would be based more on costs than on norms. Besides, they were reluctant to change their traditional assessment scale;

(c) There was a widespread misunderstanding of the aims of economic science. Those aims were often confused with the aims of environmental or economic organization. There was a tendency to think of economic science as having material aims. That was not true. Economic science dealt with all human needs and the disposition of scarce resources. That misunderstanding made some members of the criminal justice system reluctant to accept economic techniques and terminology in their field;

(d) Acceptance of cost-benefit thinking and planning in the criminal justice system would compel the workers in that sphere to get involved with all kinds of social and economic policies. They might regard that as exceeding their competence and threatening their independence.

Planning for crime prevention as part of national development planning

348. Great stress was placed on the importance of planning for crime prevention and control in the context of national development planning. Traditionally, that had not been the case, and it was felt that cost-benefit and systems analysis could help in that respect as well as in assessing the cost of crime and crime control measures. Besides, it was felt that the emphasis on traditional crimes and both the lack of concern about economic crimes and the prevalence of them, which was the case in most developing countries, increased the likelihood of such crimes severely limiting economic growth. It had already been emphasized that the use of cost-benefit studies as a basis for crime control policies could be effective and relatively inexpensive and that the returns, particularly to developing countries, could be quite high. The point was made that it was better to have some information on trends and directions even if hard facts were not available. To be effective, crime prevention planning strategy had to be related to social and developmental planning.

349. The national development plans of most developing countries were based on targets set at four to five-year intervals with the aim of attaining certain basic developmental goals and objectives. It was felt that since no country could afford to achieve all its objectives and since resources were limited, countries, particularly developing ones, had to set priorities. The steps in the planning process were identified as the setting of objectives, the establishment of priorities, the implementation of the programmes designed to achieve the goals postulated and, subsequently, evaluation of progress to determine what had been achieved. It was felt that the absence of effective planning for crime prevention and control was one reason for the gaps in developmental achievement. It was noted, for exam-

ple, that corruption added additional costs to a project and that was a crime against the State as well as a social cost. It was felt, therefore, that criminal codes should identify those crimes which had a bearing on the developmental process—for example, corruption, damage to the environment and the like—with appropriate alternative strategies designed to reduce the effect of such crimes and minimize their costs, and ultimately to prevent them. Economic crimes were very often an impediment to economic growth. If they could be eliminated, economic growth could be accelerated. In order to promote development, crime prevention and control had to be carried out on a scientific basis.

350. Developed countries which reported high crime rates acknowledged the almost complete lack of long-term planning in the area of crime control. The experience of the socialist countries was cited as an example of the usefulness of long-term planning in that field. The crime situation in most developing countries had gradually worsened, and in the past little had been done to correct it, mainly because of inadequate knowledge of the causes of crime or of effective measures against it. It was noted, however, that most of the measures used in recent approaches to crime control required much less in the way of financial resources than were normally employed. Many of the newer measures were directed at altering social factors that tended to produce crime or at utilizing social institutions to reduce crime. The position was often adopted that crime control measures could wait until a country was sufficiently prosperous to afford them. It might then be too late and would certainly be very costly, if the experience of some developed countries was any indication.

351. If valuable resources which could be utilized for developmental purposes were employed to deal with crime, that had to be done on a realistic basis in the light of the total expenditures in order to promote more effective development with less crime. In some instances, for example, additional street lighting might be more effective than an increase in the number of police officers.

352. More adequate planning of crime control might take two directions. A country could start by either increasing its current expenditures or making more effective use of its resources. It could usefully adopt the wider perspective of economic and social planning and in that context develop newer and more comprehensive crime prevention schemes.

Physical measures to prevent crime

353. Developed countries had accumulated much experience, often not utilized, which should be helpful in preventing crime. Simple precautionary measures—for example, the wider use of cheques and improved security in transporting company payrolls or large sums of currency to and from banks—could prevent many crimes. Banks could be more widely used to ensure the safety of cash, which was often kept hidden around the house. Business firms needed more alarms and other protective systems, and the homes of the poor needed locks. To prevent shoplifting, there needed to be con-

trol over the open display of certain more valuable goods, and sufficient clerks had to be employed to help protect the merchandise. Motor vehicles should have security devices, such as steering-wheel locks. Those who dealt in stolen property should be detected and punished. Concerted efforts could be made to develop more resistance to corruptive acts among civil servants, since it was extremely difficult in a rapidly developing country to remove the opportunity for such acts.

Controlling urbanization

354. Nearly all property crime was concentrated in cities, particularly the largest cities. In most developing countries, completely uncontrolled migration to the cities, particularly to the largest cities, had resulted in a disruption of planned development, over-urbanization and the inability to meet the needs of urban slum areas. Since developing countries had one or, at most, a few major cities in which their developmental programmes were concentrated, alternatives to continued population concentration might be programmes of small-scale and cottage industries in rural areas, the development of new cities and the decentralization of new industrial, commercial and governmental programmes to rural areas. In the absence of social planning to mitigate the negative effects of crime, cities might be limited in size. However, since larger cities, particularly the existing ones, had a greater capacity for serving the cultural needs of large population groups, a programme of limiting the size of cities should by no means be viewed as a panacea to the urban crime problem. Again, the social costs and benefits of alternative options had to be weighed if optimal policies were to be adopted.

Educational planning

355. In many countries most crime connected with violence was committed by youth, particularly in gangs. Improved national planning could reduce urban youth migration and the large-scale unemployment of educated young people in the cities. There was a need to plan educational systems that would relate more effectively to vocational training programmes and to vocational opportunities. Such planning was in effect in a number of socialist countries. There was also a need for more specific education designed to acquaint youth with the implications of crime and to promote the understanding of national objectives. Unfortunately the educational systems of many developing countries were modeled on Western school systems which largely ignored national needs and did little to prepare youth for a changing world. Several developing countries had established national youth services to absorb the large numbers of unemployed youth and to provide the channels through which surplus labour could be directed to a variety of public works and rural settlement projects. It was important that youth be more widely incorporated into the political and social institutions—for example, by electing and appointing them to local committees concerned with community improvement.

Planned urban settlements for migrants

356. Migrants might be able to avoid a "slum way of life" if they could be guided to certain areas especially planned for them. That kind of planning had been followed in some countries in which cheap land in less crowded parts of a city had been acquired for the construction of shacks or houses, often by self-help, according to an established plan. In those planned communities persons with a common background could live in closer association, the transition from village life could be made and the strains of urban living lessened.

357. It was important to prepare young migrants for city experiences beforehand in order to prevent later development of criminal patterns. Since, in any case, many young people would migrate to the cities, they could become familiar with the social experiences they would encounter there, the nature of criminality in urban areas and the resources that might or might not be available to them in the urban environment.

358. Urban slums were the main locus of ordinary crime in developing countries, as indeed they were elsewhere. All too often it was the slum dweller who had to bear the main burden of criminality. Criminality appeared to be a product of a way of life that existed in most slum areas, although fortunately not in all. Slums were a social and not a physical problem, and the replacement of deteriorated dwellings with housing projects did not necessarily remedy and sometimes exacerbated the situation if there was no social cohesion. It was extremely important that meaningful plans for crime control be concentrated in those areas.

359. To engage local slum communities in crime control programmes, effective local community organizations had to be created where few or none existed. The residents had to assume direct responsibility for initiating changes designed to ensure the protection of the area and to help solve such problems as those of youth gangs and the sale of stolen property. The work of organizing slums could be carried out by a municipal department of community services. Large cities in developing countries might be broken down into units of approximately 1,000-5,000 persons or into smaller units in which there would be some degree of local leadership, initiative and organization. It was desirable that slums and poor people be integrated into the city as a whole and into national development programmes. Some self-help programmes were already in existence in slum areas of developed and developing countries, and those groups could also be used effectively in crime control programmes.

Planning for a more rational system of social criminal justice

360. Note was taken of the possible approaches for introducing rationality into criminal justice systems, which sprang from an analysis of the measures or reactions of society towards crime. They could be classified in three main categories: punitive sanctions, correctional methods (the treatment method) and the incapacitation of offenders or protection of society. The three types of measures were applied on the basis of

explicit or implicit theories of criminality and ideologies underpinning the structure of a country, as well as its traditions.

361. It was proposed that those measures might be considered as proper tools or instruments of crime control which were part of the criminal justice system and that they should be used, as appropriate, for different kinds of offences or offenders on the basis of research findings as to their effectiveness. It was recognized that systems analysis required that punitive sanctions, correctional methods and incapacitation techniques be used not only for the sake of their individual effectiveness but also in consideration of the total effect on the system. For example, if it were demonstrated that the rehabilitation of certain types of offenders was most successful if no punishment was used, one had to determine what effects that would have on the general deterrent effect exerted by punitive sanctions. If general deterrence or general prevention suffered, then a rational system of social and criminal justice did not exist. But the correct answer could only be given by appropriate research. A crime-specific approach was called for which would treat different categories of crime according to their differential consequences.

362. Differential treatment options were part of the systematic approach. If, for example, the open community treatment model were demonstrated to be effective in the long run, research would be necessary to indicate whether the protection of society by the incapacitation of the offender was not excessively diminished. It was recognized that the systematic model could be developed in terms of rational goals and research data if certain limitations lying outside the criminal justice system could be identified. Those included the constitution of a country, which would set the legal parameters; the cultural setting, indicating, for example, the acceptance of humanitarian principles; and the cost of implementation. Those factors might limit action which otherwise would be suggested by research findings. If that were to happen, a rational approach would be inhibited.

363. However, it should be borne in mind that considerations of cost were also relevant, since research could point to a course of action which coincided with the concept of a rational criminal justice system. If the implementation of that objective prejudiced other desirable social programmes (e.g., health budgets might be sacrificed), then that approach might not be feasible.

364. What was required, above all else perhaps, was an awareness of the value of drawing on the various social sciences in criminal justice planning, as well as on a range of approaches and techniques from other disciplines, some of which might have been developed only recently. Action against crime based on its consequences had, inevitably, to be conceived and implemented in the larger context of national priorities and socio-economic needs and required the enlistment of public support and participation.

Redistributing the costs of crime

365. It was felt that at first glance the problem of redistributing the costs of crime might appear to be new. But the task of redistributing crime costs was seen rather as involving a reformulation or expansion of certain well established principles. Such a reformulation was necessary for many reasons, among them the need to make traditional legal and moral concepts compatible with the concepts of modern social and economic planning. Most criminal justice systems had taken into account the problems of assigning guilt in criminal jurisprudence and of the just distribution of punishment. Notions of equity had also entered the sphere of criminal responsibility. It was felt, therefore, that the task of redistributing the costs of crime involved the harmonizing of traditional retributive justice with the principle of redistributive justice.

366. The various elements in that process were seen as follows: the suffering and harm caused by the sentence imposed on the offender was a cost for the offender and for the public economy. If the State compensated the victim for his injury (and a growing number of countries had introduced legislation which gave the victim legal right to compensation for injuries caused by violent crimes), then the taxpayer contributed by that means to meeting the cost of crime. Public expenditures on police patrolling, urban planning reforms or crime protection devices were borne by different authorities and consequently reflected tacit decisions about the distribution of crime costs and crime control costs. It was noted that even decisions regarding penal law sometimes involved the distribution of social costs, as could be seen in those jurisdictions which attempted to minimize criminality by the use of public torture and executions and thereby imposed the cost on the community. The problem of crime cost redistribution was thus a very complex one in which no single issue nor any single remedy provided the complete answer. Social planning to reduce injustice in the distribution of crime cost could not be realized by any simple master plan with specific and clear-cut goals.

