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UNAFEI

Fuchu, Tokyo, Japan

April/1983

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**ANNUAL REPORT
FOR
1982**

— THE YEAR OF NEW CORNERSTONES —

UNAFEI

I. Report of Main Activities and Events of the Year 1982

Introduction

During the year 1982, UNAFEI celebrated the twentieth anniversary of its international training courses and seminars. The year was, therefore, characterized by this auspicious event and other various significant commemorative events which took place: *i.e.*, (1) the new UNAFEI building was completed; (2) a meeting of the *Ad Hoc* Advisory Committee of Experts on UNAFEI's Work Programme and Directions was held at the conference hall of the new building; (3) the Asia Crime Prevention Foundation, a non-profit organization which aims at promoting and sponsoring various activities for the prevention of crime and the treatment of offenders in Asia and the Pacific region, was established; (4) the twentieth anniversary commemoration volume of UNAFEI was published with the title: "Criminal Justice in Asia: the Quest for an Integrated Approach"; and (5) the Third Meeting of the Asia and the Pacific Conference of Correctional Administrators was held at UNAFEI. Because of the significance and importance of these events, especially of the first to third events, the year 1982 really deserves the name of "the year of new cornerstones" for the future activities of UNAFEI. These are elaborated in the latter part of this report.

As in other years, UNAFEI organized and conducted international training courses or seminars (59th-61st), in which a total of seventy-nine officials who were engaged in the criminal justice administration mainly in Asia and the Pacific region participated. A breakdown of these participants by countries is shown in Appendix I.

Training Programmes

1. 59th International Seminar (22 February-20 March)
—Contemporary Problems in Securing an Effective, Efficient and Fair Administration of Criminal Justice and Their Solutions—

It is universally recognized that a proper handling and disposition of criminal cases at various stages of investigation, prosecution and final judgement by the competent authority is essential not only in realizing justice but also in achieving general deterrence and rehabilitation of offenders. However, due to the rise in the volume and seriousness of crime in many countries, the increasingly heavy case-load has aroused a sense of grave concern about the efficacy of the criminal justice system as a whole. The delay in trial and disposition of cases not infrequently results in letting loose many dangerous offenders, undermining the effect of penal sanctions and ultimately in eroding public confidence in the strength of the system to protect society. From the viewpoint of the accused persons, the delay in the disposal of cases before the courts may cause a prolonged incarceration pending investigation and trial, and subject the person to mental anxiety and possible impairment of his ability to defend himself. The protection of human rights of persons in the sphere of criminal justice has emerged as a major issue for all the countries to ponder over and follow up within their respective systems. Thus, this Seminar was designed to review the current administration of criminal justice, to identify obstacles which hamper effective, speedy and fair handling and disposition of criminal cases, and

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Table 1: Outline of the Programme (59th Seminar)
Total: 94 Hours (4 weeks)

	Hours
Orientation for the Course (Director and Staff)	1
Self-Introduction (Participants and Staff)	2
Expert Presentations	8
Faculty Presentations	8
<i>Ad Hoc</i> Lectures	6
Individual Presentation on the Main Theme of the Seminar	24
General Discussion and Adoption Sessions	10
Visits of Observation	12
Abashiri, Osaka and Kyoto Trip	16
Evaluation Session	2
Individual Interview	2
Reference Reading and Others	2
Closing Ceremony	1

to explore and develop appropriate strategies to solve those problems.

The main topics covered during this Seminar were: (1) Crime trends, including changes in forms and dimensions of criminality; (2) Current problems in securing effective, efficient and fair administration of criminal justice; (3) Measures to enhance effectiveness, efficiency, and fairness of investigation and prosecution; (4) Diversion of appropriate cases from the formal criminal process at earlier stages; (5) Measures to ensure speedy and fair trial; (6) Safeguards for ensuring propriety of arrest and detention, and to prevent prolonged detention; (7) Coordination of policies and practices among criminal justice agencies; and (8) Protection of human rights in the process of investigation, prosecution and trial.

Twenty-six participants, who mainly consisted of senior government officials at the policy-making level in the Ministries or Departments concerned with the administration of criminal justice, senior police officers, public prosecutors, judges and senior correctional officials representing eighteen countries, *i.e.*, Brazil, Costa Rica, Ghana, India, Indonesia, Jamaica, the Republic of Korea, Malaysia, Morocco, Nepal, Pakistan, Philippines (two participants), Singapore, Sri Lanka, Thailand, Tonga, the United Arab Emirates and Japan (eight participants), attended the Seminar.

A list of the participants is reproduced in Appendix II-1.

An outline of the course programme is shown in Table 1.

Discussions on the main theme consisted of individual presentations by each participant and subsequent general discussions on the issues raised during the preceding presentations. In the general discussion sessions the participants elected a chairman and a rapporteur from among themselves for each session and examined the following topics with the visiting experts and UNAFEI staff as advisors.

(a) Investigation and Crime Prevention

In recent years, crimes are showing an upward trend in many participating countries. Reflecting the economic, social and cultural development stage of individual countries, crime trends show distinct traits from country to country: in some countries, property offences such as theft, robbery, etc. are increasing, while in other countries, computerized crimes and syndicate crimes are on the rise. In this regard, soaring computerized crimes

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in some countries including Singapore and Japan attracted attention during the discussions.

To enhance the overall effectiveness and efficiency of investigation, there remains much room for improvement in the detection of crime, the clearance rate and the collection of evidence. It was agreed that difficulties in detecting crime, securing a reasonable level for the clearance rate, or collecting adequate and satisfactory evidence were attributable to such factors as a complicated and inefficient bureaucratic investigative organization, a lack of professional skill in investigation officers, insufficient technical and scientific facilities in investigation agencies, etc. It was suggested that effective schemes to remove such causes should be as follows: specialization of the investigative police; maintenance of sufficient police manpower; improved technical and scientific facilities; recruitment of better-qualified police personnel; and improvement of in-service training programmes. In the course of the discussion, it came to light that public prosecutors have been giving useful instructions and advice to the police for more effective and efficient investigation in some participating countries.

In terms of crime prevention strategies, the following measures were mentioned as being effective: reinforcement of police patrol and police boxes; effective police deployment; countermeasures against specific offences and high-risk groups; improvement of police-community relations; community organization or mobilization; education of the public on crime prevention, etc. In this regard, the participants specifically recognized the crucial importance of public participation in the prevention and control of crime.

(b) Prosecution and Diversion

It was revealed that agencies entrusted with the function of prosecution varied greatly in accordance with individual criminal justice systems. However it was unanimously recognized that the prosecution agencies are entrusted to play a vital role as the bridge between the police investigation and the court trial in every criminal justice system.

It was acknowledged by the participants that the appropriate selection of cases for prosecution as well as for diversion should be considered in a pragmatic way. It was agreed by the participants that more active use of non-prosecution and diversion on certain types of cases might be an effective solution to cope with delay in trial and overcrowding in the prisons, notwithstanding the tremendous need to expedite trials. Also, it was the opinion of the participants that non-prosecution and diversion might be appropriate for certain types of offenders in their early rehabilitation.

As for prosecutorial screening, a *prima facie* case or a reasonable ground to suspect that the accused committed an offence is the legal requirement for initiation of prosecution or committing the case to the trial court in most countries represented. In the Republic of Korea and Japan, although the legal requirement for prosecution of a criminal case is the same, it has long been the practice that the public prosecutor usually does not institute a prosecution unless he believes that there is sufficient evidence to prove the accused's guilty beyond a reasonable doubt. In addition, the public prosecutor in these countries is empowered to suspend the institution of prosecution even if he believes that there is enough evidence to prove a suspect's guilt. It was pointed out that the requirement that there be a *prima facie* case places a great burden on the criminal court, thus causing delay in trial. On the other hand, it was pointed out that certain safeguards against the abuse of discretionary power by the prosecution agency must be carefully provided in a system where the prosecution agency is entrusted to exercise such power. Various safeguards, including the Inquest Committee of Prosecution and quasi-prosecu-

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tion by an aggrieved party in offences of abuse of powers in Japan, and the system of private prosecution exercised in some of the participating countries were brought to light and actively discussed.

Committal proceedings by the magistrate are also a process of screening criminal cases of a serious nature for trial. It was reported that in India and Pakistan, committal proceedings were abolished, since in these countries they were deemed to be a somewhat duplicated process of examining evidence. Moreover, they sometimes caused a delay in the committal of cases to trial. However, the participants from Malaysia and Singapore maintained that the screening function of committal proceedings should not be overlooked, since it worked towards reducing the overburden of cases in trial courts. A simplified form of committal proceedings in Singapore was also reported. In this regard it is noteworthy that Sri Lanka has recently reintroduced committal proceedings after having once abolished them.

(c) Trial

The participants unanimously stressed that it is the sacred duty of all concerned with the criminal justice system to ensure a speedy and fair trial so as to maintain the credibility and effectiveness of the system. As a prerequisite for finding adequate solutions to the problems of delay in trial, efforts were made to identify and examine various causes of delay in the participating countries. The shortage of manpower and personnel in the court, especially of judges in most of the participating countries, was raised as one of the major persistent causes of delay in trial. The main reason for a shortage of judges or vacancies in their positions in most of the countries was obviously the relatively poor working conditions, including salary scales, as compared with those of practising lawyers. In some countries in which various local languages are used, a lack of qualified interpreters of local languages was pointed out as one of the serious obstacles to expediting trials. In those countries where trial by jury is conducted, the apathy or indifference towards jury service on the part of ordinary citizens led to a low rate of attendance of jurors on the date of trial and created one obstacle to speedy trials. Again, in some countries where there are some procedural as well as evidentiary requirements in the conduct of trial, such as the requirement of recording evidence only by the handwriting of a judge, these were pointed out as possible obstacles in expediting trials. Other major causes of delay commonly observed by the participants were: non-appearance of parties and witnesses due to the poor work of process servers or lack of efficient transportation; improper schedule of and insufficient control over court proceedings on the part of presiding judges. Some participants were of the view that decriminalization of some categories of victimless crimes would be effective in reducing court caseloads and thus contributing to the concentration of a judge's efforts in trials of a more serious nature. It was observed also that specialization with intensive training of judges exclusively dealing with such specific and sophisticated types of crime as white-collar crime would be of immense value in expediting trials.

