

1957

First U. N. Congress on the Prevention of Crime and the Treatment of Offenders, The

Manuel Lopez-Rey

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Manuel Lopez-Rey, First U. N. Congress on the Prevention of Crime and the Treatment of Offenders, The, 47 J. Crim. L. Criminology & Police Sci. 526 (1956-1957)

This Article is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

THE FIRST U. N. CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS*

MANUEL LOPEZ-REY

Professor Manuel Lopez-Rey is Chief of the U. N. Section of Social Defense. His career includes professorships in the Universities of Madrid, Venezuela, Peru, Chile, Argentine, Uruguay and La Paz. He was Director General of the Spanish Ministry of Justice in 1936 and Minister Plenipotentiary to Bucharest, 1937 to 1939. He has been delegate or legal adviser to many international conferences and seminars, including the U. N. Seminar on the Institutional Treatment of Juvenile Offenders in 1954. His most recent publications (in English) are "International Cooperation by the U. N. in the Prevention of Crime and the Treatment of Offenders" (1953), and "Considerations on the Institutional Treatment of Juvenile Offenders" (1954). His latest publication in this journal is in Volume 46 at p. 605 ff. (January-February, 1956) on the subject, "Pedro Dorado Montero"—one of the units of our "Pioneers in Criminology" series.—EDITOR.

I. ANTECEDENTS OF THE CONGRESS

In 1950, after some protracted negotiations, the functions of the old International Penal and Penitentiary Commission were transferred to the United Nations by General Assembly Resolution 415(V). The transfer was the logical consequence of an historical trend in which the following elements deserve to be mentioned: (1) the expansion, as a result of political changes all over the world, of the meaning and extent of the term "international co-operation," changes which made it difficult to consider as internationally representative what was rather representative of a regional co-operation; (2) the growth of the United Nations activities in the social field; (3) the social character assigned to programs and policies for the prevention of crime and the treatment of offenders, a character which was considered as more appropriate than the legal approach still prevailing in the existing international organizations dealing with these matters; and finally, (4) although not as part of the trend but as a matter of policy, the desire expressed by a substantial number of member-states of the United Nations to avoid overlapping activities and duplication of expenses.

After World War II, a new concept of international community and organization emerged, and therefore new forms of international co-operation, in which the historical leadership exercised by certain countries became less exclusive, were considered necessary. Consequently the close relationship between forms of international community and those of international co-operation raised the question as to which, if any, of the existing organizations would be flexible enough to adapt its structure and scope to the new international situation. Whether or not this process of adaptation was ever attempted is at present an academic question. What cannot be denied is that none of the already existing organizations took over, and therefore something new, more in accordance with the existing circumstances, was needed. For the United

* The author asks us to say that the opinions expressed in the follow article are not necessarily those of the Secretariat of the United Nations.

Nations the situation was far more favorable. Since 1946, it had adopted a program of social defense in which, as opposed to past international activities in the matter, the social character of policies directed toward the prevention of crime and the treatment of offenders was particularly stressed.¹ Since its inception, this program was considered to form part of the broader one dealing with the social policy of the United Nations, and as a result of this relationship it was also felt that specialists and professionals other than jurists and administrators should participate in the preparation and application of policies dealing with crime, delinquency and prisoners. Briefly, the universal character of the United Nations made possible not only an international policy of social defense on a worldwide basis, but also the enlargement of the field of the prevention of crime and treatment of offenders, which until then was largely envisaged from a juridical point of view. This universality and enlargement gave to these activities a new impetus. This explains why in 1948, by Resolution 155 C (VII) the Economic and Social Council stated that the United Nations should assume leadership in the study of the prevention of crime and the treatment of offenders, having regard to international and national organizations which have interests and competence in this field, and making the fullest use of their knowledge and experience. Accordingly, a group constituted by principal international non-governmental organizations was created.² Therefore in order to understand the character and purpose of the Geneva Congress, it is convenient to remember that before the transfer of functions of the I.P.P.C., the United Nations had an extensive program of its own in social defense matters, and that this transfer was considered from the beginning as an integration of these functions into those of the United Nations on the same matter. Consequently, the transfer governed by General Assembly Resolution 415(V) did not create within the United Nations program of social defense a separate group of functions or a special program. This explains why, although historically a continuation of previous I.P.P.C. Congresses, that organized by the United Nations at Geneva in 1955 differed in more than one respect from those organized by its predecessor.³ The similarity between both kinds of Congress required by paragraph (d) was maintained especially concerning some working methods and the participation of governments and individuals. On the other hand, the more universal character of the United Nations, its structure, policies and programs and the existence of non-governmental organizations imposed from the beginning marked characteristics on the Geneva Congress.

