

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

The Congress took place in Kyoto, Japan from 17th - 26th August 1970. Eighty-five nations were represented and there were approximately 1100 participants.

The Australian delegation was led by the Honourable J. C. Maddison, Minister of Justice, New South Wales and the other members were Mr. Justice Allen (New South Wales), Mr. W. R. McGeechan (New South Wales), Mr. C. Wright Webster (Western Australia), Professor Norval Morris (Chicago, U.S.A.), Mr. P. Loof (A.C.T.), Mr. J. Purcell (Papua and New Guinea), Miss M. W. Daunton-Fear (South Australia) and Mr. G. Harding (Australian Embassy, Tokyo, Japan). Other Australians who attended as individual participants were Mr. C. W. Campbell (Western Australia), Mr. D. Biles (Victoria), Mrs. G. Graves (Victoria), Mr. A. J. Restuccia (New South Wales), Mr. C. R. Constable (New South Wales) and Mr. P. Sinclair (New South Wales).

The theme of the Congress was "Crime and Development" and working papers were circulated before the Congress on the four topics which were under discussion. These topics were:-

1. Social defence policies in relation to development and planning
2. Participation of the public in the prevention of crime and delinquency
3. The Standard Minimum Rules for the treatment of Prisoners.
4. Organisation of research for policy development in Social Defence.

Participants each attended discussions on two of these four topics

I Social defence policies in relation to development and planning.

This Section of the Congress discussed a number of aspects of development which have been associated with increased crime, such as urbanisation, industrialisation, population growth, internal migration, social mobility and technological change.

The particular aspects of urbanisation and industrialisation which were agreed to be conducive to criminality included the following:-

- (a) the disorientation of family life.
- (b) the opportunities provided by urbanised societies for relative anonymity and lack of identification with a group.
- (c) the increase of opportunities for crime, aided by the invention of motor vehicles, aeroplanes, telephones and computers and the lower risk of crime detection

- (d) the uneven distribution of affluence and the juxtaposition of affluence and poverty
- (e) the existence of community indifference to crime.

It was thought that adequate foresight and planning could offset some of the unfortunate products of urbanisation and industrialisation. Such planning would cover arrangements for adequate housing, educational and recreational facilities and assistance in job placement.

The Congress was concerned by the general increase in juvenile crime and adverted to the need to give special attention to educational requirements for "drop-outs" from the normal educational process. Concern was also expressed about the generation gap and it was recognised that there is a need to understand the aspirations of youth and to provide satisfying answers to their questioning of the traditional norms of society. It was thought vital to enlist the support of youth itself in the fight against crime.

The Congress accepted without question the view that social defence planning should be an integral and essential part of planning for national development. It was thought that criminologists could assist by maintaining a constant dialogue with the economic and social planners and by paying particular attention to changes required in education, health, housing, industrial and regional development and legislation.

On the international level, it was considered the United Nations could assist in the provision of more Training and Research Institutes and the provision of technical assistance to developing nations.

II Participation of the Public in the Prevention and Control of Crime and Delinquency.

The need for public participation was not doubted at the Congress. It was considered that the tendency in many countries towards centralised government and control of finances must be balanced by an increased level of local participation of voluntary groups in social defence planning. Without such participation, there is a danger of divergence between the value systems of national and local groups. Increased public participation also leads to economic saving, and a reduction of the criminal stigma which is often attached to ex-offenders and lessens their chances of rehabilitation. If public participation is to be effective, those responsible for the operation of the criminal justice system must not be secretive or unduly protective about its operations. There is need for the roles of governmental and voluntary agencies to be clearly defined if mutual suspicion is to be avoided.

Public participation was considered to have two facets. One facet is to strengthen the work of professional agencies. The other is to prevent an abuse of State power by governmental and professional officers. Community groups can support such measures as the appointment of an Ombudsman and the establishment of Citizen Complaint Committees. Whatever form public participation takes, it is essential that there are methods for assessing its effectiveness. This will involve adequate expenditure on research

Individual participation in crime control is important in a number of ways. In particular, it is the individual who must report crime and it is he who must appear as a witness. If the individual is apathetic or tolerant towards crime, if he lacks confidence in the criminal justice system, if he fears the waste of his time or fears reprisals, he may be deterred from reporting crime. These considerations call for efficiency by the police and the courts and for strenuous governmental efforts to provide public educational programmes. Further, an individual is unlikely to assist another who is threatened by imminent criminal attack unless compensation is available to him for personal or financial loss.

Emphasis was placed upon the urgent need for efficient recruitment and training of volunteers. In-service training courses were recommended and it was considered desirable that journals should devote adequate space to the work of volunteers.

Broadly, it was considered that community groups can fulfil a useful role in five ways. There should be political support of social defence programmes and crime prevention schemes. There should be schemes to assist those engaged professionally in police work, in judicial functions and in treatment programmes.

It was thought that the public can assist in crime prevention schemes by helping disseminate educational material through the press, radio, television and films. National efforts, such as Road Safety Week, were also seen as effective methods of crime prevention. An urgent need was expressed to involve young people in crime prevention programmes in view of the widening generation gap.

Many delegates reported the value of police auxiliary systems. In particular, Japan uses voluntary associations to assist in patrolling at night time and in inspecting equipment, such as locks of doors and emergency bells. In some countries, the public are especially active in helping control traffic offences by the reporting of drivers who behave irresponsibly on the roads. Some countries use police cadets and special police who have been drawn from community groups. Research suggests that such groups may be able to bring about closer collaboration between the police and the community, particularly in the depressed inner areas of larger cities.