Obviously every effort should be made to conduct trials as speedily as possible, especially when the accused is detained. In this regard, the provisions of mandatory release of a detained accused after the prescribed period for trial or time limitation for trials, guaranteed by administrative sanction, as practiced in some countries called for the attention of the participants. The necessity of a continued and concentrated schedule of trial was pointed out as an important prerequisite for a speedy and fair trial. Adjournment of the trial date should only be granted after a careful scrutiny of the grounds.

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Dilatory tactics should be controlled by the proper use of court's power of regulating trial proceedings.

(d) Protection of Human Rights, Coordination among Criminal Justice Agencies

It was unanimously agreed that the protection of human rights in criminal procedure is prescribed in statutes in each country in accordance with cultural and historical tradition as well as the standards and guidelines provided by the United Nations, *e.g.*, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The participants also agreed that, however important the efforts to secure the rights of the individual may be in the proper administration of criminal justice, there would have to be limitations determined by the laws of the country and by the requirements of public order and security, and that the difficulty lies in striking a proper balance between the above two essential but apparently contradictory requirements.

To reduce the incidence of prolonged detention as much as possible, the proper use of bail or other forms of provisional release systems, a limitation on the detention period, and speedy investigation and trial were recommended as possible countermeasures. Bail is available to offenders under pre-trial detention in most of the participating countries. It was the unanimous view of the participants that bail or other provisional release systems should be available to as many offenders as possible. During the discussion it was made clear that bail was actively used in many countries, but that in some countries a number of accused offenders were unable to furnish money, bond or surety for bail. In this connection, in some countries, a release on recognizance scheme was actively used.

With regard to the right to counsel, it was agreed that it should not be curtailed at any stage of a criminal proceeding because the substantial rights of persons in custody cannot be effectuated without the assistance of counsel. It was noted, however, that at the investigation stage of a criminal case, the activities of defence counsel may be subjected to some control so that they do not engage in improper activities, such as destroying evidence or interfering with witnesses. It was also the unanimous view of the participants that legal aid should be granted to every accused person as of right when he is charged with a serious offence. The availability of qualified state-appointed defence counsel to an indigent accused person would help to maintain fundamental rights relating to a fair public hearing, such as equality under the law or protection against self-incrimination, which most countries have enshrined in their constitutions.

In regard to confessions obtained by compulsion, torture or threat, or after prolonged detention, it was stressed that exclusive reliance on suspect or defendant confessions should be avoided and that torture or any kind of brutality in the course of interrogation should be totally eliminated.

Lastly, coordination and cooperation among criminal justice agencies were discussed. The independence of respective criminal justice agencies is indispensable to the fair administration of criminal justice. However, independence does not prevent inter-agency cooperation and coordination in developing procedures in response to crime. Coordination among governmental agencies neither endangers organizational independence nor infringes on fundamental human rights of the accused or citizens. Instead, it conserves personnel time and expenditures which might be wasted if criminal justice agencies pursue conflicting, overlapping or even antagonistic activities in response to the fight against crime. The participants were of the view that coordination committees

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involving various agencies should be formed so that the officers of these agencies could periodically meet to discuss and understand each other's problems and viewpoints. Informal associations of police, prosecutors, judges and correctional staff will contribute a great deal to the enhancement of coordination. In order to procure better understanding based on mutual faith, it may be necessary to arrange training courses or seminars in which personnel of various criminal justice agencies participate.

For this Seminar, UNAFEI invited two distinguished visiting experts, *viz.*, Dr. Ricardo C. Puno, Minister of Justice, Republic of the Philippines, and Dr. B.J. George, Jr., Professor of Law, New York Law School, U.S.A. Dr. Puno delivered a lecture on Contemporary Problems in Securing an Effective, Efficient and Fair Administration of Criminal Justice and Their Solutions. Professor George gave two lectures, *i.e.*, (a) Recent Developments in the Constitutional Law Affecting Search, Seizure and Interrogation, and (b) The Exclusionary Rule and Other Sanctions for the Protection of Constitutional Rights.

Three *ad hoc* lecturers, *viz.*, Mr. Atsushi Nagashima, Professor, Faculty of Law, Tōyō University (former Director of UNAFEI), Mr. Shigeki Itō, Deputy Prosecutor-General, Supreme Public Prosecutors' Office, and Mr. Sadame Kamakura, Deputy Superintendent-General, Tokyo Metropolitan Police Department, delivered a series of lectures on various topics related to the main theme of the Seminar. In addition, the Deputy Director and other staff of UNAFEI gave lectures on relevant topics. A list of lecturers and their topics, and a list of reference materials distributed are shown in Appendices II-2 and II-3.

For the purpose of obtaining a practical knowledge of the Japanese criminal justice system, the participants visited the Supreme Court, the Ministry of Justice, Abashiri Prison, the Metropolitan Police Department, Hachiōji Medical Prison, Tokyo District Court, Tokyo Metropolitan Police School and Yotsuya Police Station, where they had lively discussion with the officials present.

During the 59th International Seminar, it was emphasized that the obstacle which hamper an effective, efficient and fair administration of criminal justice should be removed through the concerted efforts of agencies inside and outside of the criminal justice system, including the participation of citizens. The participants tried to explore ways and means to realize it effectively with the assistance of the visiting experts, *ad hoc* lecturers and the staff of UNAFEI.

2. 60th International Training Course (27 April-3 July)
—Securing Rational Exercise of Discretionary Powers at Adjudication
and Pre-Adjudication Stages of Criminal Justice Administration—

Dispositional decisions made by criminal justice agencies in their discretion have crucial impacts not only upon the interests of the offender but also upon society as a whole. In spite of the critical nature of these discretionary dispositions, however, it appears in many countries that they are not necessarily made based on relevant and adequate data and their consequences are often not assessed and evaluated in a satisfactory manner. Accordingly, it is often observed that effective procedural guarantees for securing appropriate decisions are yet to be formed, that the structures and wide-ranging repercussions of these decisions are not fully understood, that decision-makers are not informed enough about well-founded reference materials and are not guided by clear and well-balanced standards or guidelines, and that a decision at any stage of the penal

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Table 2: Outline of the Programme (60th Course)
Total: 203 Hours (10 weeks)

	Hours
Orientation for the Course (Staff)	1
Self-Introduction (Participants and Staff)	2
Introduction to the Japanese Criminal Justice System (Staff)	4
Experts' Presentation	16
Faculty's Presentation	17
<i>Ad Hoc</i> Lectures	22
Comparative Study on the Main Theme of the Course	34
Individual Presentation (24)	
General Discussion (8)	
Report Back (2)	
Group Workshops on the Topics Selected by Participants	24
Discussion (16)	
Report Back (8)	
Discussion Meeting with Faculty of Law, Keio Gijuku University (Overseas Participants)	4
Visits of Observation	22
Hiroshima and Kansai Trip	16
Nikko Trip	8
Excursion and Field Recreation	10
Small Group Visits	2
Evaluation Session	2
Individual Interview	2
Reference Reading and Others	16
Closing Ceremony	1

process tends to be made without giving due consideration to its consequences and repercussions on other stages of criminal justice administration. Thus this Course was designed to explore ways to gather the appropriate information leading to proper and fair dispositional decisions, to examine the necessity and justifiable scope of discretionary power exercised by respective authorities, to identify the characteristics and structures of the decisions, and to explore means of making the decision-making process more rational and effective, especially through the development and improvement of statistics and scientific research.

Twenty-four participants representing fifteen countries, *i.e.*, Bangladesh, Brazil, Hong Kong, India, Indonesia, the Republic of Korea, Malaysia, Nepal, the Philippines, Singapore, Sri Lanka, Sudan, Tanzania, Thailand and Japan (ten participants) attended the Course. A list of the participants is reproduced in Appendix III-1.

An outline of the course programme is shown in Table 2.

As in other courses, an emphasis was placed upon participant-centred activities such as Comparative Study, Group Workshops, and other programmes in which the participants were required to take part in collective discussions actively and constructively utilizing their knowledge and experience to the utmost extent.

Comparative study sessions were organized to discuss topics related to the main theme. In the individual presentation sessions each participant presented his or her country paper. In the general discussion sessions which followed the individual presentations, the participants elected a chairman and a rapporteur from among themselves for each session and discussed important issues raised during the individual presentations with

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the attendance of the visiting experts and the staff of UNAFEI as advisors. The following are summaries of the discussions.

(a) Decision Making at the Initiation of the Penal Process and Prosecution

It was found that, in many countries in the region which follow the common law system, a police officer is empowered to arrest a person for relatively serious offences without a warrant of arrest. In this instance, the police officer may exercise discretion as to whether the offence can be classified as an offence arrestable without warrant and whether to exercise the power of arrest or not. However in such countries as the Republic of Korea and Japan, it is the principle that a police officer or a public prosecutor may arrest a person only with a warrant of arrest issued by a judge. It was further presented that in the Republic of Korea and Japan the majority of criminal cases are investigated and prosecuted without the arrest of suspected persons. In this case the most important point of discretion is whether to take a suspected person into custody or not. In former instance it follows that the legality and propriety of the arrest is to be examined by a magistrate or a judge within a certain period of time after arrest. While in the latter instance, they are to be examined by a judge before arrest.

The institution of prosecution is another stage where the police or the public prosecutor may exercise their discretion. It was revealed that the evidentiary standard for prosecution differs from country to country, resulting in a wide range of conviction rates among the participating countries. In addition, whereas in most of the countries the institution of prosecution is mandatory if there is enough evidence to warrant conviction, in such countries as the Republic of Korea, Singapore and Japan, the public prosecutor may exercise a discretion not to prosecute a case even when there is sufficient evidence to prove guilt. This discretion is extensively exercised in these countries. In this regard it was pointed out that certain check systems should be provided in order to assure the rational exercise of discretionary prosecution. Regarding this point, the prosecution inquest committee and the quasi-prosecution procedure in the Japanese system were introduced. It was also presented that plea-bargaining between the prosecution and the defence has long been in practice in Singapore.