¹ The term "social defense" is somewhat misleading, cannot be considered as particularly fortunate and should not be taken to refer to any school of penal or criminological thought. Administratively, it embraces in the United Nations: (1) the prevention of crime; (2) the treatment of offenders; (3) juvenile delinquency; (4) prostitution and related matters, and (5) permanent administrative action in connection with these activities.

² These organizations have been granted consultative status by the Economic and Social Council.

³ The Geneva Congress was organized in accordance with paragraph (d) of the resolution which reads as follows:

"The United Nations shall convene every five years an international congress similar to those previously organized by the I.P.P.C. (International Penal and Penitentiary Commission) Resolutions adopted at such international congresses shall be communicated to the Secretary-General and, if necessary, to the policy-making bodies."

As far as prevention of crime and treatment of offenders are concerned, the policy of the United Nations in the field of social defense is characterized by the following:

- (1) Establishment of an international criminal policy with a social purpose and a work program on a real worldwide basis;
- (2) Leadership in co-ordination of the activities called for by that policy;
- (3) Provision of technical assistance in order to make the criminal policy more effective;
- (4) Dissemination of information on social defense matters;
- (5) Establishment and operation within the Secretariat of a technical administrative organization.⁴

Although related to the splendid past Congresses of the old I.P.P.C., the Geneva Congress had its own special characteristics which reflected the social character of the United Nations activities in the prevention of crime and the treatment of offenders.

II. ORGANIZATION AND AGENDA OF THE CONGRESS

The Congress grouped three categories of participants, namely members officially appointed by their governments, observers of specialized agencies and of non-governmental organizations, and individual observers. Fifty-one governmental delegations were present; W.H.O., I.L.O., U.N.E.S.C.O., the Council of Europe and the Arab League were represented. Forty-three non-governmental and 235 individual participants attended the Congress. In other words, 61 countries and territories were represented and 521 persons were present. No congress in the past has had such a variety of countries represented or such a high number of participants.

The Congress was held at the Palais des Nations, Geneva, Switzerland, from August 22 to September 3, 1955. The agenda included the following items:

- (1) Standard minimum rules for the treatment of prisoners;
- (2) Selection and training of personnel;
- (3) Open institutions;
- (4) Prison labor;
- (5) Prevention of juvenile delinquency.

Reports covering the three first questions of the agenda were prepared by the Secretariat and were adopted as the basic documents for the discussions of the Congress. These reports contained a synthesis of the discussions on the subjects which had already taken place at the various regional conferences organized by the United Nations as well as some of the conclusions adopted by these conferences. With respect to the standard minimum rules, the Secretariat after a comparative and analytical study of these regional conclusions submitted in its report a rules project which, with some modifications, was adopted by the Congress. Similar reports on the selection and training of personnel and open institutions were prepared by the Secretariat and adopted with some change by the Congress. These questions were dealt with additionally by a series of national reports describing the situation in various countries in different regions and prepared at the request of the Secretariat. With respect to open institutions two special reports on certain aspects were prepared

⁴ For information on these aspects, see *International Co-operation by the United Nations in the Prevention of Crime and the Treatment of Offenders* by MANUEL LOPEZ-REY, in PROCEEDINGS, AMERICAN PRISON ASSOCIATION, 1953, New York.

by two consultants appointed by the United Nations.⁵ The question of prison labor, one of the most important in modern penology, was discussed on the basis of a report prepared in collaboration with the International Labour Organization by a consultant engaged for this purpose by the United Nations.⁶ The report examines legal and administrative bases of prison labor; systems of organizing prison labor; the organization of prison labor for public works; the question of competition and remuneration; prisoners; occupational background and prison labor and measures of social protection. To a great extent, the information contained in this report was based upon replies to a vast international labor inquiry sent to individual correspondents of the United Nations in the field of the prevention of crime and the treatment of offenders, and to correspondents of the International Labour Organization. Other supplementary sources of information were used.