367. Instead, various methods of distribution should be developed in such a way that the planning efforts directed towards that end would be concentrated on the most glaring and obvious cases of unjust distribution rather than on the effort to achieve an all-out solution. For the purpose of analysis and clarification certain basic distributional issues were identified. The distinction was made between victimization costs, indirect crime damages and crime control costs. It was felt that in allocating the different types of costs the principle of distribution according to capability and distribution according to deserts should be fundamental. Thus, according to the concept of relative loss in proportion to the victim's income, and in order to distribute economic costs justly, rich people should pay higher fines than poor people for the same offence. By so doing there would be relative equality in the burden borne, and the cost of crime and crime control would be redistributed more fairly. Three measures were necessary to meet that objective:

- (a) Introduction of appropriate preventive schemes;
- (b) Provision for payment of the cost of crime measures on a differential basis; and
- (c) Public education to make people aware of the issues inherent in that concept of redistribution.

368. It was generally recognized, however, that certain specific conditions had a direct bearing on planning to minimize and redistribute the costs of crime. Among those conditions were the character of criminal justice in the respective country, the ideology or political system to which that country subscribed, and the specific crime problems to be controlled. Very often what was useful in one country was totally inapplicable in another country, as was evidenced from an examination of the crime patterns in countries with different social systems. It was proposed that further international action in that field might derive from international exchanges directed towards finding common denominators in criminal justice planning.

CONCLUSIONS AND RECOMMENDATIONS

369. In the interest of promoting a more equitable system of criminal justice, a wider range of economic and social factors had to be considered. Planners, researchers and those concerned with criminal justice policies and administration should:

- (a) Encourage cost-benefit thinking, if not cost-benefit research, with the understanding that economic costs are only a part of the measurable costs along the whole social cost continuum. Cost-benefit thinking supplemented by simple research could give crucial information on directional changes, which for some purposes was sufficient for policy-making. The use of some comparative analysis was crucial;
- (b) Promote the development of the indigenous criminal justice research capability to directly serve the needs of policy-makers, planners and administrators;
- (c) Promote the use of extragovernmental institutions, including universities and their students, as a research resource, particularly in a developmental context, through collaboration, financial support and the articulation of research needs;
- (d) Promote the development of interdisciplinary research agencies for criminal justice and the organization of interdisciplinary workshops at the national, regional and interregional levels;
- (e) Promote the collection and analysis of data for policy-making purposes, using simple, cheap and effective techniques of assessment, particularly by building in an evaluation component in pilot or demonstration projects;
- (f) Encourage simple research techniques in conducting problem-solving or action-research appropriate in particular national settings in order to avoid repeating the mistakes of some developed countries;
- (g) Incorporate dynamic crime prevention planning of a comprehensive and special nature within the framework of national planning, with emphasis on the interdependence of crime and crime control activities with all other planning sectors;

(h) Encourage the use of victimization surveys and crime damage statistics to complement the development of comprehensive criminal justice statistics;

(i) Develop greater awareness of the significance of economic crimes, particularly of corruption and damage to the environment, within a developmental context and of the effects of such crimes on the development process;

(j) Develop the means to predict changes in the types of crimes resulting from the interplay of criminogenic factors which may appear in some stages or processes of development and as a result of actions or policies of agencies outside of the criminal justice system;

(k) While recognizing the development model as one of the possible means of identifying and analysing criminogenic factors, promote the use of other models as a basis for interpreting criminogenic factors and initiating crime preventive activities;

(l) Promote research leading to a more equitable distribution of the costs and consequences of crime among different segments of society;

(m) Promote the co-ordination, as a smoothly working system, of the various agencies for preventing crime within countries, through the use of major structural reforms where necessary;

(n) Promote the maximization of individual freedom within the necessary constraints of effective crime control consistent with national policies;

(o) Promote the recognition of the fact that perhaps a substantial amount of crime was provoked by the nature of the social and economic structure and system of society itself, as well as by official action or negligence. Thus, effective crime control measures should be geared to changes in official actions as well as in individual behaviour. This is particularly true of such crimes as corruption, white-collar crime, international currency exchange offences, black market crime and the destruction of the environment;

(p) Through the use of improved educational programmes and the mass communication media, promote a better understanding on the part of the public of the economic and social consequences of crime; narrow the gap between the perceptions of personnel working within criminal justice agencies and the general public, and further more active participation of the public in the prevention of criminality;

(q) Encourage the writing of research reports in clear, concise language and in a form easily understood by administrators;

(r) Include cost data in reporting crime trends to the United Nations to the extent possible;

(s) Promote the exchange of experts and experience between countries, with particular regard to regional and subregional needs;

(t) Provide for the convening of conferences, expert group meetings, seminars and workshops concerned with the assessment, minimization and redistribution of the consequences of crime.

370. The United Nations should provide, within existing resources or from extrabudgetary funds, technical assistance and training in order to encourage the use of cost-benefit analysis and systems analysis and other comprehensive comparative planning and evaluation techniques, as well as the collection and dissemination of information and reports using such techniques for crime control and crime prevention. United Nations assistance to national criminal justice programmes should be rendered not only by specialized criminological services within the Organization but also by its regional planning institutes, public administration programmes, statistical services and the like.

371. The Governments concerned and the United Nations should consider the early establishment of regional research facilities for crime prevention and the promotion of criminal justice in Africa, as well as in other areas where there is need, and should strengthen the role of the existing regional institutes in promoting research and training as a basis for policy-making and planning for crime prevention and criminal justice.

Closing plenary meeting

372. The closing plenary meeting of the Fifth Congress was divided into three parts. The first part was devoted to the presentation of summaries of the draft

reports of the five sections by their respective Rapporteurs and to the analysis of the proceedings of the Congress by the General Rapporteur. At the second part of the plenary meeting, the Congress formally adopted the conclusions or reports of the five sections. The third part of the meeting was reserved for closing addresses by the representative of the Secretary-General of the United Nations, representatives of regional groups and the President of the Congress.

373. On behalf of the Government of Australia, the Honourable Keppel Enderby, Attorney-General of Australia, extended a cordial invitation to the United Nations to hold the Sixth Congress on Crime Prevention and the Treatment of Offenders in 1980 in Australia. He expressed the hope of his Government that all Member States would be represented.

374. On behalf of the Fifth Congress, the President expressed appreciation to the Government of Australia and Mr. Enderby for that generous offer, which she then placed before the Congress. The proposal to hold the Sixth Congress in Australia was accepted by acclaim.

375. After expressing her gratification with the results of the Congress, the President declared the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be formally closed.

Chapter III

REPORT OF THE GENERAL RAPPORTEUR

376. Sir Arthur Peterson began his address by expressing his gratitude to the President of the Congress and to the Chairmen and other officers of the Sections, to the Executive Secretary of the Congress, to the consultants and panelists and to all the participants who had contributed to the success of the Congress. He commended the efforts of the United Nations Secretariat and the Canadian volunteers in meeting so efficiently the change of venue of the Congress.

377. Sir Arthur observed that the Congress had shown in its deliberations not only a continuity with the past, in its general concern for human welfare, but also a new spirit of willingness to broaden its perspective and to recognize the intimate relationship that existed between crime control and other elements of social and economic policy.

378. Following these general remarks, Sir Arthur commented on the main themes and conclusions of the Sections, beginning with the subjects of torture and terrorism.

Torture and terrorism

379. Sir Arthur began his comments on those key issues by expressing his belief that the Congress would agree that passionate concern over the use of torture against detained or imprisoned persons had been the most significant and pressing aspect of its work. That general concern had been reflected in the deliberations of all the Sections. Mindful of General Assembly resolution 3218 (XXIX), the Section had paid particular attention to acts of violence associated with torture.

380. The Congress, Sir Arthur stated, had succeeded in agreeing to recommend for adoption by the General Assembly a powerful Declaration condemning all acts of torture. That Declaration had been drawn as broadly as possible in order to deal with the protection of everyone and not solely those who were undergoing some form of detention or imprisonment authorized by the courts.

381. But the inhuman treatment of persons in pursuit of some purpose had another aspect to which the Congress had equally given its attention. That aspect was the form of crime for which the label terrorism was, if not precise, at least indicative of its nature. He observed that torture and terrorism were the two faces of a single evil, which was the use of violence to compel people, through fear and suffering, to bend to the will of the apparatus of a State or of individuals and groups.

382. In his view, and he believed it to be also that of the Congress, the maximization of human welfare was the fundamental purpose of the political process. The

deliberate assault on the personality and corporal integrity of a person, whether by the arm of the State or by an individual, would diminish human welfare by far more than the direct consequences of such an assault. Even when carried out in pursuit of some legitimate or perhaps noble purpose, such an assault defeated itself and gave rise to powerful and persistently violent reactions.

GENERAL REMARKS CONCERNING THE WORK OF EACH SECTION OF THE CONGRESS

Section I. Changes in forms and dimensions of criminality—transnational and national

383. Another important theme that had emerged from the Congress was the universal concern over the increasing vulnerability of all countries, with the spread of the mass media and of high-speed communication and travel facilities (highly desirable in themselves), to transnational manifestations of crime.

384. In many, though not all, countries there was statistical and other evidence of substantial increases in various forms of crime. But, Sir Arthur stated, the discussions in Section I illustrated very well three propositions of general relevance for the work of the whole Congress: first, that valid generalizations about states and trends in criminal behaviour were not easy to make in the absence of comparable criminal codes, comparable statistical units and machinery and in the presence of the great cultural diversity within the United Nations; secondly, that neither the aim nor the available methods of controlling crime and treating offenders could be pursued in isolation from the context of social, economic and cultural conditions in which they existed; and, thirdly, that there was some danger, perhaps, of our losing sight of the dimension of the individual (both as offender and indeed as victim) in the quest for remedies of general application. The main lesson for criminal justice policies which seemed to emerge from the discussions of the Congress was that pragmatism in their adoption and application remained desirable whatever the broad spiritual, ideological, social and cultural context of individual countries. We should anticipate as intelligently as we could what the future held, plan for and adapt to rapid changes as quickly as we could and be ready also to discard those aspects of crime control policy which no longer served their original purpose, or which produced undesirable consequences in other ways.

385. In a particularly impressive contribution to the work of Section I, the distinguished panelist from the Soviet Union, Vladimir Kudryavtsev, had drawn atten-

tion, in analysing the elements of forecasting crime, to the numerous and variable factors which contributed to crime and its control and treatment. By insisting on the relevance not only of demographic, socio-economic and political factors in a society but also of cultural and individual psychological factors, he and other participants in both Section I and Section V had emphasized the dimension of the individual offender and the need for individualized methods of treatment.