(b) Sentencing

It was disclosed by most of the participants that there was a certain degree of disparity in sentences in their respective countries but the disparity was not so great as to cause serious anxiety. In this connection, it was found that in some countries like Bangladesh, India, Singapore and Sri Lanka, the Criminal Procedure Code clearly lays down the circumstances under which different sentences should be imposed, and that in the Philippines the degree of disparity in sentences imposed by courts was greatly reduced by well-defined procedural and penal laws regarding factors which should be taken into consideration by judges in deciding sentences. The courts should consider both mitigating and aggravating circumstances, such as the nature of the offence, age and situation of the offender, the circumstances under which the offence was committed, the character of the offender and the previous record of conviction, if any. In this regard it was unanimously agreed that courts should be informed of necessary information as much as possible in order to decide an appropriate sentence. Many participants explained the pre-sentence investigation system in their respective countries in this connection. Among them, the systems to collect necessary information for sentencing in Hong Kong, Singapore and Sri Lanka were explained in detail.

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However, on the question of whether guidelines should be laid down for the judges to follow in order to avoid a disparity in sentencing, some participants expressed the opinion that guidelines might amount to an infringement of the concept of independence of the judiciary, that it might curb the rational discretion of judges, and that if guidelines were too strong the courts would not be able to impose appropriate sentences.

It was generally agreed that if the law prescribes different punishment for each offence according to its gravity as in some countries like Bangladesh, India, the Philippines, Singapore, Sri Lanka and Sudan, disparity in sentencing would be greatly reduced. At the same time, however, it appeared that other countries like the Republic of Korea and Japan developed their own methods of dealing with disparity by training judges, recommendations of the sentences by public prosecutors, and collegiate courts considering the sentences, followed by appellate review of sentences.

(c) Coordination among Criminal Justice Agencies

The key components of the criminal justice system—the police, the prosecution, the judiciary, correctional institutions and community-based social agencies—have varying degrees of responsibility for removing causes of crimes, providing speedy and fair trials as well as post-sentence treatment for the offender to be integrated into society. In order to secure better understanding, all the participants agreed that it is necessary to establish formal or informal organizations among these agencies. Successful models were introduced by many participants. For example, in Bangladesh, regular monthly police-magistracy meetings are held with the magistrates and police officers of the district which are attended by public prosecutors, superintendents of district prisons, police officers responsible for prosecution of criminal cases in the courts of first instance, district adjutants of village development parties and ansars; in India, quarterly meetings are convened by the district and sessions judges in some states to sort out administrative and routine problems of the police, magistracy and the public prosecutor at the district level; in Indonesia, periodic meetings are held between the Chief Justice and Prosecutor General on matters concerning the judiciary and prosecution, and meetings between the Chief Justice, Prosecutor General and head of police are also held regularly for the smooth operation of the criminal justice process; in the Philippines, the Interdisciplinary Committees on Crime Prevention serves this role, and the Council for the Welfare of Children is an inter-ministry body formulating the guidelines and policies in accordance with the resolution adopted at the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders; in Singapore, the Singapore Aftercare Association (SACA) has been established to assist discharged prisoners. The members of the association included officials from the Ministry of Social Affairs (Probation and Aftercare), police prosecutors, magistrates, lawyers, deputy public prosecutors, businessmen and university lecturers. The Judicial, Legal Officers Association in Singapore is formed by the deputy public prosecutors and the district judges and magistrates to promote their close coordination; in Thailand, seminars are held annually for police officers, public prosecutors, judges and correctional officers for better coordination and understanding of the work of the criminal justice agencies; in Japan, the meetings between district public prosecutors, district judges and practicing lawyers have been held occasionally in order to make the first instance trial more effective and speedy. Annual meetings between district public prosecutors and district judges are held in connection with the issuance of warrants, detention and bail of suspects. Judges, correctional officers and probation officers meet periodically to bring up their problems and to seek appropriate solutions. Case study

seminars are held among public prosecutors, juvenile court judges, probation officers and juvenile school officers to have a better understanding and to gain better coordination among them.

(d) Statistics and Research in View of Rational Discretion

In almost all countries of the region, statistics are collected at the national and provincial levels. In some countries they are published and yet in others they are for internal use only. There is ambiguity in the present statistics which makes international comparison difficult.

It was observed by the participants that information relevant to one subsystem is usually devoid of information concerning the actions of others. Thus, there is no nexus or meaningful relationship among them. This indicates an imperative need for the centralization and coordination of statistics which can be done by limiting the volume of statistical data to some agreed index crimes in the interest of validity, time and analytical presentation to ensure uniformity and thus comparability.

In most countries of the region except India, Japan and a few other countries, research in the area of criminal justice system is of comparatively recent origin and hence it is still developing. Since for most countries of the participants, this area of research has remained *terra incognita*, sincere efforts are needed to develop research and statistics with the help of developed countries and the United Nations. UNAFEI is in a unique position to provide some assistance in the area of international cooperation for Statistics and Research.

In group workshop sessions the participants discussed issues and problems which participants face in their daily work and are in need of urgent solutions. The participants were divided into four groups according to the similarity of topics they selected. Each group elected its chairman and rapporteur and held discussions. The results of each workshop were subsequently reported at a plenary session by the rapporteurs and further discussion was made by all the participants. The general themes and contents of discussion are summarized as follows:

Group I – Administration of Criminal Justice

The group discussed a wide range of issues and problems in the administration of criminal justice, such as major factors attributable to the increase of crime and effective preventive measures for crime, discretionary power of the police, delay in criminal trials and overcrowding in prisons, the ways and means to increase the efficiency and effectiveness of criminal justice administration, and recruitment and training of officials in criminal justice agencies.

Group II – Investigation and Prosecution

The group mainly discussed the scope of the public prosecutor's involvement in criminal investigations in such countries as Indonesia, Nepal, the Philippines and Japan, and the extent of discretionary prosecution which included non-prosecution of a case even when there is sufficient evidence to prove guilt in such countries as Singapore and Japan as well as plea-bargaining which is practiced in Singapore.

Group III – Trial

The discussion of the group was focused mainly on training of judicial officers,

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problems in sentencing capital punishment, factors to be considered for sentencing, discretionary powers in granting provisional release, and treatment of traffic offenders and tax evaders.

Group IV – Treatment and Rehabilitation

The group discussed ways and means to improve community-based corrections, especially of probation, parole and other aftercare services. The group also considered some problems relating to correctional treatment of stimulant drug abusers and addicts.

UNAFEI invited two distinguished visiting experts: Mr. Leslie T. Wilkins, Research Professor Emeritus, State University of New York, U.S.A., and Dr. Denis Szabo, Director of International Centre for Comparative Criminology, University of Montreal, Canada. Eleven *ad hoc* lecturers, *viz.*, Mr. Hiroshi Maeda, Director-General, Criminal Affairs Bureau, Ministry of Justice; Mr. Shōhei Kawakatsu, Deputy Director, United Nations Statistical Institute for Asia and the Pacific; Mr. I.J. "Cy" Shain, Research Director, Judicial Council of California; Mr. Miguel Urrutia, Vice-Rector, Development Studies Division, the United Nations University; Mr. Kōya Matsuo, Professor, Faculty of Law, Tokyo University; Mr. Terumasa Ide, Director of the First Research Division, Research and Training Institute, Ministry of Justice; Mr. Atsushi Nagashima, Professor, Faculty of Law, Tōyō University (Former Director of UNAFEI); Mr. Yōichirō Yamakawa, Attorney at Law; Mr. Motoo Ono, Director-General, Criminal Affairs Bureau, General Secretariat, Supreme Court; Mr. Yoshinori Shibata, Deputy Superintendent-General, Tokyo Metropolitan Police Department; and Mr. Tokio Matsumoto, Judge, Tokyo District Court, were also invited. They delivered lectures on various important topics related to the main theme of the Course. The Director, Deputy Director and other faculty members of UNAFEI also gave lectures on relevant topics. A list of these lecturers and their topics is reproduced in Appendix III-2.

A list of reference materials distributed to the participants is reproduced in Appendix III-3.

The participants visited criminal justice or closely related agencies, institutions and other places including the following in order to observe their operation and to discuss practical problems with the officials present: the Supreme Court, the Ministry of Justice, Kōfu Prison, Tochigi Prison, Tokyo District Court, Tokyo District Public Prosecutors' Office, Fuchu Prison, Hiroshima High Public Prosecutors' Office, Kyoto Probation Office, the Maritime Safety Agency and the Metropolitan Police Department. The participants also visited agencies and institutions including the following in small groups: Tokyo Family Court, Hachiōji Medical Prison, Keiwaen (Halfway House), the National Police Agency and Keiō Gijuku University.

During the Course, it was made clear that disposition by any agency of the criminal justice system inevitably involves discretion to some extent regardless of whether it is given explicitly by law or not, that safeguards should be developed against the abuse of discretionary power, that guidelines or standards in any form are useful in securing the rational exercise of discretionary powers, but that they should be carefully formulated so as not to spoil the inherent justification for existence of discretionary powers. The participants made every efforts to explore ways and means to secure the rational exercise of discretionary powers with the assistance of visiting experts, *ad hoc* lecturers and the staff of UNAFEI.

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3. 61st International Training Course (7 September-27 November)
 –Improvement of Correctional Programmes for More Effective Rehabilitation
 of Offenders–

There has been, in some parts of the world, a growing skepticism regarding the effectiveness of the rehabilitative approach to crime. It seems, however, to be a general consensus in Asian and the Pacific region that the fundamental objective of corrections is still the rehabilitation of offenders and that corrections, whether institutional or community-based, is expected to contribute to the reduction and control of crime primarily by way of facilitating the resocialization of offenders. Although correctional institutions are trusted to play an essential role in the treatment of offenders, their current performance is not necessarily satisfactory, especially in terms of rehabilitation of offenders, for a variety of reasons. In order for correctional institutions to help offenders redirect their attitude concerning criminality and to assist them in reintegrating into society, correctional institutions should develop more effective and imaginative treatment programmes, including programmes to strengthen the offenders' ties with the community so as to promote their resocialization. Thus, this Course was designed to review and assess the current correctional system and programme, and to identify and examine ways and means of developing more effective treatment programmes for the rehabilitation of offenders from the intake of convicted offenders to the complete release into society. Particular reference to the United Nations Standard Minimum Rules for the Treatment of Prisoners was made throughout this Course since they are the only comprehensive rules of universal application in this field and moreover, the adequate administration of institutions and humane treatment of offenders as prescribed in the Rules seem to be an indispensable prerequisite for effective rehabilitative programmes.