With respect to the prevention of juvenile delinquency, a general report was prepared by the Secretariat.⁷ In addition, and as consultant especially engaged by the Secretariat, the Institute for the Study and Treatment of Delinquency, London, prepared a survey on "The Prevention of Juvenile Delinquency in Selected European Countries."⁸ Special papers on certain aspects of the problem were prepared by I.L.O., W.H.O., U.N.E.S.C.O. and some non-governmental organizations.⁹ Briefly, the documentation submitted to the Congress amounted to 120 reports, studies and papers.

III. RESOLUTIONS AND RECOMMENDATIONS

Time and space allow only a brief consideration of the resolutions and recommendations concerning the different items on the agenda.¹⁰

A. Standard Minimum Rules for the Treatment of Prisoners

The Congress adopted the Standard Minimum Rules for the Treatment of Prisoners originally drawn up by the old I.P.P.C. in 1929 and taken over by the United Nations for review in 1949. The revised text was discussed by the different regional groups on social defense matters organized by the United Nations.

Although the Congress did not substantially modify the project of the Secretariat, it introduced changes which were the result of interesting discussions. A second and

⁵ The reports are *The Place of the Open Institution in the Penal System and the Community, and Selection of Offenders Suitable for Treatment in Open Institutions*, prepared respectively, by SIR LIONEL FOX, Chairman of the Prison Commission for England and Wales, and JOSE A. MÉNDEZ, Director, Institute for the Training of Prison Personnel, Venezuela.

⁶ See *PRISON LABOUR*, United Nations Publication, Sales No. 1955. V. 7, by Professor RALPH ENGLAND, Department of Sociology, University of Chicago, U. S. A.

⁷ The report has been published in English, French and Spanish, in *INTERNATIONAL REVIEW OF CRIMINAL POLICY*, United Nations Publications, Sales No. 1955. IV. 10 Nos. 7-8.

⁸ See United Nations Publication, Sales number 1955. IV. 12.

⁹ Those prepared by the three specialized agencies have been published in *INTERNATIONAL REVIEW OF CRIMINAL POLICY*, United Nations Publication, Sales No. 1956. IV. 1, No. 9.

¹⁰ The recommendations and resolutions of the Congress have already been published by the Secretariat as document A/CONF. 6/L. 17, and also in the Report of the Congress: "First United Nations Congress on the Prevention of Crime and the Treatment of Offenders," United Nations Publication, Sales No. 1956, IV. 4. This is available in English, French and Spanish.

larger group of amendments was constituted by those intended to give to national prison administrations greater latitude in the application of certain rules. Finally a small third group of amendments aimed at stressing the social character of the rehabilitation of prisoners.

The application of the Rules to Trust and Non-Self-Governing Territories by the metropolitan governments raised a rather vivid discussion which led to the modification of rule 3. In accordance with article 73 of the Charter of the United Nations and past and present experience, the Secretariat submitted a text by which the hope was expressed that in spite of certain difficulties, the metropolitan governments responsible for the administration of such territories will use their best endeavors to ensure that both the principles and the practice of the Rules are followed to the maximum extent compatible with the conditions and resources of these territories.

The opposition to this rule was raised by two different groups of delegations, one constituted by the delegations of metropolitan powers for which the reference to any specific obligation was unnecessary, and the second by delegations representing newly independent countries for which any recognition, even indirect, of two kinds of countries, was considered as no less unnecessary. Although the Secretariat, supported by several delegations, endeavored to maintain some reference to the implementation of the rules in non-independent territories, rule 3 was eventually approved without mentioning any administrative responsibility as resulting from article 73 of the Charter.

Another question which led to interesting and opposing interventions was the role of religion in the treatment of offenders. On the basis of constitutional provisions several representatives opposed the amendments by which the prison administration would assume certain responsibilities as far as religion or religious services were concerned. Others, on the basis of the existing variety of religions within the same country, raised the question of the practicality of imposing upon the administration or the state obligations which would be almost impossible to fulfil. Eventually, a compromise was reached by which the different points of view were met.

As adopted by the Congress, the rules shall be applied impartially and there shall be no discrimination on grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status (rule 6). With respect to discipline, no prisoner shall be employed in the service of the institution in any disciplinary capacity (rule 28). According to the same rule this prohibition shall not, however, impede the proper functioning of systems based on self-government. The prison system shall not, except as incidental to justifiable segregation, aggravate the suffering inherent to the deprivation of liberty (rule 57). Consequently, it was also adopted that the regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings (rule 60). Therefore, the treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it (rule 61). Accordingly, the fulfillment of the principles recommended requires individualization of treatment and a flexible system of classifying prisoners in groups which should be distributed in separate institutions suitable for the treatment of each group (rule 63).