Section II. Criminal legislation, judicial procedures and other forms of social control in the prevention of crime

386. Sir Arthur observed that much of the discussion in Section II had centred on the relevance of criminal justice systems to the contemporary needs of different societies. Delegates of many countries had given interesting accounts of reforms designed to make their national systems of criminal justice more responsive to local needs and cultural patterns. Much interest had been expressed in the processes of "decriminalization" and "depenalization" though, understandably, delegates had differed in the range of conduct which they considered could be removed from the ambit of the criminal law without damage to the fabric of society, and notes of caution had been sounded. It was recognized that a high proportion of those subjected to the criminal justice process were the poor, underprivileged and minority groups and that for that and other reasons every effort should be made to develop simpler and more comprehensible legal procedures and to extend legal aid and advice.

387. There had been an understandable difference of views between those who felt that the established procedures of criminal justice were rigid and out of date and those who saw the criminal justice process as a flexible and effective system of social control. However, it seemed very easy to underestimate the complexity of the judicial task and the demands which it made on the wisdom and humanity of the judge. The exercise of authority had never been popular and tended to attract increasing criticism. It was well to remember that without a humane system of justice supported by public opinion, the life of man was, in the words of the philosopher Hobbes, likely to be "nasty, brutish and short".

388. Alternatives to established methods in the treatment of offenders had been discussed both in Section II and in Section IV. The momentum to carry them forward between the Fifth and the next Congress was clearly powerful and well justified, and there seemed no risk of that momentum being lost.

Section III. The emerging roles of the police and other law enforcement agencies; with special reference to changing expectations and minimum standards of performance

389. In his remarks concerning the work of Section III, Sir Arthur made a general observation regarding the dilemma posed by the increasing professional and technical demands of police work in all its

variety, on the one hand, and the increasing need, on the other hand, to maintain the individual policeman's identity with, and membership in, the community from which he came and which he should protect. It was his view that the Congress had shown wisdom and insight by recommending to the General Assembly that a study be made of the form and contents of a code of police ethics, based on the experience of regional groups, which was to be drawn up by police officers and other experts whose experience of police work would be essential.

Section IV. The treatment of offenders, in custody or in the community, with special reference to the implementation of the standard minimum rules for the treatment of prisoners adopted by the United Nations

390. An important issue which arose in the work of Section IV concerned the place of custodial institutions and custodial treatment in modern penal policy. Doubts about the effectiveness of custodial measures in promoting rehabilitation, whether measured simply in terms of subsequent criminal behaviour or by more sophisticated assessments of an offender's adaptation to normal life in the community after release, had grown to the point at which the question was being seriously raised in some quarters as to whether prisons, and those who served in them, had any remaining function beyond that of containment. In other words, should the role of the prison be narrowed and confined to that of protection of the public through effective containment and to the repressive or retributive function of a prison sentence?

391. In Sir Arthur's opinion, such a view of the function of imprisonment seemed to overlook the fact that the effect of the human contacts between prison staff and the prisoner, and of the conditions of his imprisonment, would inevitably affect the individual prisoner for good or for ill. It remained the duty of all prison administrations to ensure that the least possible damage was done to the personality of every prisoner and that where prisoners needed support and wished to take advantage of facilities for training and rehabilitation, they would be made available to them.

Section V. Economic and social consequences of crime: new challenges for research and planning

392. In commenting on the work of Section V, Sir Arthur remarked that the Section had taken up the theme that some new forms of antisocial activity, whether or not currently classified as criminal offences, could inflict much greater social and economic damage on the community than had traditional forms of crime. That theme was related to measurements of costs. A range of techniques of varying sophistication for measuring crime and its cost had been discussed, and the point had been rightly made that the choice of approach should reflect the circumstances of individual countries. It was considered pointless for any country to saddle itself with an over-complicated system of data collection and analysis, or research, whose efficient

operation made unacceptable demands on national resources. Nevertheless, irrespective of the methods that might be judged appropriate, stress had been laid on the importance of making all those concerned with the criminal justice system aware of the social and economic costs of their decisions, in relation to the benefits secured, and of providing the information necessary for that purpose. Only in that way could there be hope of planning effectively for the future prevention and control of crime, in the context of broader social and economic planning.

INTERNATIONAL COLLABORATION

393. In discussing the prospects for international collaboration, Sir Arthur stressed the importance the Congress had attached to the need for maintaining the work of the United Nations in the field of crime control and the treatment of offenders in a number of different ways, among them:

(a) By recognizing the need for better information about criminal justice and crime control, including economic as well as social and individual factors;

(b) By emphasizing the need to exchange information and, where necessary, to suggest or provide machinery to enable that to take place at and between various levels, including the scientific, the operational and the policy-making levels. To that should be added the need for legislators and policy-makers to feed back to experts, both scientists and professionals within the crime control and treatment systems, the results and effects of their contribution, so as to enable the scientist and the expert to gain awareness of the practical constraints and needs of public policy-making and to enhance progressively the value of their contribution;

(c) By encouraging and taking initiatives in forming public policy and opinion in important areas of crime control, such as the recommendations to the General Assembly in the Declaration on torture and the study of a universal code of police ethics; and

(d) Lastly, by maintaining continuity of work and firmness of purpose between the Fifth Congress and the next, in the face of all the short-term pressures and strains which might impede the development of sensible policies for crime prevention and control and might deflect the attention of national Governments themselves from that fundamental and crucial responsibility.

Chapter IV

SUMMARIES OF LECTURES

Criminality, work and leisure time

394. The first lecture, on criminality, work and leisure time, was delivered by Manuel López-Rey, Professor of Criminal Law and Criminology, Bolivia. He began his lecture by drawing attention to the difficulties involved in attempts to establish a relation between criminality and leisure time.

395. The assumption that work prevented criminality while idleness increased its incidence was considered to be without merit. Professor López-Rey maintained that the assumption lacked merit in part because of the difficulties in establishing a clear distinction between leisure time and work and, in part, because crimes were known to have been committed during both work and leisure time.

396. It was evident that during working hours there were frequently free periods in which people deliberately did not do anything or did something other than work. That was the case, *inter alia*, among guards and security officers and in other professions in which persons engaged in reading and other pastimes in order to pass the time but not to work, a situation that provided a partial distinction between leisure and work. On the other hand, the leisure time of which a person could dispose freely without instructions from another person might be regarded as work or effort, as, for example, in the case of such tiring work as certain forms of gardening, handiwork, carpentry or metal work. Moreover, during leisure time a series of efforts or activities could be performed on behalf of a third person, which could even be remunerated without thereby losing their character as leisure time activities. Thus, the definition of work as time spent on behalf of a third person was not valid. It should be added that exploitation, frustration, fatigue, monotony and other factors related to work encouraged certain kinds of criminality.

397. Various crimes were known to have been committed during work as a consequence of the character of that work or because of the opportunities which it provided. Mistreatment, police torture, deliberately unjust judicial decisions, corruption by big business, exploitation of the work of others in contravention of provisions and the like demonstrated that work as such could be the source of or could facilitate criminality.

398. A more serious problem could arise in relation to the immediate future, in which rising life expectancy would lead to fewer working hours and to the organization of leisure as a basis for recreation or vacation.

Developing a stable base for criminal justice planning

399. The second lecture, on developing a stable base for criminal justice planning, was delivered by William McGrath, Executive Director of the Canadian Criminology and Corrections Association.

400. Mr. McGrath began his lecture by stating that the existence of a general interest in seeking an acceptable moral code to guide social private living had relevance to the field of criminal justice. Historically, laws had been based on religious tenets, but they were found to be too narrow and rigid in orientation, and that, as a consequence, had led to a separation of law from religion. However, attempts to find an objective and consistent substitute to religion, as a basis for improving the criminal justice system, had resulted in confusion of aims, policies and practices.

401. Present difficulties, arising in large part from undue reliance on rationality and a neglect of the demands of morality, could be mitigated by a stable philosophical foundation that gave due weight to moral responsibilities, as well as to the rights of individuals. The individual needed a moral basis for testing his motives in relation to crime and criminals. Therefore, the development of good criminal laws and criminal justice practices would require the measuring of individual motivation in the commission of crimes against objective morality. A proper determination of the role of morality in criminal justice would also lead to the development of more realistic guides for the rehabilitation of offenders.

402. Research had been found to be an inadequate instrument for the determination of the purpose and aims of the criminal law, since most of the basic issues involved were ethical in nature. However, research could influence conclusions on the practical value of various policies, such as the deterrent effects of judicial punishments. Evaluative research in the field of criminal justice depended on moral definitions, since there could be no determination of success independent of moral judgement. Even the seemingly objective measure of trends in crime rates would be valid only after it had been subjected to the test of morality.

403. Criminological research had been of considerable value in detecting weaknesses in the present system but less successful in proposing alternatives.

404. The determination of acts to be defined as crimes depended on the attitudes within a particular society, and those attitudes were subject to change over periods of time. Such changes might lead to the removal of certain acts from the list of crimes or the inclusion of

others in that list. However, there were serious dangers in the application of the "sin" measurement to establish relative seriousness of crimes.

405. The methods used in the application and enforcement of the law were considered to be more important than the law itself, in terms of their real effect on people. It was therefore necessary to ensure wider community involvement in such matters so as to safeguard the rights of the individual. Undue emphasis on professionalism and efficiency might distort the fact that people sought justice primarily because of a dedication to fundamental principles rather than to efficiency.

406. The development of computerized data banks to aid administrators, policy planners and researchers was creating new moral issues involving the confidentiality of information.

407. The findings of social science had been interpreted to support the theory that the criminal could not be responsible for his acts. Some criminologists held the view that all citizens were law breakers and that the important area of study was the process that selected out a few of the many offenders for public condemnation and punishment. Such views, if accepted, would make it unnecessary for the criminal to reform, since he had done nothing for which he was to blame. Young people could be misled into believing that they were sacrificing themselves for the good of humanity if they became criminals. Those issues had implications for the treatment and punishment of offenders and would also complicate the process of criminal justice.

408. Clarification of the moral issues should necessarily be preceded by the solution of several procedural matters, notably the definition of the word "moral" in the context of the criminal justice system. A citizens' code of responsibility in criminal justice could provide the guidance needed for legislators and practitioners. A code of ethics for the communication media would be a necessary first step. Great care should be taken to avoid a return to the practice of equating crime with sin and identifying the criminal as a target for divine wrath.

Offences against the economy

409. The third lecture, on offences against the economy, was delivered by Khaleeq Naqvi, Professor of Economic Policy of the Delhi School of Economics, University of Delhi.

410. Mr. Naqvi stated that offences against the economy had increased significantly in the recent past and had become the most important component of the national crime situation, particularly in the developing countries. Such crimes adversely affected the basic economic structure and, through their impact on savings, investment, rate of interest, foreign exchange availability and hence levels of output and employment, had negatively stressed the distribution of national income. Resourceful and powerful forces in the area of business, politics and bureaucracy were behind those crimes. They were a reflection of the distribution of class power in the respective countries. Many crimes against the economy had developed in the context of

international trade and required the collaboration of criminals in more than one country. Such crimes could be more efficiently prevented at an international level. The first step towards the reduction of those crimes should be the exchange of information, the collection of data, and comparative studies based on those data. Full publicity for cases of tax evasion, financial frauds, illegal sale of goods, smuggling, bribery and other forms of corruption would not only have a deterrent effect but would help in co-ordination of further preventive measures. The personnel engaged in the prevention and control of economic criminality should be properly trained and additional expertise should be provided by economists and social scientists. Finally, a recommendation was made to elaborate an internationally recognized code of behaviour in international economic relations.