A total of twenty-nine participants representing eighteen countries, *i.e.*, Bangladesh, Chile, Fiji, Hong Kong (two participants), India, Indonesia, Iraq, the Republic of Korea,

Table 3: Outline of the Programme (61st Course)
 Total: 240 Hours (12 weeks)

	Hours
Orientation for the Course (Staff)	1
Self-Introduction (Participants and Staff)	2
Introduction to the Japanese Criminal Justice (Staff)	4
Experts' Presentation	18
Faculty's Presentation	13
<i>Ad Hoc</i> Lectures	28
Comparative Study on the Main Theme of the Course	46
General Discussion (36)	
Report Back (10)	
Group Workshops on the Topics Selected by Participants	26
Visits of Observation	36
Hiroshima and Kansai Trip	16
Nikko Trip	8
Field Recreation	2
Evaluation Session	2
Individual Interview	2
Reference Reading and Others	35
Closing Ceremony	1

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Malaysia, Nepal, Pakistan, Papua New Guinea, Peru, the Philippines, Singapore (two participants), Sri Lanka, Thailand and Japan (ten participants) attended the Course.

A list of the participants is reproduced in Appendix IV-1.

An outline of the course programme is shown in Table 3.

The participants made active and constructive discussions on matters related to the main theme during the comparative study sessions and group workshop sessions.

In this Course, unlike the previous courses, the comparative study sessions were conducted through general discussions without prior independent individual presentation sessions. The latter were dispensed with because the main theme needed more general discussion sessions than usual. The participants elected a chairman and a rapporteur from among themselves for each general discussion session which the visiting experts, the staff of UNAFEI and sometimes a few *ad hoc* lecturers attended as advisors. The following are some parts of summaries of the discussions.

(a) Current Correctional System and General Trends in Population in Corrections

The correctional systems in most of the developing countries have problems of overcrowding, insufficient finance and shortage of well-trained staff. It should be noted that some of the failures in correctional services are mainly attributable to a lack of interest and enthusiasm shown by some of the heads of the correctional services in obtaining necessary financial support and understanding. If correctional services are to make contributions to society by rehabilitating the offender, they must have adequate funds and trained personnel plus facilities which provide reasonable living conditions for the inmates in their custody along with sufficient work and rehabilitative treatment programmes.

(b) Accommodation

It was the consensus of the participants that there are two major hurdles blocking improvement of accommodation, *i.e.*, overcrowding and financial constraints. Measures discussed for the solution of overcrowding are: (1) development of alternatives to imprisonment; (2) shorter sentences of imprisonment as well as wider use of sentences of fines; (3) earlier release from prison with remission or parole; (4) speedy investigation and trials; (5) granting of liberal bail; (6) development of open institutions. A meaningful, close liaison between prison, police and judiciary, providing a realistic appraisal of conditions prevailing in each agency, can be effective in promoting a co-ordinated effort to relieve overcrowding. Regarding financial difficulties, the heads of correctional services should forcefully project their point of view and convince those concerned and responsible of the importance of correctional programmes.

(c) Clothing, Bedding and Food

Generally, it was reported that the Standard Minimum Rules for the Treatment of Prisoners on the matters of clothing, bedding, and food are being adhered to in all countries of the region, with consideration being given to the general living standards in each country. Thus, the type of clothing, bedding, and food provided will naturally differ depending upon each country's climate, dietary customs, religions, and so forth. Some countries provide different types of food depending upon the nationality or religion of individual prisoners. In addition, in some countries different categories of prisoners receive different treatment, with the higher grade prisoners receiving a higher calorie diet, being permitted to wear their own clothing, or being provided with better bedding.

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(d) Medical Services

It was found that in most countries at least one qualified medical officer is assigned in every prison, with a medically trained assistant staff; in a few countries which have no full-time doctor in their prisons, an outside doctor visits prisons regularly or as the need arises; in serious cases prisoners are referred immediately to outside hospitals. In most countries the prison authority has difficulty in securing the necessary number of medical officers and other medical staff members to work in prisons. Some measures including scholarships for those aspiring to medical careers, in-service training opportunities, cooperation with outside hospitals, and others were discussed in this regard.

(e) Discipline and Punishment; Instruments of Restraint

In all countries, prison offences and punishments are contained in laws or regulations. A procedure for determining whether an offence has been committed is established, with the Director of the prison usually empowered to decide on the punishment. The types of offences are generally similar in each country, consisting of acts against prison discipline, although some countries prohibit cigarette smoking while others do not. The types of punishments include the loss of various privileges within the prison, the loss of remission, the loss of earnings for prison work, confinement. Some countries also use a reduction in diet as a punishment, while other countries have abolished this practice. A few countries use corporal punishment for serious offences. Generally, instruments of restraint include arresting rope, handcuffs, strait jacket, and in some countries, gag. It was reported that these instruments of restraint are not used to punish, but to prevent escape during transport and to prevent violence or escape when necessary.

(f) Information to and Complaints by Prisoners

All the countries except for one provide written information to the prisoner on his or her admission regarding the matters which are stipulated by the Standard Minimum Rules. In some countries the information is written in several local languages and in English. Prisoners are given a 1-2 week introduction course on admission in some countries. Correctional officers, welfare officers and other appropriate persons help prisoners understand the information. The information is conveyed orally if a prisoner is illiterate. In almost all countries prisoners are allowed to make requests or complaints to the prison authorities, inspecting authorities and judicial authorities privately. These requests and complaints are not censored when made in writing. The discussion thus made it clear that almost all the countries represented adhered to the Rules on the subject, though specific methods varied to some degree.

(g) Contact with the Outside World

It was acknowledged by all the participants that visits of family members, relatives and friends, and written communication with them should be encouraged; regarding those prisoners with no family ties, arrangement should be made with volunteer agencies to pay regular visits to enable them to feel a part of the society; access to radio, newspaper and other periodicals plays an important part so that prisoners are kept informed of the happenings of the outside world. It was evident that the Standard Minimum Rules 37 to 39 for all prisoners and Rules 90 to 93 specially for unconvicted prisoners are either fully or partly complied with by all participating countries.

(h) Separation of Categories; Classification and Individualization

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All of the participants agreed that separation and classification are the most important requirements for effective prison administration. The discussion disclosed that in almost all of the countries separation of different categories of prisoners is fully implemented. Although some countries have difficulties in establishing separate institutions for women, juvenile, and sick prisoners, they observe the Rules by lodging them in different sections or dormitories apart from the other categories of prisoners. It is also evident that almost all of the countries apply some kind of classification system. In many countries there exists a classification committee or board which classifies and arranges individualized programmes and suitable training for the respective categories. It was also pointed out that in some countries overcrowding, and the lack or shortage of facilities and well-trained staff sometimes hampers full implementation of the goals of adequate classification of prisoners and individualized treatment.

(i) Prison Work

In almost all the countries, virtually all the prisoners are engaged in work either as a requirement of their sentence or by choice. In developing countries, prison work usually involves agriculture and handicraft industries. Some countries report that they have an insufficient supply of industrial and productive work, while a few cannot provide enough work of any kind. Among the developed countries, two use a contract system with outside industries, while in the rest prison industries are managed solely by government. Generally, it seems that the goal of cultivating good work habits at non-skilled or semi-skilled jobs predominates over the goal of training for skilled employment upon release.

(j) Education and Vocational Training

Most of the participating countries have well thought-out educational programmes for their prisons. Although every country has realized that some basic level of education is a *sine qua non* for the rehabilitation and re-socialization of offenders, prisons in many countries have constraints like inadequate school buildings, well-trained staff and equipment. Vocational training is being given due importance in almost all the participating countries. The trades pursued are almost the same with a little variation. Special emphasis is being given on the vocational training of adolescent offenders and young adult offenders. Again, inadequate finances, untrained staff and few workshops and farms appear to be the hurdles in the promotion of a good system of vocational training.

(k) Exercise and Sport; Recreational and Cultural Activities:

Religious Activities

Most countries provide all prisoners not employed outdoors with at least one hour's physical exercise daily outside, weather permitting, or indoors. Most countries lack a gymnasium in their prisons, however, so that this indoor exercise must be done in the cell or dormitory. Many countries also provide films, live performances, and other cultural or recreational activities from time to time. All countries in the region reported that prisoners of different religions are all allowed to practice their religion. Some countries have full-time chaplains and religious teachers, some have full and part-time, and a few have only part-time. In some countries religious services are provided by volunteers from outside the prison.

(l) Social Casework, Counselling and Psychotherapy

Social casework is performed by welfare officers of social welfare agencies and proba-

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tion officers in many countries. Some countries have prison officers such as aftercare officers or prison welfare officers who are specialists in the field of social casework. Common services rendered to the prisoner are services to maintain and improve a better relationship between the prisoner and his family, to secure appropriate employment for the prisoner after his release and to provide financial support to the family of the prisoners. Although all of the participants well recognize the importance and effectiveness of counselling and psychotherapy and in many countries some kind of counselling is offered to the prisoner, it was revealed as a result of the discussion that counselling and psychotherapy have not yet obtained official recognition in many countries to the extent of including them in a regular, standard treatment programme. This is due to a lack or shortage of professional specialists in this field. Therefore, the recruitment of more specialists and well-trained staff is of urgent necessity to fully implement this programme.

(m) Extramural Treatment

There appeared to be a wide variety of extramural treatment programmes and institutions in the countries of the region, including the following types; open camps or centres; furlough or home leave, work release or study release. Parole or release on licence is also a type of extramural treatment which is provided by some countries. Regarding open or semi-open prisons and work-release programmes, some countries use this type of programme extensively, while others do not. This may be due to a difference in correctional policy, especially concerning the degree of security which is felt to be necessary, or may be due in some cases to a lack of adequate facilities or suitable employment.