With respect to the question of maximum security prisons, still favored in some countries as a general feature, the trend in the Congress was frankly in favor of reducing them as much as possible. To that effect and on the basis of a careful selection of prisoners, the same rule states that open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favorable to rehabilitation.

The question of the size of prisons was also considered by the Congress. Although the variety of countries prevented the adoption of any standard applicable to all countries, it was felt that large prisons do not facilitate the rehabilitation of prisoners. As a flexible formula, which nevertheless reflects the modern trend against large institutions, it was considered desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is felt that the population of such institutions should not exceed 500. In open institutions the population should be as small as possible. On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided (rule 63).

The rules, 94 in all, devote special attention to classification and individualization; education and recreation; social relations and after-care; insane and mentally abnormal prisoners; prisoners awaiting trial and civil prisoners.

The importance of the rules is considerable and their faithful application would constitute not only a penological progress but also a social one.¹¹ This raises the question as to whether all the rules represent a minimum or, as has been advanced, whether some of them aim at a maximum in the treatment of prisoners. The answer to this question will depend on the development of the prison system concerned. More often than expected, otherwise progressive prison systems are lacking sanitary or hygienic facilities or an adequate organization of prison labor. Actually, even among the most progressive prison systems there is still room for the application of the minimum rules. With respect to less developed countries the gap is usually greater but there again it should be noted that in some of these countries certain prison problems, still waiting for a solution in more highly developed countries, have already been solved, among them the question of remuneration of prison labor, and marital visits. Briefly, in prison matters, it is more difficult than in other fields to maintain a rigid distinction between more and less developed countries or even to pretend that the former have little in common with the latter. In this respect, the Geneva Congress clearly showed that this historical attitude is obsolete. Finally, it should be remembered that the term "maximum" has a relative value and that today's maximum may be tomorrow's minimum. Therefore, the rules, although having before them a long life represent, as rule 1 states, a contemporary thought.

B. Selection and Training of Personnel

The recommendations on the Selection and Training of Personnel for Penal and Correctional Institutions deal with the concept of prison service, the status of staff and conditions of service, and the recruiting of staff and professional training.

¹¹ See, *L'Ensemble des règles pour le traitement des détenus* by MANUEL LÓPEZ-REY, in *REVUE INTERNATIONALE DE CRIMINOLOGIE ET DE POLICE TECHNIQUE*, 9: 3, 1955, Geneva.

Prison service is considered as a social service demanding ability, appropriate training and good teamwork on the part of every member (Recommendation I). Consequently, the staff should also be constituted by specialists such as doctors, psychiatrists, psychologists, social workers, teachers and technical instructors. This healthy tendency should be favorably considered by governments even though additional expenses would be involved (II).

In order to avoid the inconvenience of excessive specialization in the services, it is stated that the necessary specialization may, however, hamper an integrated approach to the treatment of prisoners and present problems in the co-ordination of the work. Consequently, it would be necessary to ensure that all the specialists concerned work together as a team and to ensure, by the appointment of a co-ordinating committee or otherwise, that all the specialized services follow a uniform approach (III).

When the question of the status of staff was discussed, only two countries supported the advisability of considering military people as particularly desirable for prison service. The overwhelming majority of the Congress was against such an obsolete conception of prison service. Therefore, it was recommended that the prison staff should be organized on civilian lines with a division into ranks or grades as this type of administration requires. Staff should be especially recruited and not drawn from the armed forces or police or other public services (VII). This recommendation, however, does not prevent an individual military or police man from being appointed as director or to any other post provided he is adequately qualified for these functions by reason of his character, administrative ability, training and experience, but the simple fact that a man is a member of the armed or police forces does not automatically enable him, from a professional point of view, to become director or to fulfil any other executive functions. Where persons from the outside with no previous experience in the field but with proved experience in similar fields are recruited as directors or assistant directors they should, before taking up their duties, receive theoretical training and gain practical experience in prison work for a reasonable period of time, it being understood that a diploma granted by a specialized vocational school or a university degree in a relevant subject may be considered as sufficient theoretical training (XVIII).

Political appointment of staff was considered inadvisable. A fulltime prison staff should have civil servant status and should be governed by civil service rules, being recruited according to these rules and having security of tenure subject only to good conduct, efficiency and physical fitness. They should have a permanent status and the conditions of the institutional staff should be sufficient to attract and retain the best qualified persons (IV, VI).