Crime prevention and the scientific and technical revolution

411. The fourth lecture, on crime prevention and the scientific and technical revolution, was delivered by Vladimir Kudryavtsev, Director of the Institute of State and Law, Academy of Sciences of the Union of Soviet Socialist Republics.

412. Scientific and technical progress was being made on a large scale in many countries, linked to changes in society that were not only economic but also social, cultural and psychological. A number of countries were witnessing the emergence of new forms of criminality, an increase in the number of aggressive criminal acts, the growing complexity of organized crime in business and so forth. On the other hand, scientific and technical progress was making possible a managerial use of new methods of combating crime and treating offenders. Thus, the influence of scientific and technical progress on crime and crime prevention was complicated and contradictory.

413. However, the influence of scientific and technical progress on crime and crime prevention was not the same everywhere, despite similar rates of industrial, scientific and technical development in countries with different social and economic systems. Whereas in a period of 10 years (1960 to 1970), crime in six capitalist countries: Federal Republic of Germany, Italy, Japan, the Netherlands, Sweden and the United States of America had increased by 176 per cent, in five socialist countries (Czechoslovakia, the German Democratic Republic, Hungary, Poland and the Union of Soviet Socialist Republics) it had declined by 12 per cent, even though the average annual rate of growth of industrial production was comparable in all those countries.⁴ That indicated that scientific and technical progress affected criminality by way of social factors, primarily through the social and economic conditions of life in a society, rather than directly and immediately.

414. Important factors in explaining the extent of crime against property and its causes were the general economic condition of the country concerned and its

⁴ See Jozsef Gödöny, "Scientific and technical development and the dynamics of criminality", *Journal of Hungarian Law*, No. 4 (1974), pp. 189-196 (in Hungarian).

different social strata, its method of distributing material goods, and its society's predominant moral values. Scientific and technical progress increased labour productivity and thereby broadened economic opportunities, but it could not change the methods of production and distribution of material goods. Therefore, in a society in which behaviour was motivated by the desire for financial success, the growth of industrial production by means of scientific and technical progress was not capable of reducing the incidence of crime against property. Such crime, in fact, might increase as considerations of prestige became more important.

415. By contrast, where social relations were based on collective ownership of the means of production, crime against property had no social roots and therefore decreased. Whereas in Czarist Russia crimes against property had accounted for 80 to 85 per cent of all court cases, in the Soviet Union today they accounted for no more than 35 to 40 per cent. At the same time, socialism had not yet eliminated money-exchange relations, or achieved distribution according to need; that explained the persistence of both the physical opportunities and the psychological preconditions for crimes of that kind, which were being actively combated.

416. The basic directions which the struggle would take were bound up with the further prospects for social and economic development in socialist society. They were: the rapprochement of the conditions of the various classes and social groups; the expansion of social consumption funds; and the inculcation in the population of humanitarian values. Scientific and technical progress promoted the realization of those long-range tasks.

417. The causes of violent (aggressive) crime were related to the level of morality and culture of the population and to social conflicts at various levels of the social structure. The influence of scientific and technical development on those factors was, again, not a simple one. Among the positive factors were (a) the increased social needs of people with higher job qualifications and level of culture in general, (b) the expanded role of efficient organization in technological processes and in social life as a whole, and (c) improvement in the level of information and the degree of interpersonal communication. The objective results of those factors were to increase co-operation at work and to strengthen the principles of collectivism and collaboration which, in turn, exerted a positive influence on personal behavioural motivations.

418. Negative factors might derive from a weakening of the traditional social bonds and previous forms of social control (in rural areas, in the family and so forth).

419. In objective reality, the correlations of those trends were not identical in countries with different social systems and different levels of historical development. In any particular case, scientific and technical development should be analysed in its specific historical context.

420. Under socialism neither industrialization nor urban construction nor migration resulted in an increase in violent crime. Long-range social planning, vocational guidance and job placement for the young,

the raising of the qualifications of working people and the improvement of general education were helping to mitigate conflict situations and strengthen moral standards of behaviour. In combating violent crime it seemed essential to prohibit the propagation of violence on television and through other mass communication media and to observe consistently, in the work of the organs of criminal justice, the principle that accountability was inescapable.

421. Scientific and technical progress increased the potential of the criminal justice system in its fight against crime by providing it with new technical equipment, improving its organization and strengthening the preventive orientation of its work. New forms of social control emerged from the broad participation of society in the fight against crime.

422. All those considerations justified an optimistic view of the prospects for combating crime under conditions of scientific and technical development when those conditions were accompanied by progressive social transformation for the benefit of society as a whole.

Tasks of the United Nations national correspondents

423. The fifth lecture, on the tasks of the United Nations national correspondents, was delivered by Ahmad Khalifa, Chairman of the National Centre for Social and Criminological Research, Cairo. He began his address by reviewing past and projected activities that were deemed to be necessary for the promotion of international collaboration in the field of crime prevention and the treatment of offenders.

424. It was clear that crime had become one of the major problems confronting the world community. The United Nations, given its prestige and vast experience in that field, was the appropriate organization for providing leadership in a concerted international fight against crime.

425. Proper assessment of world crime trends was considered to be an important prerequisite for viable action in crime prevention and control. But any meaningful attempt to assess world trends would require a constant flow of information in all directions. Thus, the functions of the national correspondents seemed to be extremely vital for the purpose of assessing trends.

426. A network of national correspondents had been established, in response to General Assembly resolution 415 (V) of 1 December 1950, to carry out the following functions:

(a) To keep the United Nations Secretariat informed on developments in their countries. In that regard relevant documentation, particularly legislative texts, administrative reports and statistics were to be provided;

(b) To assist the Secretariat in the collection of the information required for its studies and inquiries; and

(c) To facilitate the dissemination within the appropriate national agencies of international developments that could help Governments in their policies and efforts.

427. Despite attempts to ensure the effectiveness of that system, it had never proved satisfactory. It was significant that networks established by other agencies of the United Nations had proved much more effective.

428. The reasons for the establishment of an international network of national correspondents were still valid, but the functions entrusted to them remained, to a great extent, unfulfilled. The United Nations had been hampered by a serious lack of factual up-to-date information and statistics. That situation had impaired the capacity of the United Nations to carry out its responsibilities under General Assembly resolution 415 (V) concerning the agreement between the United Nations and the International Penal and Penitentiary Commission, whereby the Commission was dissolved and the international responsibilities which it had assumed since 1872 were transferred to the United Nations.

429. The inadequacy of that network of correspondents became more evident in connexion with the mandate given by General Assembly resolution 3021 (XXVII) of 18 December 1972 to formulate an international plan of action to be submitted to the General Assembly. That resolution, as well as others passed by

the General Assembly, the Economic and Social Council and other United Nations organs in recent years, reflected the growing concern of the international community with respect to criminality in our modern world.

430. It was to be noted that the Organization had at one time experienced a change of focus of interest in the mid-1950s, when developing countries assumed great importance in the formulation of United Nations programmes. It sounded quite plausible at the time that in most developing countries, the greater problems were backwardness, illiteracy, disease, hunger and poverty.

431. In 1965, the Economic and Social Council passed resolution 1086 B (XXXIX), in which it called for the strengthening of the United Nations role and activities in social defence. That important resolution had put an end to the phase of hesitation and conflict and had underlined the fact that the main goals of the United Nations in the social field lay in raising the levels of living for the peoples of the world. In it the Council had explicitly endorsed the principle that the prevention and control of juvenile delinquency and adult criminality should be undertaken as part of comprehensive economic and social development plans.

Chapter V

ORGANIZATION OF THE CONGRESS

Terms of reference

432. The Fifth 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 every five years of an international congress in this field. It was held at Geneva from 1 to 12 September 1975.⁵

433. The Fifth Congress was originally scheduled to be convened at Toronto from 1 to 12 September 1975, with the Government of Canada acting as host. Acting on a request by the Government of Canada for a postponement of the Congress for one year, the Committee on Conferences of the General Assembly decided, in July, not to accede to the request for postponement and decided that the Congress should be held as scheduled, from 1 to 12 September 1975, at Geneva.

Preparation

434. In preparation for the Fifth Congress, preparatory regional meetings were held in Tokyo from 12 to 21 July 1973, with the Government of Japan acting as host; at Brasilia from 5 to 10 November 1973, with the Government of Brazil acting as host; at Budapest from 28 to 31 May 1974, with the Government of Hungary acting as host; and at Lusaka from 17 to 23 March 1975, with the Government of Zambia acting as host.

435. The Government of Denmark was host to a special preparatory meeting for European countries on 17 August 1973. The League of Arab States and the Government of Egypt held a special preparatory meeting for Arab States at Cairo from 23 to 26 November 1974. A subregional meeting was also held at Kingston, Jamaica, from 5 to 11 January 1975, with the University of the West Indies acting as host. Representatives of the United Nations Secretariat attended these meetings as resource persons.

436. Meetings of working groups of experts were convened in the United States of America at Reno, Nevada, 6 April 1975, with the National College of the State Judiciary at the University of Nevada acting as host; at Airlie House, Virginia, from 7 to 10 January 1975, with the Police Foundation acting as host; and at the Academy for Contemporary Problems, Columbus, Ohio, from 18 to 22 November 1974, with the American

Bar Association Commission on Correctional Facilities and Services and the Academy of Contemporary Problems acting as hosts.

437. The purpose of those meetings was to consider the range of issues for items 5 (Changes in forms and dimensions of criminality—transnational and national), 6 (Criminal legislation, judicial procedures and other forms of social control in the prevention of crime), 7 (The emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance) and 8 (The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations) of the agenda for the Fifth Congress, and to make recommendations, as appropriate, regarding the final drafting of the working papers prepared by the United Nations Secretariat on those agenda items (A/CONF.56/3, A/CONF.56/4, A/CONF.56/5 and A/CONF.56/6). An additional expert meeting on agenda item 8, for experts from the African region, was convened at Stockholm from 26 to 30 May 1975, with the Lutheran World Foundation acting as host.

438. At its second session, held in May 1973 at United Nations Headquarters, the Committee on Crime Prevention and Control considered, *inter alia*, the preparations for the Fifth United Nations Congress and approved the substantive items to be included in the agenda for the Congress. At its third session, held at Geneva from 23 September to 3 October 1974, the Committee reviewed and completed those agenda items.

439. The provisional rules of procedure for the Congress (A/CONF.56/2) were prepared by the United Nations Secretariat. Provisional rule 25 was amended to reflect the change of venue (A/CONF.56/2/Amend.1).

440. For a period of two years prior to the Congress, organizational meetings were held periodically at Ottawa, Toronto and United Nations Headquarters, between the Canadian Organizing Committee for the Congress and the United Nations Secretariat.

Participation

441. 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 the Palestine Liberation Organization and national liberation movements recognized by

⁵ The first four Congresses were held at Geneva in 1955, in London in 1960, at Stockholm in 1965 and at Kyoto in 1970. The reports of the Congresses are contained in United Nations publications, Sales Nos. 56.IV.4, 61.IV.3, 67.IV.1 and E.71.IV.8, respectively.

the Organization of African Unity, of intergovernmental organizations and of non-governmental organizations in consultative status with the Economic and Social Council and interested in, or concerned with, crime prevention and the treatment of offenders; and qualified individuals.