(n) Parole, Remission and Aftercare

Many participating countries do not have a system of parole. However, in some of these countries, there exists a system of release under supervision for certain categories of prisoners. Through the discussion, the following points were noted: The period of post-release supervision for parolees/supervisees in most of the participating countries is relatively short; In some countries, supervision casework provided to parolees/supervisees is minimal and there is a lack of active involvement by the supervisor; In most of the countries, prisoners are required to undergo a pre-release programme which prepares them for their release and effective arrangements such as employment, accommodation, etc. are prepared by the authorities prior to the prisoner's discharge from the institutions; Assistance and support are available to discharged prisoners in most of the countries whenever they are required.

(o) Correctional Personnel

It was confirmed that every country represented in the Course believes in the rehabilitation of prisoners and is making a sincere effort to rehabilitate prisoners during their stay in the prison. It was found, however, that special services such as psychiatric, psychological, educational and vocational services are not adequately provided in prisons in many countries largely due to the shortage of specialists as well as financial problems. Acknowledging this unfortunate reality, it was also found that in most of the countries, custodial staff have been playing an indispensable role for the rehabilitation of prisoners by giving appropriate guidance through their normal routine work. Many participants emphasized the necessity and effectiveness of cooperation and coordination between and among custodial staff and specialists in the same prison for the rehabilitation of individual prisoners.

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(p) Cooperation, Public Participation and Research on the Effectiveness of Treatment

It was realized that the government and voluntary organizations both have a vital role in the resocialization of offenders. There must be harmonious cooperation among agencies. They must always be seen as being complementary to each other and not as being in competition against one another. Sometimes, their well-intended efforts are hampered because of financial constraints. Voluntary organizations can do more in this field of "social services" only if they have the funds and manpower. It was urged that one is able to know the direction and the necessary steps to take and not be in a situation of "the blind leading the blind" if there is research and evaluation on correctional activities.

(q) The Standard Minimum Rules for the Treatment of Prisoners— Their Implications for Asia and the Pacific, and Proposals for Their Modification from Asia and the Pacific

After exhaustive discussion, it became evident that most of the Rules are either fully or partially implemented by all the countries represented. It is most important to have a deep look at the degree of implementation of each Rule and to improve conditions to the maximum extent possible. Some specific suggestions about the Rules were discussed. For example, it was felt that Rule 9 regarding accommodation in individual cells may be relaxed considering the nature of the institution and the type of prisoners accommodated, as the safeguard embodied in this Rule may not require its implementation in all situations. It was noted that the heating arrangements are not satisfactory in some countries. Also, there is no provision concerning a cooling system in the Rules. In countries like Bangladesh, India, Pakistan and Sri Lanka, where the temperature exceeds 44°C in summer months, it is difficult, if not impossible, to confine prisoners indoors. The situation is more aggravated due to overcrowding problem. It is necessary that some provision be made for a cooling system in the Rules. During the discussion of obstacles to the implementation of the Rules, it was observed that a shortage of trained medical staff hampers modern programmes in the countries represented from Asia and the Pacific region. Difficulties are experienced in employing medical officers because of poor service conditions and the lack of fringe benefits. In some countries, a lack of funds allocated to the correctional services hampers improvement of medical facilities. More efforts are needed to improve medical services in this field. Similarly, a lack of professional staff hampers the implementation of modern programmes. To overcome these and other obstacles, the participants unanimously emphasized the importance of (i) collaboration and cooperation with the other organizations in the criminal justice system; (ii) concentration on the positive, human and scientific aspects of the treatment process; (iii) public relations; and (iv) public participation and utilization of social resources in the treatment of prisoners. Beyond the measures and solutions mentioned above all the participants from the 18 countries represented agreed there is no service which has no problems, either big or small. The problems of different countries ought to be recognized, discussed frankly, then solved, and not be left to exist as before.

In the group workshop sessions, which were organized to give the participants opportunities to discuss issues and problems which participants face in their daily work and are in need of urgent solutions, the participants were divided into five groups according to the similarity of the topics they selected. Each group elected its chairman and rapporteur, and the results of each workshop were subsequently reported at a plenary session by the rapporteurs and further discussion was made by all the participants. The contents

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of discussion are summarized as follows:

Group I

The group discussed several important issues related to juvenile delinquency and the juvenile justice system, which included, *inter alia*, the current situation and mode of juvenile delinquency in the countries represented, the ways and means to improve the rehabilitative treatment of juveniles and the effective administration of juvenile justice.

Group II

The group discussed some special aspects of prison administration and the treatment of prisoners such as prison overcrowding and general trends of prison population, progressive stage systems and prisoners' privileges, public participation in the treatment of prisoners, recruitment and training of correctional personnel, and other organizational matters of prison administration.

Group III

The group discussed, among other things, managing high-risk and long-term prisoners in a maximum security institution, correctional process in Indonesia, sexual perversion in childhood and adolescence, treatment in the reformatory training centre, treatment of mentally disturbed offenders, and some issues relating to stimulant drug offenders in Japan.

Group IV

This group discussed a wide range of issues and problems in the treatment of offenders, such as major factors as vocational training, prison work, education programmes, religious programmes and the staff training problem in Hong Kong, the Republic of Korea, Singapore and Thailand, and gangster groups in Japan.

Group V

The discussion of the group was focused mainly on the practical use of open prisons, improvement of correctional programmes, probation services, classification of prisoners, utilization of rehabilitation aid hostels (half-way houses), and the system of volunteer probation officers in the community-based treatment of offenders.

UNAFEI invited two distinguished visiting experts, *viz.*, Mr. Thomas G.P. Garner, Commissioner of Correctional Services, Correctional Services Department Headquarters, Hong Kong, and Dr. Kurt Neudek United Nations Social Affairs Officer, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs, Department of International Economic and Social Affairs, Vienna, Austria. UNAFEI also invited twelve *ad hoc* lecturers, *viz.*, Mr. Kuniji Shibahara, Professor, Faculty of Law, Tokyo University; Mr. Yoshio Suzuki, Director-General, Corrections Bureau, Ministry of Justice; Mr. Jorge A. Montero, Director, Institute of Latin America for the Prevention of Crime and the Treatment of Offenders, Costa Rica; Mr. Akira Tanigawa, Director-General, Rehabilitation Bureau, Ministry of Justice; Mr. Kōichi Miyazawa, Professor, Faculty of Law, Keio Gijuku University; Mr. Hisashi Hasegawa, Warden, Kawagoe Juvenile Prison; Mr. Saburō Tsuchimochi, Director, Education Division, Corrections Bureau, Ministry of Justice; Mr. Oshima, Head, the Second Division, Kantō Regional Parole Board; Mr. Kiitsu Ozawa, Senior Researcher, Criminological Research Department,

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Research and Training Institute, Ministry of Justice; Mr. Tsuyoshi Hori, Director, Security Division, Corrections Bureau, Ministry of Justice; Mr. Amos E. Reed, Secretary, Department of Corrections, State of Washington, U.S.A.; and Mr. Ed Buehler, Director, Bureau of Community Corrections, Division of Corrections, Department of Health and Social Services, State of Wisconsin, U.S.A.

They delivered a series of lectures on various important topics related to the main theme of the Course. The Director, Deputy Director and other members of UNAFEI's staff also delivered lectures on the relevant topics. A list of these lecturers and their topics is reproduced in Appendix IV-2.

A list of reference materials distributed to the participants is reproduced in Appendix IV-3.

As in other courses, the participants visited various agencies, institutions and other places to observe their operation and to discuss practical problems with the officials present. They included the Supreme Court, the Ministry of Justice, Tochigi Prison, Kōfu Prison, the Training Institute for Correctional Personnel, the Metropolitan Police Department, Keiwaen (Halfway House), Kawagoe Juvenile Prison, Fuchu Prison, Hiroshima Prison, Nara Juvenile Prison, Kantō Regional Parole Board, Tokyo Probation Office, Hachiōji Medical Prison, Tama Juvenile Training School and Keio Gijuku University.

Various problems regarding correctional programmes in the respective countries were highlighted and discussed by the participants under the guidance of the visiting experts, *ad hoc* lecturers and the staff of UNAFEI with particular reference to the Standard Minimum Rules for the Treatment of Prisoners. Through this Course all the participants became more aware of the significance of the Rules as well as of the issues involved in them. It is noteworthy that the participants felt it necessary to formulate an Asian version of the Rules as one of the effective ways to make the Rules more practical and applicable to the countries in the region which have more or less different historical, social, cultural and economic backgrounds from those in other regions.

Events and Activities Related to the Twentieth Anniversary

1. Completion of the New UNAFEI Building

The former building of UNAFEI, which had been formally inaugurated in 1962, was demolished in December 1980 and the new building was completed on the same site in January 1982. The reconstruction was performed as one of the commemorative projects of the twentieth anniversary. The new building with excellent facilities enlarged the accommodation capacity and enabled UNAFEI to provide a more profitable and comfortable reception for the participants and other persons who come to the Institute. In addition, utilizing these excellent facilities, UNAFEI is designed to be one of the most prominent sites for international conferences.

Approximately US\$4,500,000 were spent for the reconstruction. The main facilities of the new building include the following: the fifty-six seat conference hall (234 square meters) equipped with simultaneous interpretation in three languages and audio-visual facilities; the library (168 square meters); the auditorium (175 square meters); four seminar rooms and a meeting room (150 square meters in total); three visiting lecturer's offices (73 square meters in total); residential facilities (1,294 square meters in total)

which consist of thirty-five single rooms and two twin rooms, each with bath, toilet and telephone, a lounge, recreation rooms, laundry rooms and others; the dining room and lounge (179 square meters) and various administrative offices (452 square meters in total).

An inauguration ceremony was held in the auditorium on 8 April 1982 with about 200 people attending including Justice Minister Michita Sakata, Public Prosecutor-General Yoshiho Yasuhara and the delegates of fourteen countries to the Third Meeting of Asia and the Pacific Conference of Correctional Administrators which was in session at that time. More than 30 congratulatory messages from UNAFEI alumni members and the representatives of criminal justice agencies both in overseas countries and Japan were announced to the attendants and added another hue to the ceremony. UNAFEI wishes to express its sincere gratitude to the Government of Japan for its generous support in this difficult economic situation.