With respect to professional training, before entering on duty, the staff should be given a course of training. The content and purpose of this training vary according to the categories of staff: custodial, executive and specialists. Regional training institutes were recommended as well as in-service training, discussion groups, seminars for senior personnel and joint consultation and meeting for all grades of staff (XVI to XXIV).

C. Open Penal and Correctional Institutions

The question of open institutions already considered by The Hague Congress of 1950 was discussed at the United Nations regional groups of Geneva, Rio de Janeiro, Cairo and Rangoon. On the basis of the recommendations of these groups, the Secretariat prepared a project which was used as the basic document on the matter.

Against the standard walled prison of 19th century penology, modern penology is firmly based on the open institution. Actually, standard minimum rules, selection and training of personnel and open institutions constitute the three basic elements of any modern prison system. Among other things, the open institution is based on the already recognised fact that not all offenders need to be sent to prisons. The maximum security prison has at present a limited purpose. Experience has shown that against all expectations, such a prison neither facilitates the rehabilitation of offenders nor protects society adequately. Although still needed, custody, control and security are not any more the three main determining factors in the treatment of offenders. Modern penology has given to these elements a content and purpose which differs in many respects from those reflecting a physical conception of them.

From the discussions and recommendations of the Congress on the matter, the success of the open institution requires careful selection of prisoners, adequate staff and co-operation from the community. These three elements as well as the characteristics and purposes of the open institution have been developed by the Congress in nine recommendations according to which an open institution is characterized by the absence of material or physical precautions against escape (walls, locks, bars, armed or other security guards), and by a system based on self-discipline and the inmate's sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open institution from other types of institution, some of which are run on the same principles without, however, realizing them to the full (Recommendation I). This last remark is of particular importance because in some countries what are no more than prison or labor camps are erroneously considered to be modern open institutions. In this respect the open precinct in which sometimes thousands of prisoners live temporarily, and from which they are daily taken to work in the construction of public works, can hardly be considered as having the characteristics assigned to open institutions by the Congress.

Prisoners may be sent to open institutions either at the beginning of their sentence or after they have served part of it in an institution of a different type (III). The criterion governing the selection of prisoners for admission to an open institution should be, not the particular penal or correctional category to which the prisoner belongs, nor the length of his sentence, but his suitability for admission to an open institution and the fact that his social readjustment is more likely to be achieved by such a system than by treatment under other forms of detention. The selection should, as far as possible, be made on the basis of a medico-psychological examination and a social investigation (IV). The number of inmates should remain within such bounds so as to enable the director and senior officers of the staff to become

thoroughly acquainted with each prisoner. Also, it is considered necessary to obtain the effective co-operation of the public in general and of the surrounding community in particular for the operation of these institutions (VI). Although in the open institution the risk of escape seems to be greater than in the closed one, experience shows that in those countries where these institutions have been properly organized and carried on, such a risk is rather minimal. In fact, in some cases, the number of escapes is less than that from closed institutions.

The advantages of the open institution were summarized by the Congress as follows:

The Congress:

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

ii) Believes that the system of open institutions could contribute to decreasing the disadvantages of short term sentences of imprisonment;

iii) Consequently recommends the extension of the open system to the largest possible number of prisoners, subject to the fulfilment of the conditions set forth in the foregoing recommendations;

iv) Recommends the compilation of statistics supplemented by follow-up studies conducted, in so far as possible, with the help of independent scientific authorities, which will make it possible to assess, from the point of view of recidivism and social rehabilitation, the results of treatment in open institutions.

D. Prison Labor

The question of prison labor was also considered to be of exceptional importance. Mr. Cornil, delegate from Belgium, lamented that although prison labor had been the subject of examination and recommendation for many years, the prison labor situation in the world today is poor indeed. He stressed unemployment in the prisons, underemployment and excessive assignments to tasks of maintenance and "house keeping" which could be done efficiently by a much smaller number than was actually assigned to this task and declared that prison labor in general is based on outmoded technical methods and that good technical training was an exception in the prison today. He referred to the inadequacy of remuneration schemes and pointed out that unfortunately social security schemes, with few exceptions, did not apply to prisoners. Further, Mr. Cornil proposed a declaration by which the working conditions of prisoners should be equal to those provided on the outside with respect to working hours, working methods, remuneration and social security.¹² Mr. Cornil's point of view was supported by a considerable number of delegates. Others, although associating themselves with his statement, pointed out the great gap between principle and practice.