Public participation at the treatment level gave rise to varied recommendations. Volunteers are prominent in many countries in probation work, including Japan, where there are 50,000 voluntary probation officers. However, it was reported that Japan is facing the problem of increasing disparity between the ages of offenders and voluntary probation officers and an effort has been made to enlist the support of young people by establishing a Big Brother and Sister Scheme. Other schemes for public participation which are used widely are those for prison visiting, the provision of rest centres for the families and friends of prisoners, the provision of clubs for ex-offenders, and the provision of sheltered workshops for socially, educationally or intellectually handicapped offenders.

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

(a) The nature and scope of the Rules.

The majority view was that the Rules should not be revised merely out of concern for "perfection" and any revision should be limited to such improvements as were absolutely essential in the light of the results achieved so far and whatever new problems might arise. If revision is to be carried out, it should be entrusted to a working party of experts, designated by the United Nations

(b) Extent of application of the Rules.

A large majority considered that the Rules should be applicable to any person deprived of his freedom whether or not a criminal charge had been lodged against him. It was thought that the Rules should not depart from the concept of "deprivation of freedom" and any extension should be limited to "part-time or quasi-detention" under which the execution of a prison sentence could be accomplished by time spent in prison, alternating with visits outside on a systematic basis. Such an extension would concern weekend detention, semi-detention, half-way houses, agricultural settlements, work in outside factories etc. However, the Rules should not be extended to offenders whose freedom was thereby limited by particular duties or prohibitions, such as conditionally released offenders or persons on parole. The latter categories might be the subject of a special chapter in some future revision of the Rules.

(c) Status of the Rules.

The majority of participants did not consider that the Rules should be elevated to the level of an international convention. It was thought by some that such a step would be premature because it must be preceded by a thorough study of the various problems which might arise from its multifarious implications

However it was considered generally that the Rules could be strengthened by a Resolution of the General Assembly of the United Nations inviting the Solicitor-General to make greater use of the authority already vested in him to request from member States periodic information on the quantitative and qualitative developments in the application of the Rules and on new problems arising, the experiments being carried out and the results being achieved. It was considered that such a Resolution was justified by the fact that the Rules are the concrete application of human rights in the sphere of social defence.

(d) Implementation of the Rules.

The Rules are apparently not equally known in different parts of the world and no country has applied them in their entirety.

It was stressed there should be reliable and regular communication between the various branches of the correctional system and it was agreed that efforts should be made at regional and national levels and at the level of the United Nations -

- (i) to promote wider knowledge of the Rules
 - (ii) to provide training in new techniques for the treatment of offenders so as to facilitate the application of the Rules and
 - (iii) to provide an exchange of information on the implementation of the Rules.
- (e) Revision of the Rules.

It was generally considered to be more urgent to ensure the effective application of the Rules than to revise the text. The general principles of the Rules remain valid and only those which really require modification should be revised.

It was thought that consideration might be given to the need to divide prisoners into categories, the extension of the Rules to persons detained in the absence of a criminal charge and the need to provide some assistance and protection for the dependants of prisoners.

IV. Organisation of Research for Policy Development in Social Defence.

It was observed that adequate communication is required between researchers and policy-makers. Without such communication there tends to be mutual scepticism. Researchers should endeavour to present their findings in a manner likely to be of assistance to those concerned with implementation, and policy-makers should attempt to become familiar with the language and methods of research.

Some developments in research methods.

It was considered there should be a proper balance between "operational" and "pure" research and reference was made to the development of "evaluation research design" which makes it possible to wed practical and theoretical elements in such a way that plans are acceptable to decision-makers and research workers.

The development of "systems analysis" was also noted whereby the complete file relating to an individual is fed into a computer and by studying the individuals passing through the system, one could find the important points where different decisions might be made. Systematic studies of the outcome of these decisions provide a constant feed-back to the decision-makers and help them to re-evaluate their future decisions.

It was agreed that the larger research institutes at least should have research-workers trained in different fields of human behaviour, including law, sociology, psychology, psychiatry, etc.

Priorities for research.

Two main topics were emphasised, the study of crime itself and the effectiveness of existing policies and programmes

With regard to the study of crime, the importance of statistics was emphasised which reflect the seriousness of the crime, the damage or injury sustained, and the age, sex and economic status of the offender. However, it was recognised that statistics to some extent reflect changes in police activity and that research is needed to ascertain the extent of unreported crime.

It was agreed governments should be responsible for the collection of criminal statistics and different types of statistical data should be gathered together in a data-bank rather than be kept by different authorities.

It was noted that some types of social behaviour which are generally considered criminal are in fact harmless and of little social importance

Training of research workers.

It was considered there is an urgent need to train research workers and to give them the opportunity to carry out long-term research either in governmental research institutes or in similar positions in universities.

It was concluded that:-

- (a) governments should establish research and planning bureaus and institutes to gather facts and carry out the research needed by the government.
- (b) universities and other academic and scientific bodies should have an opportunity to follow their own lines of research in these matters and
- (c) there should be close association between research organisations, policy makers and administrators in order that research should be used to best advantage.

In all sections of the Congress, it was stressed that there is urgent need for the exchange of information between those engaged in different areas of correctional work, both at the national and the international level

M. Daunton-Fear,
Hon. Secretary,
A.C.P.C.A.C.C.

(Miss Daunton-Fear represented our Council as a member of the Australian Delegation to the United Nations Congress at Kyoto last August.)