2. The Meeting of the *Ad Hoc* Advisory Committee of Experts on UNAFEI Work Programme and Directions

The Meeting of the *Ad Hoc* Advisory Committee of Experts on UNAFEI Work Programme and Directions was held at the conference hall of the new building on 10 April 1982 after a ten-year lapse, taking advantage of the opportunity when such experts gathered to attend the Third Meeting of the Asia and the Pacific Conference of Correctional Administrators held at the conference hall from 5 April to 9 April 1982. As the list of the participants which is reproduced in Appendix V shows, the Meeting had a high level of attendance.

It was presided over by Mr. Atsushi Nagashima, Professor, Tōyō University, Japan, former Director of UNAFEI, and the report of the Meeting, which was drafted by Mr. William Clifford, Director, Australian Institute of Criminology, Australia, former Senior Advisor of UNAFEI, was adopted by the members of the Meeting.

It was gratifying that the Meeting highly appreciated UNAFEI's contribution to the region during the twenty years of its existence. The Meeting has also made a number of suggestions such as that the training programmes at the Institute be strengthened in more diversified forms, that the training programmes at the national level or the sub-regional level with the assistance of UNAFEI be promoted in various forms such as joint seminars, that the research activities of the Institute be also strengthened in a more systematic way, and that the Institute strengthen its tie with the UNAFEI Alumni so as to be able to understand the current situation of crime and criminal justice in the countries of the region, and to be able to provide them with various forms of assistance in their effort to improve the criminal justice administration in their own countries.

With the positive and constructive opinions and suggestions expressed by each participant, UNAFEI is at a better position to improve its training programmes, research activities and other various future activities. UNAFEI wishes to express its sincere gratitude to all the participants for their enthusiastic deliberations during the meeting, and it also wishes for them and other persons concerned to have continued interest in and to give further advice on the work of UNAFEI.

The report of the Meeting is reproduced in Appendix VI.

3. Establishment of the Asia Crime Prevention Foundation

The Asia Crime Prevention Foundation is a non-profit entity supported by private companies and citizens. It was established on 17 February 1982 and Mr. Atsushi Naga-

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shima, Professor, Tōyō University, former Director of UNAFEI, took office as Chairman of the Foundation. According to the Articles of Association of the Foundation, Considering the importance of the unity and cooperation among those who are engaged in the criminal justice administration in the Asian region, and based upon such unity and cooperation, the Foundation aims at organizing and conducting studies, research, training programmes, and other activities of a similar nature in order to contribute to the advancement of effective policies for the prevention of crime and the treatment of offenders, thus ultimately in order to contribute to the maintenance of peace and stability in the region. Therefore, it is stipulated that the area of the activities of the Foundation covers: (1) to convene or sponsor to convene lecture meetings, training courses, symposia, seminars, and other types of study/training/education meetings in the field of crime prevention and the treatment of offenders, (2) to conduct or sponsor to conduct studies, research and related activities in the same field, (3) to dispatch or sponsor to dispatch researchers and experts in the same field to the countries outside of Japan, and to invite or sponsor to invite the same to Japan, (4) to offer support to those organizations and to their activities which are composed of officials engaged in the criminal justice administration in the Asian region, (5) to promote unity and cooperation between agencies and organizations inside and outside of Japan, and others.

Since UNAFEI is the only regional training and research institute in the field of crime prevention and the treatment of offenders in this region, it is apparent that the Foundation is designed to mainly perform its function by encouraging the advancement of UNAFEI's activities, offering moral and financial support to UNAFEI and its former participants or Alumni Associations in the region, and conducting its own research and study in close collaboration with UNAFEI. As UNAFEI on some occasions has had some difficulties furnishing the best possible services to its participants, offering comprehensive follow-up assistance to its former participants, and providing adequate support to the Alumni Associations of the respective countries, a more comfortable reception can be given to the participants, and more subsidies and assistance can be extended to the Alumni Associations and to individuals to help them conduct research and study with the precious moral and financial assistance by the Foundation. This enables UNAFEI to make a more substantial contribution to the fight against the serious crime situation in the region.

During the year 1982, the following events and activities were performed by the foundation: (1) the participants for the 60th and 61st International Training Courses were given receptions by the Foundation; (2) Dr. Denis Szabo, a visiting expert for the 60th Course, gave a public lecture under the joint auspices of the Foundation and the Japan Criminal Policy Association on the Subject of "Socio-Economic Development and Criminal Justice—Comparative Criminological Approach"; (3) Professor Marving E. Wolfgang of the University of Pennsylvania and Mr. John C. Freeman of the University of London, who were visiting Japan to participate in the fourth International Symposium on Victimology, gave public lectures under the auspices of the Foundation on 27 August 1982. Mr. Freeman delivered a lecture on "Custodial Provision for Offenders in England—Some Problems and Some Solutions" and Professor Wolfgang gave his lecture on "Changing Philosophy of Punishment in the U.S.A."; (4) the "Criminal Justice in Asia—the Quest for an Integrated Approach" which will be touched upon in the next part was published with the assistance of the Foundation; and (5) the Director and another staff members were assisted by the Foundation in visiting several countries in the region (this will be referred to in the latter part).

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4. The Twentieth Anniversary Commemoration Volume of UNAFEI

The twentieth anniversary commemoration volume of UNAFEI was published with the title: "Criminal Justice in Asia: the Quest for an Integrated Approach" in December 1982. This is a collection of contributions by those who had a close association with UNAFEI as former directors, senior advisors, visiting experts, and participants in international training programmes. They include: Mr. Thorsten Sellin, Emeritus Professor, University of Pennsylvania, U.S.A., Visiting Expert for the 44th International Training Course; Mr. Norval Morris, Professor of Criminal Law, Law School, University of Chicago, the first Director of UNAFEI; Mr. V.N. Pillai, former Commissioner of Prisons, Sri Lanka, the first Senior Advisor and the second Director of UNAFEI; Mr. Minoru Shikita, Chief, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs, United Nations, former Director of UNAFEI; Mr. Leslie T. Wilkins, Professor, School of Criminal Justice, State University of New York, U.S.A., the second Senior Advisor of UNAFEI; Mr. William Clifford, Director, Australian Institute of Criminology, the third Senior Advisor of UNAFEI; Mr. Gerhard O.W. Mueller, Professor, School of Criminal Justice, Rutgers, the State University of New Jersey, Visiting Expert for the 42nd International Seminar; Mr. R. Khandaker, Additional Inspector-General of Police, Bangladesh, Participant for the 39th International Seminar; Mr. Juan L. Agas, Commissioner, National Police Commission, the Philippines, Participant for the 57th International Seminar; Mr. A. Karim Nasution, Senior Researcher, Attorney-General's Office, Indonesia, Participant for the 35th International Seminar; Mr. Ramonond P. Singh, former Attorney General, Nepal, President, UNAFEI Alumni Association of Nepal; Mr. Hasan Nawaz Choudry, Joint Secretary, Law Division, Ministry of Law and Parliamentary Affairs, Pakistan, Participant for the 59th International Seminar; Mr. Noel Tittawella, former Justice, Supreme Court, Sri Lanka, President, UNAFEI Alumni Association of Sri Lanka; Mr. Hira Singh, Director, National Institute of Social Defence, India, Visiting Expert for the 59th International Training Course, Participant for the 13th International Training Course and the 45th International Seminar; Mr. T.G.P. Garner, Commissioner of Correctional Services, Hong Kong, Visiting Expert for the 32nd International Seminar, 41st International Training Course and 61st International Training Course, Participant for the 2nd International Seminar; Mr. Sulaiman bin Haji Sani, Deputy Director-General of Prisons, Malaysia, Participant for the 51st International Seminar; Mr. Dhavee Choosup, Director-General, Department of Corrections, Ministry of Interior, Thailand, Visiting Expert for the 58th International Training Course; Mr. Akira Tanigawa, Director-General, Rehabilitation Bureau, Ministry of Justice, Japan, former Deputy Director of UNAFEI; Mr. K.V. Veloo, Deputy Director, Rehabilitative Services Branch for Permanent Secretary, Ministry of Social Affairs, Singapore, Participant for the 43rd International Training Course.

Mr. B.J. George, Jr., Professor of Law, New York Law School, U.S.A., Visiting Expert for the 24th, 26th and 59th International Seminars and 55th International Training Course of UNAFEI, undertook the final editorship for this volume, and prepared a summary and a comprehensive index.

The contents of this volume are reproduced in Appendix VII.

This volume is being distributed to the visiting experts and *ad hoc* lecturers who came to UNAFEI during the last three years, various United Nations agencies, governmental agencies, research institutes, libraries and other organizations and individuals which have a close association with UNAFEI. It is also available on request as long as copies are available.

MAIN ACTIVITIES AND EVENTS

UNAFEI is convinced that with the work of acknowledged experts in their respective fields of specialization, this volume adds another significant contribution to the body of literature in the field. Taking advantage of this opportunity, UNAFEI wishes to express its sincere gratitude to the authors and the editor, as well as the Centre for the Rehabilitation and Welfare of Youth, the Correctional Welfare Association and the Asia Crime Prevention Foundation; the last three entities extended generous moral and financial support for this volume, without which the publication would not have been possible.

In addition, another commemorative publication, which will describe the recent activities and prospects of UNAFEI associated with a number of memorial pictures, is now under editorial preparation by UNAFEI, and will be published early in 1983 with the title: "The 20-Year History of UNAFEI—Regional Cooperation in Social Defence—".

5. The Third Meeting of the Asia and the Pacific Conference of Correctional Administrators

The Third Meeting of the Asia and the Pacific Conference of Correctional Administrators was held at the conference hall of the new building during the period between 5 and 9 April 1982 under the co-auspices of the Corrections Bureau of the Ministry of Justice, Japan. Thirty-one Participants including the directors of corrections bureaus from fourteen countries in the region had discussions over four agenda items such as staff development, release under supervision, vocational training, and the classification and categorization of prisoners. As stated earlier, UNAFEI intends to be one of the centres in the region for important international conferences with the excellent facilities of its new building. The Meeting was held as the first conference of this kind in celebration of the inauguration of the new building. A list of the participants in the Meeting is reproduced in Appendix VIII.