442. All States Members of the United Nations, members of its specialized agencies, and the Palestine Liberation Organization and national liberation movements recognized by the Organization of African Unity were invited by the Secretary-General to appoint representatives to participate in the Congress. The United Nations Children's Fund (UNICEF) and four intergovernmental organizations interested in the questions on the agenda—the Council of Europe, the International Criminal Police Organization (INTERPOL), the League of Arab States and the Organization of African Unity—were invited to send representatives to the Congress.

443. 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).

444. The United Nations Secretariat accepted the applications of persons having a direct interest in the field of crime prevention, including representatives of criminological institutes and of national non-governmental organizations concerned with crime prevention and the treatment of offenders to participate in their individual capacities.

445. The Secretary-General also invited all the national correspondents of the United Nations in the field of crime prevention and the treatment of offenders to attend the Congress in an individual capacity unless designated as delegates of Governments.

446. There were 913 registrations for 906 participants, from 101 countries, at the Congress. Of that number 549 were designated by their Governments. The list of participants, by category, is given in annex I of the present report. The International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) were represented at the Congress, as were the Council of Europe, the International Criminal Police Organization (INTERPOL), the League of Arab States, and the Organisation for Economic Co-operation and Development (OECD).

447. Representatives of the following national liberation movements attended the Congress: the Palestine Liberation Organization (PLO), the African National Congress of South Africa (ANC) and the Seychelles People's United Party.

448. Thirty-two non-governmental organizations in consultative status with the Economic and Social Council designated a total of 82 representatives. The International Penal and Penitentiary Foundation (IPPF) designated 18 representatives.

449. Attending the Congress as individual participants were 240 persons, including some experts and officials from countries not officially represented at the

Congress and from Trust Territories and Non-Self-Governing Territories. The United Nations Development Programme approved the use of country funds to assist selected experts and government officials from the developing countries to attend the Congress as observers. A total of four officials were sponsored by the Office of Technical Co-operation of the United Nations Secretariat.

450. Also officially registered at the Congress were 19 Canadian staff volunteers, who assisted the secretariat of the Congress.

Agenda

451. The programme of the Congress was devoted to the general theme of "Crime prevention and control—the challenge of the last quarter of the century". The substantive programme comprised the following agenda items:

5. Changes in forms and dimensions of criminality—transnational and national
6. Criminal legislation, judicial procedures and other forms of social control in the prevention of crime
7. The emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance
8. The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations
9. Economic and social consequences of crime: new challenges for research and planning.

452. The General Assembly of the United Nations, in its resolution 3218 (XXIX), requested the Congress to do the following:

(a) Under agenda item 7, to give urgent attention to the question of the development of an international code of ethics for police and related law enforcement agencies;

(b) Under agenda item 8, to include, in the elaboration of the Standard Minimum Rules for the Treatment of Prisoners, rules for the protection of all persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment, and to report thereon to the General Assembly at the thirtieth session.

453. Five persons prominent in the field of the prevention of crime and the treatment of offenders were invited by the Secretary-General to deliver lectures at the Congress.

Documentation

454. The documentation prepared by the United Nations Secretariat was intended to provide a comprehensive background for the discussions at the Congress by examining the elements of the problems and indicating the aspects that were of major concern to

developed and developing countries alike. At the regional preparatory meetings use was made of a discussion guide based on the first draft of the working papers. The results of the regional discussions were incorporated in the final text of the working papers presented to the Congress. That procedure ensured wide coverage of the subjects before they were actually presented to the Congress. The World Health Organization prepared a paper entitled "Health aspects of avoidable maltreatment of prisoners and detainees" (A/CONF.56/9), in response to the request contained in General Assembly resolution 3218 (XXIX).

455. At the request of the United Nations, the International Criminal Police Organization (INTERPOL) and several non-governmental organizations submitted papers in connexion with the agenda items. Many Governments prepared and distributed position papers on all agenda items. A list of the documentation before the Congress is given in annex III.

Officers

456. At its opening meeting, the Congress elected by acclamation the following persons as its officers in accordance with rule 13 of the rules of procedure:

President

Inkeri Anttila, Minister of Justice, Finland

Honorary President

Svetla Daskalova, Minister of Justice, Bulgaria

Vice-Presidents

Subramanya Iyer Balakrishnan, Joint Secretary, Ministry of Home Affairs, India

Wolfgang Doleisch, Head of the Department for Planning and Organization in the Field of Enforcement of Penal Measures, Ministry of Justice, Austria

Mohammed Elfadel, Professor, Faculty of Law, University of Damascus, Syrian Arab Republic

Ali El-Hawat, Lecturer in Sociology, University of Tripoli, Libyan Arab Republic

Keppel E. Enderby, Attorney General, Australia

Pero Korobar, President of the Supreme Federal Court, Yugoslavia

Ricardo E. Levene (Hijo), Member of the Supreme Court of Justice, Argentina

Manuel López-Rey, Professor of Criminology and Criminal Law, Bolivia

François Mbouyom, procureur général, Supreme Court, the United Republic of Cameroon

Teodulo C. Natividad, Commissioner, National Police Commission, the Philippines

Ján Pješčák, Deputy Minister, Ministry of the Interior, Czechoslovakia

Andrew Saikwa, Commissioner of Prisons, Kenya

André Touren, Premier Avocat Général à la Cour de cassation, France

Boris Viktorov, Deputy Minister, Ministry of the Interior, Union of Soviet Socialist Republics

Warren Woodham, Permanent Secretary, Ministry of National Security and Justice, Jamaica.

Honorary Vice-Presidents

Abdel-Wahhab El-Aschmaoui, Executive Secretary, Arab Organization for Social Defence, League of Arab States

Adli Baghdadi, Premier Sous-secrétaire d'Etat, Ministère de la Justice, Egypt

M. Cherif Bassiouni, Professor of Law, De Paul University, United States of America

Adolfo Beria di Argentine, Judge, Supreme Court of Cassation, Secretary-General, Centro Nazionale di Prevenzione e Difesa Sociale, Italy

Alphonse Boni, premier président de la Cour d'Appel, the Ivory Coast

Pierre Bouzat, doyen honoraire, Faculté de droit de Rennes, France

William Clifford, Director, Australian Institute of Criminology, Australia

Edward Galway, formerly Chief, Social Defence Section, United Nations Secretariat, formerly Director, United Nations Social Defence Research Institute and formerly Interregional Adviser in Social Defence, Ireland

José García Alvarez, Presidente, Sala de lo Criminal del Tribunal Supremo, Cuba

Nihal Jayawickrama, Secretary, Ministry of Justice, Sri Lanka

Peter P. Lejins, Director, Institute of Criminal Justice and Criminology, University of Maryland, United States of America

Rafael Martínez Díaz, Secretario General, Comisión Nacional de Prevención del Delito, Colombia

Frank P. Miller, Canadian Co-ordinator for the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Canada

Farouk A. Mourad, Director General, Bureau of Crime Prevention, Ministry of Interior, Saudi Arabia

Alfonso Quiroz Cuarón, Professor of Forensic Medicine, Presidente de la Sociedad Mexicana de Criminología, Mexico

Sir Leon Radzinowicz, formerly Director of the Institute of Criminology, Cambridge, England and visiting Professor at Columbia University, United States of America

Germán Requena Herra, Director de Prisiones, Venezuela

José Arthur Alves da Cruz Ríos, Professor of Sociology, Catholic University, Brazil

Thorsten Sellin, Professor Emeritus of Criminology, University of Pennsylvania, United States of America

Georg Stürup, M.D., formerly Director of Hersted-vester, Denmark

Juhei Takeuchi, Member of Legislative Council, Ministry of Justice, Japan

Benigno di Tullio, President of Centre for International Co-operation in the Prevention and Treatment of Criminal Behaviour, Italy.

457. Helvi Sipilä, Assistant Secretary-General for Social Development and Humanitarian Affairs and George D. Howard, Director of the Social Development Division, Centre for Social Development and Humanitarian Affairs, Department of Economic and Social Affairs, represented the Secretary-General at the Congress. Gerhard O. W. Mueller, Assistant Director-in-Charge of the Crime Prevention and Criminal Justice Section, Social Development Division, Centre for Social Development and Humanitarian Affairs, Department of Economic and Social Affairs, served as Executive Secretary of the Congress.

458. In accordance with rule 14 of the rules of procedure, the Secretary-General designated, in advance of the Congress, the General Rapporteur of the Congress and the Chairman, Vice-Chairman and Rapporteur for each of the five sections. These officers, whose designations were affirmed by the Congress at its first plenary meeting, are listed below under each section. Also listed under each section below are the panelists, consultants and other officers of the Congress.

General Rapporteur of the Congress: Sir Arthur Peterson (United Kingdom of Great Britain and Northern Ireland)

Section I. Agenda item 5. Changes in forms and dimensions of criminality—transnational and national

Chairman: Holger Romander (Sweden)

Vice-Chairman: Subramanya Iyer Balakrishnan (India)

Rapporteur: Heleno Fragoso (Brazil)

Panel: Adedokun Adeyemi (Nigeria); Rajendra Saran Agarwal (India); Marc Ancel (France); Bernardo Beiderman (Argentina); Vladimir N. Kudryavtsev (USSR)

Consultants: Freda Adler (United States of America); Robin W. Burnham (United Kingdom of Great Britain and Northern Ireland); Wolf Middendorff (Federal Republic of Germany); Julio Peña Núñez (United Nations Development Programme); Christopher Poklewski-Koziell (Poland); Richard Sparks (United States of America); Jacob Sundberg (Sweden)

Representative of the Secretary-General: George D. Howard

Secretary: Lamin Sesay

Co-secretary: Kurt Neudek

Section II. Agenda item 6. Criminal legislation, judicial procedures and other forms of social control in the prevention of crime

Chairman: Abdoulaye Diop (Senegal)

Vice-Chairman: Keppel E. Enderby (Australia)

Rapporteur: Séverin-Carlos Versele (Belgium)

Panel: Tolani Asuni (Nigeria); Erich Buchholz (German Democratic Republic); Nils Christie (Norway); Guido Gonella (Italy); Jorge A. Montero Castro (Costa Rica)

Consultants: Orlando Contreras Pulido (Venezuela); John Hogarth (Canada); Constantijn Kelk (Netherlands); Christian Nils Robert (Switzerland); Abdelaziz Shiddo (Sudan)

Representative of the Secretary-General: Antonio J. Uy

Secretary: Arkadij Nekrassov

Co-secretary: Johanna van der Vaart

Section III. Agenda item 7. The emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance

Chairman: Sergio García Ramírez (Mexico)

Vice-Chairman: Essa Shuaib Al Ali (Kuwait)

Rapporteur: Philip John Stead (United Kingdom of Great Britain and Northern Ireland)

Panel: Oemar Seno Adji (Indonesia); Graeme Augustine Dallow (New Zealand); Kazumi Ito (Japan); Géza Katona (Hungary); Egon Schlanitz (INTERPOL)

Consultants: Arne Baun (Denmark); John Hogarth (Canada); John Horan (United States of America); S. D. Jamy (Pakistan); Tibamanya Mushanga (Kenya); Walter Stansfield (United Kingdom of Great Britain and Northern Ireland); Robert Stewart (Canada);

Representative of the Secretary-General: Maxime Tardu

Secretary: Adrian Brown

Co-secretary: James Currie

Section IV. Agenda item 8. The treatment of offenders; in-custody or in-the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations

Chairman: Atsushi Nagashima (Japan)

Vice-Chairman: Dušan Cotić (Yugoslavia)

Rapporteur: V. N. Pillai (Sri Lanka)

Panel: Dudley Allen (Jamaica); Juan Carlos García Basalo (Argentina); Paul Cornil (Belgium); Suhariah Soetarman (Indonesia); Alfons Wahl (Federal Republic of Germany)

Consultants: M. Cherif Bassiouni (United States of America); Giuseppe di Gennaro (Italy); Torsten Eriksson (Sweden); Albert Metzger (Sierra Leone); Herman G. Moeller (United States of America).