When the recommendation concerning the methods of organizing working methods was under consideration by the plenary meeting, an amendment giving preference to the state-use system was introduced.¹³ The amendment gave rise to several interventions, some of them opposing it and others pointing out that as much as the

¹² Secretariat's summary notes of the meetings. Prison Labour, First session.

¹³ The preference recommended by this amendment had been considered as unadvisable during the discussions on Prison Labour in Section II.

integration of prison labor with national economy was being postponed and recommended as an item for further study, the Congress might find it premature to make, at the present time, a definite assertion that the state-use system should be preferred to any other systems. After further discussions on the matter, the amendment was adopted by 15 votes in favor, 14 against, with 1 abstention. Several delegations refrained from participating in the voting.

According to the recommendations of the Congress all prisoners under sentence should be required to work subject to their physical and mental fitness as determined medically. Work is not to be conceived of as additional punishment but as a means of furthering the rehabilitation of the prisoner. The precautions laid down to protect the safety and health of free workmen should likewise be observed in institutions. Industrial accidents and diseases should be compensated on terms no less favorable than those granted by law to free workmen. Prisoners should receive an equitable remuneration for their work. This remuneration should be adequate enough to stimulate keenness and interest in the work. In planning prison labor programs, greatest possible reliance should be placed on the use of open institutions in order not only to provide the variety of occupational opportunities afforded by open institutions but also to enable prison labor to be carried out under conditions approximating those of free labor.

With respect to the distinction between prison labor and forced labor, the Congress recommended that in any revision of the Convention concerning forced labor it would be desirable to exclude from the definition of forced labor the employment of selected prisoners by private employers or public enterprises outside the prison in such ways as are likely to assist their rehabilitation, subject always to such safeguards in respect of wages and conditions of work as are necessary to prevent exploitation, inasmuch as this is a vital element of progressive penal policy.

The recommendations refer also to the working conditions of prison labor, vocational training, labor programs and management and organization of prison labor. As proposals for further study, the Congress recommended: integration of prison labor with the national economy; methods of remuneration; appropriate prison labor programs for special categories of offenders; problems encountered with respect to labor programs for untried prisoners; and measures to be taken so that the sentence of a prisoner is not an insurmountable obstacle to his finding work after release.

E. Prevention of Juvenile Delinquency

In many countries, juvenile delinquency is considered, at present, as one of the most serious problems. This may explain why more than half of the participants and the majority of the non-governmental organizations preferred to attend the discussions of Section III of the Congress, exclusively devoted to the prevention of juvenile delinquency.

The Secretariat submitted a report in which, among others, the following aspects of the problem were examined: criteria used in defining juvenile delinquency; difficulties in measuring the extent of juvenile delinquency; résumé of approaches to the study of causation; the place of, and approaches to prevention; role of the state, community family, school, police, social services and juvenile courts; and review of

the existing situation. The report raised several questions as a basis for the discussions. Thus, it pointed out that the term "juvenile delinquency" suffers from overgeneralization and that this term is not interchangeable with the no less overgeneralized terms "maladjustment" or "anti-social behavior;" that in preventing juvenile delinquency not only the minor but society as well should be protected; that preventive policies should aim at enabling the minor to behave in accordance with an accepted system of values; that terms such as "potential delinquent" or "pre-delinquent" are open to some criticism and that any standard prediction method aiming at establishing these situations raises, also, some reservations; that effective co-ordination and a realistic approach are essential in the formulation of preventive policies.¹⁴

Although the complexity of the subject and the variety of opinions expressed and suggestions made, did not make consideration of the problem easy at the beginning, the ensuing discussions and eventually the recommendations and conclusions adopted by the Congress fully justified the discussion of the problem on a worldwide basis.

With respect to the role of the community, the Congress reached specific conclusions one of which, deserving special mention, was that policies and programs of general social welfare are not sufficient by themselves to dispense with the need for more specific policies that focus attention on juvenile delinquency and its prevention. Concerning the family and school, the Congress adopted a series of recommendations among which parental guidance, and auxiliary psychological and social services were considered of exceptional importance.