Other Activities and Events

1. Research Activities

UNAFEI's research projects undertaken thus far have been characterized by a practical and comparative approach. During the year 1982, UNAFEI continued its survey on the effectiveness of socio-legal preventive and control measures in different countries based on interaction between criminal behaviour and drug abuse which has been conducted in collaboration with United Nations Social Defence and Research Institute (UNSDRI) in Rome. The Criminal Justice System in the Asian Region, which had been tentatively edited by UNAFEI based upon accumulated information from the participants in its programmes, was under revision by UNAFEI, and is expected to be reissued before long. UNAFEI will continue and further expand its research activities in the years to come. In addition, UNAFEI admitted two visiting research scholars in 1982, *viz.*, Miss Susan C. Okubo, A.B.D., Teaching Assistant, School of Criminal Justice, Rutgers, the State University of New Jersey, U.S.A., and Mr. Gary M. Cohen, LL.M., Visiting Lecturer in Law, University of Santa Clara Law School, California, U.S.A. Miss Okubo arrived at UNAFEI on 6 September and has been engaging herself in a survey of comparisons between Japanese and American criminal justice administration. Mr. Cohen arrived at UNAFEI on 17 September and has been engaging himself in the study of Asian criminal justice systems with special emphasis on the Japanese criminal justice system.

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2. Information Services

As in other previous years, UNAFEI published Resource Material Series No. 21, which consisted of articles and reports presented in the 57th International Seminar and the 58th International Training Course, as well as its Annual Report for 1981, and Resource Material Series No. 22, which contains articles and reports presented in the 59th International Seminar and the 60th International Training Course. Three Newsletters (Nos. 46-48) summarized the contents and results of the 59th International Seminar, and the 60th and 61st International Training Courses. UNAFEI also endeavoured to collect statistics, books and other materials on crime conditions, and criminal and juvenile justice administration in Asian countries, and to respond to requests for information from many agencies and individuals.

3. Cooperation with Related Institutes and Alumni Associations

(1) Messrs. Makazu Ikeda and Tōichi Fujiwara, Professors of UNAFEI, visited Australia from 5 to 21 January 1982 in order to strengthen further cooperation between UNAFEI and the Australian Institute of Criminology and to visit various criminal justice agencies and institutions there. They met policy makers and researchers in criminal justice including Mr. William Clifford, Director, Australian Institute of Criminology, Mr. Justice Xavier Connor, Supreme Court of Australian Capital Territory and Federal Court.

(2) Director Hiroshi Ishikawa visited six countries, *i.e.*, Hong Kong, Thailand, Malaysia, Singapore, Indonesia and the Philippines from 12 to 27 July 1982. He met a number of UNAFEI Alumni members as well as many distinguished persons who were related to the UNAFEI work to discuss future activities of the UNAFEI Alumni Associations and cooperation between UNAFEI and Alumni Associations in the respective countries.

(3) Director Hiroshi Ishikawa and Professor Hidetsugu Kato attended two ESCAP meetings, *i.e.*, the Committee on Social Development (third session) which was held at Bangkok, Thailand, from 16 to 22 November 1982, and the Second *Ad Hoc* Meeting of Agencies and Non-Governmental Organizations Concerned with Youth Development in the Region which was held at Bangkok from 23 to 26 November 1982. Director Ishikawa made a presentation at each meeting in which he emphasized the importance of implementing crime prevention and treatment strategies in the process of socio-economic development. During their stay in Bangkok, they met many Alumni members and other distinguished persons and discussed future cooperation among the Government of Thailand, the Alumni Association and UNAFEI.

(4) Director Hiroshi Ishikawa visited Singapore from 19 to 21 November 1982. He met distinguished officials and some former participants to discuss the establishment of a UNAFEI Alumni Association of Singapore as well as various other matters.

4. UNAFEI Staff

During 1982, there were some changes in the staff of UNAFEI. Among them, Mr. Minoru Shikita was appointed Chief, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs, United Nations Secretariat after two years and one month service as Director of UNAFEI. The list of the main staff of UNAFEI as of 31 December 1982 is shown in Appendix IX.

CONCLUSION

II. Prospects for the Year 1983

In 1983 UNAFEI will continue to make every effort to organize and conduct effective and beneficial international training courses and seminars for public officials engaged in the criminal justice administration in this and other regions, which is the fundamental task of this Institute. Overseas joint seminars in which the staff of UNAFEI are dispatched to the countries in the region to conduct seminars jointly with their host Governments are regarded as one of the most effective ways to supplement the regular training courses and seminars which are held at this Institute. UNAFEI intends to continue this type of training programme in 1983 in cooperation with related Governmental authorities. Further, since most of the alumni members hold a leading position in the field of crime prevention and criminal justice administration in their respective countries, active cooperation among them and among Alumni Associations in various countries is very important in the fight against the serious and complex crime situation in the region. Therefore, promoting the organization and reactivation of Alumni Associations in various countries is another direction for UNAFEI to pursue in 1983. Last, but not least, UNAFEI will continue to expand its service as a documentation centre and clearing house for the collection of data and dissemination of information on criminal justice systems and their administration in the Asian and other regions.

The 62nd International Seminar will be held from 14th February to 19th March 1983, the main theme of which will be "Promotion of Innovations for Effective, Efficient and Fair Administration of Criminal Justice". The Seminar is designed for policy-making-level officials whose duties are closely related to the main theme. The discussion will be focused on such items as reforms and innovations in criminal procedures and practices and in selection, status and training of law enforcement officials, budgetary and other strategical aspects of innovations, etc. The Seminar will have the participation of several visiting experts including Professor Abraham S. Goldstein, Yale Law School, Connecticut, U.S.A., Professor Oemar Seno Aji, University of Indonesia, Republic of Indonesia, Tan Sri Mohd. Haniff Omar, Inspector-General, Royal Malaysia Police, Malaysia, Dr. Walter Rolland, Ministerial Director, Federal Ministry of Justice, the German Federal Republic, and Professor B.J. George, Jr., New York Law School, U.S.A.

The 63rd International Training Course will be held from 19 April to 9 July 1983 with the main theme: "Community-Based Corrections". This Course is for relatively senior officials whose duties are closely related to the main theme. The Course will provide an opportunity to discuss all aspects of community-based corrections, including probation, parole, halfway houses and other residential facilities in the community, and other types of community-based corrections such as community service orders, etc. Visiting experts for the Course will be Mr. Kenneth F. Schoen, Director, Justice Programme, the Edna McConnell Clark Foundation, New York, U.S.A., and Mr. K.V. Veloo, Director (Development), Ministry of Social Affairs, Singapore.

III. Conclusion

It was in September 1962 that the first International Training Course was held at the then newly constructed building in Fuchu, Tokyo, with the Course theme: "Prevention and the Treatment of Juvenile Delinquency: Open Correctional Institutions". Since that

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time, UNAFEI has conducted sixty-one international training courses and seminars, and three short-term special training courses. The number of officials who have participated in these courses and seminars totalled 1,359 as of the end of 1982. A list of the distribution of these participants by professional background and country is reproduced in Appendix X. UNAFEI has also organized and conducted several joint seminars outside of Japan together with host countries of the region including three which were held in 1981. Further, it has undertaken a number of research projects.

To cultivate personnel of ability in the field of crime prevention and the treatment of offenders is truly a matter of difficulty as well as great importance especially in the region where most countries have been experiencing various types of change including rapid socio-economic development. It is, however, gratifying that UNAFEI has been deemed to have contributed to the improvement of crime prevention and treatment strategy and thus to the sound socio-economic development in the countries in Asia and the Pacific region. UNAFEI owes the successful performance of its mission to the constant assistance and support extended to it throughout its existence for twenty years by the United Nations, the Governments of the region including the Government of Japan, the Japan International Cooperation Agency, visiting experts, *ad hoc* lecturers and other agencies, organizations and individuals related to the work of UNAFEI. Sincere gratitude should also be extended to the former Directors and other members of the staff of UNAFEI for their successful endeavour which helped lay the cornerstone of its course programmes and activities in the early sensitive years after its birth.

The year 1982 added new cornerstones to UNAFEI for its further development: The new building equipped with excellent facilities has not only enlarged its capacity but enabled it to perform its mission in a more effective way; It has been afforded with future directions for its activities by the Meeting of the *Ad Hoc* Advisory Committee of Experts on UNAFEI Work Programme and Directions; It has been enabled to make its programmes and activities more fruitful with the support of the Asia Crime Prevention Foundation. Given these precious assets, UNAFEI wishes to reiterate its determination to make further efforts in order to discharge its responsibility more successfully.

This report is respectfully submitted to the United Nations and the Government of Japan in compliance with Section 1(a) of the letter exchanged between the United Nations and the Government of Japan in March 1970.

31 January 1983



Hiroshi Ishikawa
Director
UNAFEI

APPENDIX

Appendix I

Distribution of Participants by Countries (59th-61st)

Countries	59th Course	60th Course	61st Course	Total
Bangladesh	—	1	1	2
Brazil	1	1	—	2
Chile	—	—	1	1
Costa Rica	1	—	—	1
Fiji	—	—	1	1
Ghana	1	—	—	1
Hong Kong	—	1	2	3
India	1	1	1	3
Indonesia	1	1	1	3
Iraq	—	—	1	1
Jamaica	1	—	—	1
Korea	1	1	1	3
Malaysia	1	1	1	3
Morocco	1	—	—	1
Nepal	1	1	1	3
Pakistan	1	—	1	2
Papua New Guinea	—	—	1	1
Peru	—	—	1	1
Philippines	2	1	1	4
Singapore	1	1	2	4
Sri Lanka	1	1	1	3
Sudan	—	1	—	1
Tanzania	—	1	—	1
Thailand	1	1	1	3
Tonga	1	—	—	1
United Arab Emirates	1	—	—	1
Japan	8	10	10	28
Total	26	24	29	79

Appendix II-1

List of Participants in the 59th International Seminar

Julio Cesar Martins Ribeiro de Campos
Police Prosecutor
Brazil

Gloria Z. Navas Montero
Head, Public Defenders Division
Supreme Court of Justice
Costa Rica

Lawrence Atta Frempong
Assistant Commissioner of Police
Central Region
Regional Police Headquarters
Ghana