Representative of the Secretary-General: Peider Könz

Secretary: Adrian Brown

Co-secretary: Clas Amilon

Section V. Agenda item 9. Economic and social consequences of crime: new challenges for research and planning

Chairman: Leszek Lernell (Poland)

Vice-Chairman: Eric P. Kibuka (Uganda)

Rapporteur: Warren Woodham (Jamaica)

Panel: Pier Allewijn (Netherlands); Peter P. Lejins (United States of America); Denis Szabo (Canada); Patrik Törnudd (Finland); Yat-Hoong Yip (Malaysia)

Consultants: Marshall Clinard (United States of America); Marco A. González Berendique (Chile); Alberto Izaguirre (Costa Rica); Philippe Robert (France); Richard F. Sullivan (United States of America)

General Consultant: Edward Galway (Ireland)

Representative of the Secretary-General: George D. Howard

Secretary: Arkadij Nekrassov

Co-secretary: Irene Melup

459. In conformity with rules 25 and 26 of the rules of procedure, the Steering Committee of the Congress was composed of the following members:

Ex officio members

President of the Congress: Inkeri Anttila (Finland)

Representatives of the Secretary-General: Helvi Sipilä and George D. Howard

Representative of host Government for Sixth Congress: Keppel E. Enderby

Chairman, Section I: Holger Romander (Sweden)

Chairman, Section II: Abdoulaye Diop (Senegal)

Chairman, Section III: Sergio García Ramírez (Mexico)

Chairman, Section IV: Atsushi Nagashima (Japan)

Chairman, Section V: Leszek Lernell (Poland)

Executive Secretary of the Congress: Gerhard O. W. Mueller

Co-opted members

José Arthur Alves da Cruz Rios, Brazil

Ijaz Bukhari, Pakistan

Lombe P. Chibesakunda, Zambia

Günter Giel, German Democratic Republic

Harold Tyler, United States of America

460. Pursuant to rule 26 of the rules of procedure, the Steering Committee elected the following officers from among its members. Chairman: President of the Congress, Inkeri Anttila (Finland); Vice-Chairman: Lombe P. Chibesakunda (Zambia); Rapporteur: José Arthur Alves da Cruz Rios (Brazil).

Organization of work

461. In accordance with rule 7 of the rules of procedure the substantive items on the agenda of the Congress were allocated to five sections. Each section held seven meetings, following more or less the proposed time-table contained in the annex of the annotated provisional agenda and programme of work (A/CONF.56/1/Rev.1 and Corr.1). Consideration of the respective agenda items took the form of a discussion of the key issues suggested in the annotated provisional agenda. The Steering Committee met three times and, acting on behalf of the Congress, assisted the President in resolving various questions that arose in the course of the Congress. The Congress held four plenary meetings.

462. Discussions in the sections were initiated and guided by consultants and assisted by small panels of experts, all of whom were selected by the Secretary-General, with due regard being given to wide geographical representation.

463. 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 and Steering Committee meetings and lectures. On the proposal of the representative of the Libyan Arab Republic at the first plenary meeting, the Congress decided to amend rule 33 of the rules of procedure so that simultaneous interpretation could also be provided in Arabic at all plenary meetings and some section meetings.

464. The Congress, after hearing a proposal by the representative of Czechoslovakia involving extensive amendments to the provisional rules of procedure (A/CONF.56/2 and A/CONF.56/2/Amend.1), decided to amend rule 32 by limiting the right to vote in section

meetings to members of government delegations, as in the plenary meetings, and to recommend that the Committee on Crime Prevention and Control review the rules of procedure of the Congress with a view to bringing them into conformity with current practice in other United Nations bodies. The Congress then adopted the rules of procedure, as amended (see annex II).

Small-group meetings

465. While it was not possible to provide interpretation services in the four working languages of the Congress at all the meetings of small groups, all other facilities were made available at such gatherings and a total of 10 small-group meetings were held.

466. The Howard League for Penal Reform, the International Council for Alcohol and Addiction and the International Prisoners' Aid Association held a joint meeting during the course of the Congress on the subject of the transfer of sentences to the home country.

467. The International Society of Criminology, the International Association of Penal Law, the International Penal and Penitentiary Foundation and the International Society of Social Defence held a joint meeting to discuss the subject of the loss of liberty as seen in the fight against crime, particularly in regard to its new forms and dimensions.

468. Amnesty International held two meetings to discuss the subjects of the legal and ethical aspects of torture and the strengthening and implementation of the

United Nations Standard Minimum Rules for the Treatment of Prisoners.

469. The International Society of Social Defence, the International Association of Penal Law and the International Society for Criminology held separate meetings to discuss the following subjects: legal policy as related to the new forms and dimensions of delinquency; the international criminal court; and new forms and dimensions of criminality.

470. The Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice held a meeting to discuss the subject of women in criminal justice.

Workshop on evaluative research

471. A workshop on evaluative research was organized by the United Nations Social Defence Research Institute (UNSDRI). The discussions centred on two main themes: the different types of data and methods of evaluative research; and the impact of evaluative research on practical policy and decision-making.

A report on the conclusions and recommendations of the workshop will be issued as a publication of UNSDRI.⁶

⁶ All inquiries should be addressed to the Director, United Nations Social Defence Research Institute, Via Giulia 52, Rome 00186, Italy.

ANNEXES

Annex I

List of participants^a

I. Members of Government delegations

ALGERIA

Ali Berchiche, professeur de droit, Faculté de droit d'Alger-Ben-Aknoun, Alger
Hocine Ait Hadi, conseiller, Alger
Youssef Mehdi, directeur, Laboratoire de police, Direction générale de la sûreté nationale, Alger
Benaouda Merad, inspecteur général, Ministère de la justice, Alger
Abdelkader Semmache, sous-directeur, Ministère de l'intérieur, Direction générale de la sûreté nationale, Alger
Mustapha Zerrouki (chef de la délégation), directeur de l'administration pénitentiaire, magistrat, Cour suprême, Ministère de la justice, El Biar, Alger

ARGENTINA

Ruth Guevara Achaval, Secretario de Embajada, Misión Permanente ante los Organismos Internacionales, Ginebra
Ricardo E. Levene (Hijo) (jefe de la delegación), Ministro de la Corte Suprema de Justicia, Buenos Aires
Antonio N. Martínez, Consejo de Embajada, Misión Permanente ante los Organismos Internacionales, Ginebra
Elena Julia Palacios (jefe adjunto de la delegación), Embajador Argentino, Berna
Carlos A. Passalacqua, Secretario de Embajada, Misión Permanente ante los Organismos Internacionales, Ginebra
Dolfo Saracho, Secretario de Embajada, Misión Permanente ante los Organismos Internacionales, Ginebra

AUSTRALIA

Federick N. Albietz, Executive Officer, Department of Justice, Queensland, Brisbane
Phillip Allen, Judge and Chairman, Parole Board of New South Wales, Sydney
David Biles, Assistant Director (Research), Australian Institute of Criminology, Woden
Annie David Bodna, Deputy Director General of Social Welfare, Victoria
Donald W. Braybrook, Deputy Commissioner of Police, Victoria
John W. Campbell, Director, Department of Corrections, Western Australia, Perth
Mary McG. Christie, Under-Secretary for Law, Western Australia, Perth
Lillian Douglas Claessen, Criminologist, Attorney-General's Department, South Australia, Adelaide
William Clifford, Director, Australian Institute of Criminology, Woden
Goff T. Cuddihy, Director, Probation and Parole, Victoria

Owen L. Davis, Ambassador, Permanent Mission to the United Nations Office at Geneva
Robin M. Durant, Assistant Director, Probation and Parole, South Australia, Adelaide
Joseph D. Dwyer, Secretary Attorney-General's Department, Tasmania-Hobart
Keppel E. Enderby (head of the delegation), Attorney-General of Australia, Canberra
John B. Holliday, Under-Secretary, Department of Police and Services, New South Wales, Sydney
W. Vasey Houghton, Minister for Social Welfare, Victoria
Francis Rau Iramu, Resident Magistrate, Lae, Papua New Guinea
Cedric Lindsay Johnson, Under-Secretary, Department of Community and Welfare Services, Queensland, Brisbane
William E. Knox, Minister for Justice and Attorney-General, Queensland, Brisbane
John M. Lavan, Judge and Chairman, Parole Board of Western Australia, Dalkeith
Colin Edwin Lehmann, Detective Superintendent of Police, South Australia, Adelaide
Peter Ronald Loof, Senior Assistant Secretary, Human Rights Branch, Attorney-General's Department, Canberra, A.C.T.
John C. Maddison, Attorney-General and Minister of Justice, New South Wales, Sydney
Francis J. Mahony, Deputy Secretary, Attorney-General's Department, Canberra
Bryan Matthews, Legal and Treaties Division, Department of Foreign Affairs, Canberra, A.C.T.
Walter R. McGeechan, Commissioner of Corrective Services, New South Wales, Sydney
Neil McNeill, Minister for Justice and Chief Secretary, Western Australia, Perth
Roma Mitchell, Judge and Chairman of Parole Board of South Australia, Adelaide
John A. Morony, Member of Parole Board of New South Wales, Cremorne
O. R. Schmalzbach, Government Consultant Psychiatrist to New South Wales Government, Sydney
John E. Starke, Judge and Chairman of Adult Parole Board of Victoria, Victoria
Victor K. Taylor, Superintendent of Police, New South Wales, Sydney
Tony Vinson, Director, Bureau of Crime Statistics and Research, New South Wales, Sydney
Sir Charles Wanstall, Senior Puisne Judge, Supreme Court of Queensland, Brisbane
Raymond W. Whitrod, Commissioner of Police, Queensland, St. Lucas
Roy A. Wilson, Commissioner of Police, Canberra, A.C.T.
Rodney C. Wood, Magistrate, Tasmania, Hobart

AUSTRIA

Wolfgang Doleisch (head of the delegation), Head of the Department for Planning and Organization in the Field of Enforcement of Penal Measures, Ministry of Justice, Vienna
Roland Miklau, Civil Service Officer, Department of Penal Law, Ministry of Justice, Vienna

^a 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.