With respect to social services including health services the Congress referred, *inter alia*, to the effectiveness of these services which should lead, it is believed, to the diminution of juvenile delinquency. Better results can be achieved if the action of such services is exercised in complete agreement and close collaboration with traditional social institutions. However, it should be observed that some caution is desirable in the method and extent of providing such services; the individual should be encouraged to retain a sense of personal responsibility to avoid passive dependence. He should be helped to cope with his frustrations and other difficulties rather than led to expect their removal. The Congress recommended further research relating to the definition of the term "juvenile" to delinquency causation, prediction and prevention. In this respect, it was stated that comparative, co-ordinated and interdisciplinary research should be carried out in order to determine the relative effects of programs on different countries. The last part of the report of the Congress states:

The United Nations is urged to continue its support of significant research in these fields. The Congress wishes to go on record in praise of the program adopted by the United Nations and its Specialized Agencies as disclosed in the valuable and comprehensive study prepared by the Secretariat of the United Nations in the Report on the Prevention of Juvenile Delinquency.¹⁵

V. FINAL REMARKS

The fact that the Congress was part of the program and machinery of the United Nations explains why it cannot be considered, as apparently some expected, as a

¹⁴ See report on *The Prevention of Juvenile Delinquency* in issue 7-8 of the INTERNATIONAL REVIEW OF CRIMINAL POLICY, United Nations Publication, Sales No. 1955. IV. 10.

¹⁵ Document A/CONF. 6/L. 17, p. 47.

gathering in which matters would be discussed from an exclusively scientific point of view. Without entirely lacking such a character, the Congress as an element of that machinery examined a substantial part of the program for social defence of the United Nations, studied the conclusions reached at several regional groups and other international gatherings and made some recommendations thereon.

The Congress requested the Secretary-General to forward its resolutions to the Social Commission in accordance with General Assembly resolution 415(V). If the latter, and eventually the Economic and Social Council, endorse the decisions and texts of the Congress, this would imply, as far as the standard minimum rules, the selection and training of personnel and open institutions are concerned, that Governments will receive the respective texts with the recommendation (1) that favorable consideration be given to their adoption and application in the administration of penal institutions, and (2) that the Secretary-General be informed every three years of the progress made with regard to their application. Finally, it is expected that the Secretary-General will publish periodically the information sent by governments on the above-mentioned implementation.

With respect to prison labor, the situation is somewhat different. The project has not as yet been discussed by all regional groups and secondly the Congress itself recommended that some aspects should be the object of further study. Consequently, the Congress expressed the hope that the Social Commission and the Economic and Social Council will endorse the general principles adopted on the matter and recommend to governments that they take them as fully as possible into account in their practice and when considering legislative and administrative reforms. Furthermore, the Congress called the attention of the Social Commission on the advisability of including several studies (already mentioned under IV) in the future work program of the regional groups.

With respect to the prevention of juvenile delinquency the action recommended by the Congress was that the following be taken into consideration by the Social Commission in the formulation of its social defence work program:

(A) Studies

(1) A study of the methods used for the prevention of juvenile delinquency, the first stage of this study to pay particular attention to the possibility of organizing a social and health care or guidance system co-operating closely with the diagnostic services, and assistance to parents, particularly in the task of guidance; the second stage to make an assessment of the practical value of certain direct and indirect measures for the prevention of juvenile delinquency. This task might be undertaken by means of a small number of projects carried out in various regions, both developed and underdeveloped, with the assistance of governments and organizations which are prepared to collaborate; and

(2) An evaluative study of the methods and techniques used by special police services dealing with juveniles. Certain countries have already introduced such services, but the results deserve careful study before positive conclusions can be drawn from them;

(B) That the help of the non-governmental organizations with special knowledge in this field be sought in this connection in accordance with resolution 155 C(VII) of the Economic and Social Council;

(C) That the United Nations Regional Consultative Groups and seminars continue to devote attention to the various aspects of juvenile delinquency; and

(D) That, when organizing forthcoming congresses, conferences or seminars, the organizations concerned, taking into account the problems facing different regions of the world, select clearly defined topics allowing for a thorough study and a useful comparison of the experience acquired in the various countries.

Finally, by another resolution, the Congress expressed the hope that in order to facilitate the implementation of its recommendations, the United Nations will provide technical assistance to governments either by sending experts or by helping in the establishment of institutions for the training of personnel; by the organization of seminars or the publication of guides or handbooks to facilitate the application of the standard minimum rules and the training of personnel.¹⁶

¹⁶The United Nations Technical Assistance Administration has not only provided experts in social defense matters to several countries but also granted, between 1948 and April 1956, 194 social defense fellowships and scholarships to 54 countries and territories.