Viktor Pickl, Director, Research Department, Ministry of Justice, Vienna
Willibald Sluga, Consultant Psychiatrist, Ministry of Justice, Vienna
Hans Wagner, Department of Crime Prevention, Ministry of Interior, Vienna

BAHAMAS

Darrel E. Rolle (head of the delegation), Minister of Home Affairs, Nassau
Salathaniel Thompson, Commissioner of Police, Nassau

BANGLADESH

Mohiuddin Ahmed, First Secretary, Permanent Mission to the United Nations Office at Geneva

BELGIUM

Juliaan de Ridder, directeur général de l'Administration pénitentiaire, Bruxelles
Jean Dupréel, secrétaire général du Ministère de la justice, Bruxelles
Herman Vanderpoorten (chef de la délégation), ministre de la justice, Ministère de la justice, Bruxelles

BOLIVIA

Vilma Banzer, Primer Secretario, Misión Permanente ante la Oficina de las Naciones Unidas en Ginebra
Tomas Guillermo Elio, Embajador, Representante Permanente ante la Oficina de las Naciones Unidas en Ginebra
Manuel López-Rey (head of the delegation), Visiting Fellow, Institute of Criminology, Cambridge University, United Kingdom of Great Britain and Northern Ireland

BRAZIL

Armida Bergamini Miotto, assesseur pour les affaires pénitentiaires, Ministère de la justice, Brasilia
José Arthur Rios (head of the delegation), Head of the Department of Sociology, Catholic University, Rio de Janeiro
Diwaldo Azevedo Sampaio, Director do Departamento dos Institutos Penais do Estado de São Paulo, São Paulo
Milton Silva, deuxième secrétaire d'ambassade, mission permanente auprès de l'Office des Nations Unies à Genève

BULGARIA

Svetla Daskalova (chef de la délégation), ministre de la justice de la République populaire de Bulgarie, Sofia
Gueorgui Krastev, directeur adjoint de la Milice populaire, Sofia
Ivan Nenov, ministre adjoint de la justice de la République populaire de Bulgarie, Sofia
Maria Peneva, spécialiste au Département législatif du Ministère de la justice, Sofia
Bogomil Todorov, Counsellor, Ministry of Foreign Affairs, Sofia
Ivan Voivodov, chef de département au Conseil d'Etat, Sofia

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Adam Mogilnitsky (head of the delegation), Procurator General, Minsk
Ivan Timoshenko, Deputy Minister of the Interior, Minsk

CANADA

Warren Allmand (head of the delegation), Solicitor General of Canada, Ottawa
Dorothy Betz, Court Worker, Native Clan Organization, Winnipeg
J. R. Boyce, Minister of Corrective and Rehabilitative Services, Department of Health and Social Development, Winnipeg
Ian Dubienski, President, Canadian Criminology and Corrections Association, Winnipeg
John W. Ekstedt, Executive Director, Justice Development Commission, Department of the Attorney-General, Victoria

Maurice Gauthier, sous-ministre associé, Ministère de la justice, Québec

John G. Hadwen, Director General, Bureau of Consular Affairs, Department of External Affairs, Ottawa
Donald Irwin, Canadian Participation Director, Ottawa
Gilles Marceau (chef de la délégation), député, secrétaire parlementaire au Ministère de la justice, Ottawa
Frank P. Miller, Canadian Co-ordinator, Ottawa
W. R. Outerbridge, Chairman, National Parole Board, Ministry of the Solicitor General, Ottawa
G. W. Pritchett, Assistant Commissioner, Director Criminal Investigation, Royal Canadian Mounted Police, Ottawa
G. O. Robinson, President Elect, Canadian Association of Chiefs of Police, Halifax
Roger Tassé, C. R., solliciteur général adjoint du Canada, Ottawa

CENTRAL AFRICAN REPUBLIC

Philippe Crozon-Cazin, directeur général de la police, Bangui
Didace Ndayen, commandant en second de la gendarmerie, Bangui

CHILE

Pedro Barros, Tercer Secretario de Embajada, Misión Permanente ante las Organizaciones Internacionales, Ginebra

COLOMBIA

Carlos Osorio, Segundo Secretario de Embajada, Misión Permanente ante la Oficina de las Naciones Unidas en Ginebra
Rafael Enrique Martínez Díaz (Jefe de la delegación), Secretario General Comisión Nacional de Prevención del Delito, Bogotá

COSTA RICA

Jorge A. Montero, Asesor, Ministerio de Justicia, San José

CUBA

René Burguet Flores, Vice-Fiscal General, Habana
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Harri Harmland, Deputy Procurator-General, Berlin

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- Anandwarup Gupta, Advocate, Supreme Court of India, New Delhi, India
- Markku Heikki Antero Halinen, Chief of Prison Staff Training, Ministry of Justice, Prison Administration Department, Helsinki, Finland
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- Francis Han, Director, Finance Committee, International Council on Alcohol and Addictions, Montreal, Canada
- Glen Hancock, National President, John Howard Society of Canada, Halifax, Canada
- H. Wayne Hanna, Director of Professional Services, Research and Staff Development, Shawbridge, Québec, Canada
- David Harris, Director, Demographic and Social Statistics, Statistical Office of the European Communities, Luxembourg
- Burkhard Hasenpusch (Federal Republic of Germany), graduate student, University of Ottawa, Department of Criminology, Canada
- K. Anne Haughton, Superintendent of Prisons, Tai Lam Centre for Women, 16 1/2 miles, Tai Lam Chung, New Territories, Hong Kong
- Mohamad Ali H. Hedayati, correspondent, Téhéran, Iran
- Charles E. Heilmann, Judge of Municipal Court and Professor, Wichita State University, Wichita, Kansas, United States of America
- Michel Hinain, membre du Service du prisonnier, Beyrouth, Liban
- Cheng-Hao Ho, former United Nations Security Lieutenant, Elmhurst, New York, United States of America
- G. Peter Hoefnagels, Professor in Criminology and Juvenile Law, Rotterdam, Netherlands
- Donna Hoff, Teacher, Elmira, New York, United States of America
- Donald Robert Hoff, Professor, Corrections, Elmira College, New York, United States of America
- Bernard Hofley, Assistant Deputy Minister, Department of the Solicitor General, Ottawa, Canada
- John Hogarth, Chairman, Police Commission of British Columbia, Vancouver, Canada
- Ute Höllrigl, Youth Counsellor, Schaffhausen, Switzerland
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- John W. A. Iremonger, Ministerial Officer to Australian Attorney-General, Canberra
- Akira Ishii, Assistant, Keio University, Tokyo, and Member of the Max-Planck Institut für ausländisches und internationales Strafrecht, Freiburg, Federal Republic of Germany
- Alberto Izaguirre Aguirregaviria, Consejero Principal del Instituto Latino Americano para la Prevención del Delito y Tratamiento del Delincuente, San José, Costa Rica
- Ewart B. Jackson, Deputy Commissioner of Police, Police Headquarters, St. Vincent
- S. D. Jamy, Deputy Director (Police and Administration) Academy for Administrative Training, Cabinet Secretariat, Lahore, Pakistan
- Biwe Janhager, Prison Governor, Borås, Sweden
- Jerzy Jasinski, Assistant Professor, Warsaw, Poland
- J. Avery Joyce (Versoix, Switzerland), Barrister, Professor of Law, United Kingdom of Great Britain and Northern Ireland
- Reinhold Kaeser, médecin-chef du Comité international de la Croix Rouge, Genève
- Dimitri Kalogeropoulos, maître de recherche, Centre national de la recherche scientifique, antenne scientifique de l'Université de Paris
- Constantijn Kelk, Member of the Teaching Staff (Criminal Law and Penology), University of Utrecht, Netherlands
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- Eric Paul Kibuka, Professor, Faculty of Law, Makerere University, Kampala, Uganda
- Margaret Dawn Kidney, Chairman, Women's Auxiliary Prisoners' Aid Association of South Australia, Adelaide, Australia
- Raymond John Kidney, Director, Prisoners' Aid Association, Adelaide, Australia
- W. J. Cameron Kirby, Justice, Trial Division, Supreme Court of Alberta, Calgary, Alberta, Canada
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- Hannu Kiuru, Secretary, Supreme Court, Helsinki, Finland
- Ragnar Kolstad, Director, Federal Probation and After-care Organization, Oslo, Norway
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- Serge Kujawa, Director of Public Prosecutions, Department of the Attorney General, Regina, Saskatchewan, Canada
- Virginia Lane, Director, Continuing Education for Law Enforcement, St. Cloud, Minnesota, United States of America
- Tage Larfors, Member of Parliament, Member of the Committee on Justice of the Swedish Parliament, Stockholm, Sweden
- Valerie Ann Lavington, Private Secretary to Australian Attorney-General, Canberra, Australia
- Leon Leiberg, Director, American Correctional Association, College Park, Maryland, United States of America
- Frank McNair Liesching, Governor, His Majesty's Prison, Winchester, United Kingdom of Great Britain and Northern Ireland
- Shan-Tien Lin, Professor of Criminal Law and Criminology, Taipei
- Ove Lindh, Chief Counsel to the Committee on Justice of the Swedish Parliament, Stockholm, Sweden

- Dorothy Linkletter, Volunteer, Chairman of the Juvenile Court Citizen Committee, Pointe-Claire, Québec, Canada
- Ben Lobulu, Legal Practitioner, Legal Corporation of Tanzania, Dar-es-Salaam, United Republic of Tanzania
- Milton Luger, Director, New York State Division for Youth, Albany, New York
- Frederick McClintock, Professor of Criminology and Director of the School of Criminology University of Edinburgh, United Kingdom of Great Britain and Northern Ireland
- Archibald MacCorquodale, National Director of the Salvation Army Correctional Services, Toronto, Ontario, Canada
- Alex MacDonald, Attorney General of British Columbia, Victoria, Canada
- Jack MacDonald, Executive Assistant to the Solicitor General of Canada, Ottawa, Canada
- William T. McGrath, Executive Director, Canadian Criminology and Correctional Association, Ottawa, Ontario, Canada
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- Marika Magnoni, représentante de la Société internationale de défense sociale, New York
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- Gunnar Marnell, Director of the Stockholm Correctional Region, Stockholm, Sweden
- Peter Marshall, Police Commander, New Scotland Yard, Broadway London
- Antoine Martin, chef adjoint de la Division juridique du Comité international de la Croix Rouge, Genève
- Leonard Max, Barrister, Ottawa, Canada
- Guadi José Melendez Ramirez, Ejercicio Libre de la Profesión Penalista, Caracas, Venezuela
- Albert Metzger, Vice President of the Sierra Leone Bar Association, Freetown, Sierra Leone
- Wolf Middendorff, Judge and Criminologist, Freiburg, Federal Republic of Germany
- Cynda Jane Miller, Adult Probation Officer, Ottawa, Canada
- Akira Mitsui, Practicing Lawyer, Member of the Daiichi Tokyo Bar Association, Chiba City, Japan
- Koichi Miyazawa, Professor of Criminal Law and Criminology, Keio University, Tokyo
- Herman G. Moeller, Professor, East Carolina University, Greenville, North Carolina, United States of America
- Martin Moerings, Assistant Professor, Faculty of Law, Section of Criminology, Willem Pompe Instituut, Utrecht, Netherlands
- Carlo Moretti, directeur, *Revue internationale de criminologie et de police technique*, Genève
- Frederic Moyer, Director, National Clearinghouse for Criminal Justice Planning and Architecture, Champaign, Illinois, United States of America
- Ella Mueller, Lutheran Church Auxiliary, Salzgitter-Bad, Federal Republic of Germany
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- André Normandeau, directeur de l'Ecole de criminologie, Université de Montréal, Canada
- Ola Nyquist, Member of Parliament, Committee on Justice, Associate Professor of Criminal Policy, Uppsala, Sweden
- Dietrich Oehler, Professor of Criminology, University of Cologne, Federal Republic of Germany
- William Patrick O'Hara, Police Officer, Metropolitan Police, London
- Charles Chukwuma Okolie, Professor of Law and Director of Lewis University College of Law Center for International Criminal Justice Studies, Glen Ellyn, Illinois, United States of America
- James H. Olila, Director, Rural Crime and Justice Institute, Dordrecht, Netherlands
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- Oliver N. Philip, Commissioner of Police, Police Headquarters, Roseau, Dominica
- Vallipuram N. Pillai, former Director of Prisons of Sri Lanka and former Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders in Japan, Colombo, Sri Lanka
- Juan Mendoza Pimentel, Profesor de Criminología a U.C.V., Caracas, Venezuela
- Christopher Poklewski-Koziell, Deputy Editor, *State and Law Review*, Institute of Legal Sciences, Warsaw, Poland
- Narciso Ponferrada, Catholic Chaplain (Observing American Correctional System—Texas Department of Corrections, Huntsville, Texas), Philippines
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- John Lochiel Robson, Director, Criminological Studies, Victoria University of Wellington, New Zealand
- Mauro Antonio Rodriguez Leegi, Profesor de la Universidad de Chihuahua, Mexico
- Carmen B. Romero de Encinosa, Juez Superior Septimo en lo Penal del Distrito Federal y Estado Miranda, Caracas, Venezuela
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- Fernando Toro Sanchez, Profesor, Instituto de Criminologia de la Facultad de Derecho, Universidad de Carabobo—Valencia, Venezuela
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- Kyoko Tsunekawa, Assistant Chief, Liaison and Research Section, Rehabilitation Bureau, Ministry of Justice, Tokyo
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- Gustavo-Adolfo Vargas, juriste, Managua, Nicaragua
- Charles C. Vermeer, Assistant Professor, Rotterdam, Netherlands
- Jose Benedito Viana de Moraes, Director, Departamento de Criminologia—Inst. Advogados, São Paulo, Brasil
- Jacques Vigne, Comité international de la Croix Rouge, Institut Henri Dunant, Genève
- Pekka Antero Viirre, Secretary of the Diakonia Board on Finnish Lutheran Church, Helsinki, Finland
- Hans-Georg Voelkel, Government Official, Berlin, Federal Republic of Germany
- Frederick Ward, Executive Vice President, National Council on Crime and Delinquency, Hackensack, New Jersey, United States of America
- Russel Earl Webb, Assistant Director, American Bar Association Corrections Commission, Washington, D.C.
- Judith Weintraub, Secretary, Alliance of Non-Governmental Organizations on Crime Prevention and Criminal Justice, New York
- Norman B. Willans, attaché de recherches légales, Service des recherches, bibliothèque du Parlement, Ottawa, Canada
- Birgitta E. Wolf, President of Nothilfe Birgitta Wolf E. V., German rehabilitation organization, and honorary member of the German Society of Criminology, Murnau, Federal Republic of Germany
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- Hamid Uz-Zafar, retired Government Servant, Researcher in the field of Correction, Karachi, Pakistan
- Louis Ziskind, Executive Director, Gateways Hospital and Community Mental Health Center, Los Angeles, California, United States of America

Annex II

RULES OF PROCEDURE OF THE CONGRESS

I. PARTICIPANTS IN THE CONGRESS

Rule 1

The Congress shall include four categories of participants:

- (a) Members officially designated by their Governments as delegates to the Congress;
- (b) Individual members having a direct interest in the field of crime prevention and criminal justice, including representatives of

criminological institutes and of national organizations concerned with crime prevention and criminal justice;

- (c) Observers designated by national liberation movements invited to the Congress;
- (d) Observers from the specialized agencies of the United Nations, or from other intergovernmental organizations or from non-governmental organizations in consultative status with the Economic and Social Council and interested in the matters before the Congress.

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 Executive Secretary of the Congress via official channels. The name of the head of the delegation and of the delegate or delegates who in his absence are authorized to act as head of the delegation, including the casting of votes for the delegation, shall be communicated to the Secretariat upon registration at the Congress.

Rule 3

Each specialized agency, intergovernmental organization, non-governmental organization and national liberation movement which proposes to participate in the Congress shall communicate the names of its observers to the Executive Secretary of the Congress.

Rule 4

Persons who meet the requirements for individual participation, as determined by the Secretariat, may attend the Congress as individual members upon acceptance of their applications 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 with the approval of the Committee on Crime Prevention and Control.

Rule 6

The work of the Congress shall be conducted in plenary meetings and in meetings of the Steering Committee and of not more than five sections.

Rule 7

In accordance with a programme drawn up by the Secretariat, all agenda items, with the exception of the elections and the adoption of the rules of procedure and of the agenda, shall be assigned to the sections or the Steering Committee, and each item shall first be considered by the section or the steering committee to which it is assigned. Subsequently the conclusions of the sections shall be considered in plenary meetings.

The recommendations and decisions of the Steering Committee shall be transmitted to the organ concerned for consideration or information, as appropriate.

Rule 8

Sections I, II and III shall meet simultaneously during the first part of the Congress; the plenary and sections IV and V shall meet simultaneously during the second part of the Congress.

Rule 9

Participants may elect to take part in the work and consideration of up to two agenda items, provided the items are not considered concurrently.

Rule 10

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

Rule 11

The deliberations of each section shall be synthesized by the section's Rapporteur in a report which, together with the conclusions adopted by the section, shall be presented by the Rapporteur to the Congress in a plenary meeting. Summary records of the proceedings will not be provided, although minutes will be taken for use by the Rapporteurs and the Secretariat.

III. OFFICERS

Rule 12

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

Rule 13

At its opening meeting the Congress shall elect a President and up to 15 Vice-Presidents. The election of an honorary President and honorary Vice-Presidents will be at the discretion of the Congress.

Nominations for President and Vice-Presidents may be made for any delegation and will be retained if seconded by another delegation. If more nominations are received than are required to fill the offices available, a vote shall be taken in accordance with the provisions of rule 29.

Rule 14

The Secretary-General of the United Nations shall designate, in advance of the Congress from among the registered members, a Chairman, a Vice-Chairman and a Rapporteur for each section and a General Rapporteur for the plenary, and in their selection regard shall be had to an equitable geographical distribution of posts. The list of these officers shall be placed before the Congress at its first plenary meeting for affirmation. The Secretary-General may also appoint Consultants to the Congress for the plenary meetings and the sections.

IV. CONDUCT OF BUSINESS

Rule 15

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 meetings, ensure the observance of these rules, put questions to the vote 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 16

The President may request that each participant who wishes to take part in the discussion shall complete, in advance of the meeting, a speaker's form indicating briefly the subject of his intervention.

Rule 17

The President may limit the time allowed to each speaker and the number of times each participant may speak on any question. When debate is limited and a participant has spoken his allotted time, the President shall call him to order without delay.

Rule 18

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 President 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 the points which each speaker proposes to discuss as well as to equitable geographical representation.

Rule 19

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 20

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 24 hours before it is discussed and voted upon, unless the Congress decides otherwise.

Rule 21

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 15, 16, 17 and 18.

Rule 22

In section meetings where the discussions are being initiated or guided by a panel of experts, the right to speak shall first be accorded to persons selected from the panel of experts or to persons who have completed a speaker's form in accordance with rule 16. In the ensuing general discussion all participants shall have the right to ask for the floor, subject to the provisions of rules 17 and 18. The Chairman's decision on recognition and order of speakers shall be final.

Rule 23

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.

Rule 24

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

V. STEERING COMMITTEE

Rule 25

The Steering Committee shall be composed of the President of the Congress, or, in his absence, a Vice-President designated by him, the representative of the Secretary-General of the United Nations, a representative of the host Government of the next Congress, the Chairmen of the five sections and the Executive Secretary of the Congress. The Steering Committee may co-opt up to five additional members to participate in its meetings.

Rule 26

The Steering Committee shall elect its own Chairman, Vice-Chairman and Rapporteur from among its membership. The Steering Committee shall meet daily on each working day of the Congress, and it shall set the schedule of its meetings.

Rule 27

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.

Rule 28

The decisions of the Steering Committee shall be made by a majority of its 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 delegations present and voting. A delegation which abstains from voting is considered as not voting.

Rule 31

Subsequent to any vote taken in accordance with rule 29 the President may request, for consultative purposes, that the views of observers and individual members be expressed by a show of hands.

Rule 32

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

VII. LANGUAGES

Rule 33

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

VIII. REPORT OF THE CONGRESS

Rule 34

The report of the Congress shall be prepared by the Secretariat of the United Nations and distributed as soon as practical and not later than six months after the close of the Congress to the participants as well as to all States Members of the United Nations.

IX. GENERAL PROVISION

Rule 35

Any question not specifically covered by these rules shall be settled by the President 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 information pamphlet, prepared in four languages by the United Nations Secretariat, was distributed to all participants. The reports of 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.56/1/Rev.1/Corr.1	Provisional agenda and organization of work
A/CONF.56/2/Amend.1	Provisional rules of procedure
A/CONF.56/3	Changes in forms and dimensions of criminality—transnational and national Working paper prepared by the Secretariat
A/CONF.56/4	Criminal legislation, judicial procedures and other forms of social control in the prevention of crime Working paper prepared by the Secretariat
A/CONF.56/5	The emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance Working paper prepared by the Secretariat
A/CONF.56/6	The treatment of offenders, in custody or in the community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations Working paper prepared by the Secretariat
A/CONF.56/7	Economic and social consequences of crime: new challenges for research and planning Working paper prepared by the Secretariat
A/CONF.56/8	Torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment ^a
A/CONF.56/9	Health aspects of avoidable maltreatment of prisoners and detainees Paper prepared by the World Health Organization
A/CONF.56/BP/1	Report on the Asian Regional Preparatory Meeting of Experts on the Prevention of Crime and the Treatment of Offenders Note by the Secretary-General
A/CONF.56/BP/2	Report on the Latin American Regional Preparatory Meeting of Experts on the Prevention of Crime and the Treatment of Offenders Note by the Secretary-General
A/CONF.56/BP/3	Report on the European Regional Preparatory Meeting of Governments on the Prevention of Crime and the Treatment of Offenders Note by the Secretary-General
A/CONF.56/BP/4	Report on the African Regional Preparatory Meeting of Experts on the Prevention of Crime and the Treatment of Offenders Note by the Secretary-General
A/CONF.56/CRP.1	Draft principles on freedom from arbitrary arrest and detention, and amendments thereto proposed in the study of the right to communicate
A/CONF.56/NGO/1	The role of the police—in terms of their crime prevention and social activities Paper prepared by the International Criminal Police Organization (INTERPOL) English and French
A/CONF.56/NGO/2	Proposals on the protection of all persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment Paper prepared by the International Commission of Jurists

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.

^a Analytical summary by the Secretary-General (A/10158).

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