Raj Kumar Shastri
Home Secretary
Government of Rajasthan
India

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Witono

Police Major
Chief of Sub Crime Investigation Unit
Indonesia National Police Headquarters
Indonesia

Egbert Leopold Gunter

Permanent Secretary
Ministry of National Security and
Justice
Jamaica

Hwang Jin Ho

Senior Public Prosecutor
Seoul High Public Prosecutors' Office
Republic of Korea

Haji Mohd. Onn bin Haji Muda

Superintendent of Police
Contingent Police Headquarters
Royal Malaysia Police
Malaysia

Hossni Mustapha

Chief, Criminal Division
National Judiciary Police Brigade
Morocco

Chhatra Bahadur Pradhan

Inspector of Police
Police Headquarters
Nepal

Chaudhry Hasan Nawaz

Joint Secretary
Law Division
Ministry of Law
Pakistan

Esteban V. Gonzaga

State Prosecutor
Ministry of Justice
Philippines

Ciriaco P. Cruz

Deputy Constabulary Judge Advocate
Philippines

Soon Kim Kwee

District Judge
Subordinate Courts
Singapore

Wijesinha Mervyn Patrick

Permanent Secretary
Ministry of Justice
Sri Lanka

Thavisak Na Takuathung

Senior Public Prosecutor
Department of Public Prosecutions
Thailand

Solomone Fifita Tohi

O.C. Immigration
Police Headquarters
Tonga

Ahmed bin Mubarak bin Abdulla

Al Mubarak Al Saairi

Director Foreign Relations
Ministry of Justice
United Arab Emirates

Hirosuke Aburada

Judge
Nagoya District Court
Japan

Akira Fujiwara

Public Prosecutor
Osaka District Public Prosecutors'
Office
Japan

Toichi Koike

Deputy Director
International Crime Investigation
Division
National Police Agency
Japan

Takaji Kuroda

Chief, Okinawa Branch Office
Kyushu Regional Narcotic Control
Office
Japan

Shigetoshi Ogawa

Deputy Director
Tokyo Probation Office
Japan

APPENDIX

Chikako Taya

Public Prosecutor
Urawa District Public Prosecutors'
Office
Japan

Kenji Yonezawa

Public Prosecutor
Tokyo District Public Prosecutors'
Office
Japan

Yoshihiro Ueshiba

Deputy Superintendent
Osaka Juvenile Classification Home
Japan

Appendix II-2

List of Lecturers and Their Topics

Visiting Expert

- 1) *Dr. Ricardo C. Puno* – “Contemporary Problems in Securing an Effective, Efficient and Fair Administration of Criminal Justice and Their Solutions”
- 2) *Dr. B.J. George, Jr.* – “Recent Developments in the Constitutional Law Affecting Search, Seizure and Interrogation”, and “The Exclusionary Rule and Other Sanctions for the Protection of Constitutional Rights”

Ad Hoc Lecturers

- 1) *Mr. Atsushi Nagashima*, Professor, Faculty of Law, Tōyō University – “Coordinated and Efficient Administration of Criminal Justice”
- 2) *Mr. Shigeki Itō*, Deputy Prosecutor-General, Supreme Public Prosecutors' Office – “Characteristics and Roles of Japanese Public Prosecutor”
- 3) *Mr. Sadame Kamakura*, Deputy Superintendent-General, Tokyo Metropolitan Police Department – “Crime Trends and Crime Prevention Strategies in Tokyo”

Faculty

- 1) *Mr. Masaharu Hino* (Deputy Director) – “Crime in Japan”
- 2) *Mr. Makazu Ikeda* – “Criminal Justice System in Japan (II): Trial”
- 3) *Mr. Keizō Hagihara* – “Criminal Justice System in Japan (III): Institutional and Non-institutional Treatment of Offenders”
- 4) *Mr. Susumu Umemura* – “Police Activities for Crime Prevention”
- 5) *Mr. Tōichi Fujiwara* – “Criminal Justice System in Japan (I): Investigation and Prosecution”, and “Clarificatory Discussion on Japanese Criminal Justice”

Appendix II-3

List of Reference Materials Distributed

- 1) The International Bill of Human Rights
- 2) Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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- 3) Draft Code of Conduct for Law Enforcement Officials
- 4) Development of Codes of Medical Ethics
- 5) Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- 6) Draft Principles on Freedom from Arbitrary Arrest and Detention
- 7) Principles on Equality in the Administration of Justice
- 8) Standard Minimum Rules for the Treatment of Prisoners
- 9) The Constitution of Japan
- 10) Criminal Statutes I & II
- 11) Law for Correction and Rehabilitation of Offenders
- 12) Court Organization Law and Public Prosecutors' Office Law
- 13) Criminal Justice in Japan
- 14) Correctional Institution in Japan
- 15) Community-Based Treatment of Offenders in Japan
- 16) Summary of the White Paper on Crime, 1980
- 17) Bulletin of the Criminological Research Department, 1980
- 18) The Organization and Functions of the Organs for the Protection of Human Rights and Legal Aid System in Japan, 1977
- 19) National Statement of Japan for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
- 20) Regional Training and Research Programme on Crime Prevention and Criminal Justice in Asia
- 21) Criminal Justice System in Asian Region (1)
- 22) Forms and Dimensions of Criminality and Criminal Policy in Asian Countries
- 23) Crime Trends and Crime Prevention Strategies in Asia and the Pacific Region
- 24) Alternatives to Imprisonment in Asia
- 25) Resource Material Series Nos. 18, 19, 20
- 26) Newsletter Nos. 43, 44, 45

Appendix III-1

List of Participants in the 60th International Training Course

Md. Abdul Huq

Additional Deputy Commissioner and
Additional District Magistrate
Bangladesh

Oscar Maximo Senque Brueckner

Police Delegate
Civil Police
Brazil

Ivan Wong

Superintendent of Correctional Services
(Acting)
Hei Ling Chau Addiction Treatment
Centre
Hong Kong

P.P. Mahurkar

Deputy Director
Bureau of Police Research and
Development
Ministry of Home Affairs
India

R.M. Surahman, S.H.

Prosecutor at the Attorney General's
Office
Indonesia

Appendix III-2

List of Lecturers and Their Topics

Visiting Expert

- 1) *Prof. Leslie T. Wilkins* – “General Introduction to Information and Decision Theory: Models and Their Usage”, “General Introduction to Information and Decision Theory: The Present Position Regarding Theories of Imprisonment”, “Seriousness of Crime and the Importance of Aggravating and Mitigating Factors” and “Discusion of the Ideas of Guidelines”
- 2) *Dr. Denis Szabo* – “Economic Crime and Abuse of Economic Power: New Avenues for Research and Legislations”, “Contemporary Societies and Crime Control: Features and Evaluation of Crime Trends and the Efficiency of Criminal Justice System”, “Victims and Society: Is There a Fair Deal for Victims in the Criminal Justice System?” and “Police and the Public: Trends in Contemporary Law Enforcement”

Ad Hoc Lecturers

- 1) *Mr. Hiroshi Maeda*, Director-General, Criminal Affaris Bureau, Minsitry of Justice – “Prosecutorial System in Japan”
- 2) *Mr. Shohei Kawakatsu*, Deputy Director, United Nations Statistical Institute for Asia and the Pacific – “Statistical Implication to the Prevention of Crime”
- 3) *Mr. I.J. “Cy” Shain*, Research Director, Judicial Council of California – “The Wise Use of Discretion: Key to Effective Sentencing”
- 4) *Mr. Miguel Urrutia*, Vice-Rector, Development Studies Division, The United Nations University – “On Crime Statistics”
- 5) *Mr. Kōya Matsuo*, Professor of Criminal Law, Faculty of Law, Tokyo University – “Prosecutorial Discretion in Japan”
- 6) *Mr. Terumasa Ide*, Director of the First Research Division, Research and Training Institute, Ministry of Justice – “The White Paper on Crime in Japan”
- 7) *Mr. Atsushi Nagashima*, Professor of Criminal Law, Faculty of Law, Tōyō University – “Coordinated and Efficient Administration of Criminal Justice”
- 8) *Mr. Yōichirō Yamakawa*, Attorney at Law – “Some Aspects of Japanese Criminal Justice as Viewed by a Practicing Attorney”
- 9) *Mr. Motoo Ono*, Director-General Criminal Affairs Bureau, General Secretariat, Supreme Court – “Characteristics of Criminal Procedure in Japan”
- 10) *Mr. Yoshinori Shibata*, Deputy Superintendent-General, Tokyo Metropolitan Police Department – “Crime Trends and Crime Prevention Strategies in Tokyo”
- 11) *Mr. Tokio Matsumoto*, Judge, Tokyo District Court – “Sentencing Disparity in U.S.A.”

Faculty

- 1) *Mr. Hiroshi Ishikawa* (Director) – “Statistical Needs of Criminal Policy”
- 2) *Mr. Masaharu Hino* (Deputy Director) – “Crime Trends in Japan” and “Planning and Research for Criminal Justice System”
- 3) *Mr. Hidetsugu Kato* – “Criminal Justice System in Japan (II): Trial” and “Some Measures to Reduce Disparity in Sentencing and Sentencing Standards in Some Crimes in Japan”

APPENDIX

Cho, Chae-Chun

Deputy Director of Investigation and
Adjustment Division
Ministry of Justice
Korea

Ambrose Liew Chin Kong

Social Welfare Officer
Department of Welfare Services
Malaysia

Radha Krishna Ranjitkar

Under Secretary
Ministry of Law and Justice
Nepal

Portia A. Hormachuelos

State Prosecutor
Office of the Provincial Fiscal
Philippines

Edmond Pereira

State Counsel/Deputy Public Prosecutor
Attorney-General's Chambers
Singapore

Punyadasa Edussuriya

District Judge and Magistrate
District Court, Mātale
Sri Lanka

Abd El Galil Hussein Mahmoud

Senior Legal Counsel
Attorney General's Chambers
Sudan

Onel Elias Malisa

Assistant Commissioner of Prisons
Prisons Staff College
Tanzania

Suthin Patamarajvichien

Judge
Bangkok South District Court
Thailand

Hikomichi Inoue

Assistant Judge
Tokyo District Court
Japan

Ryōji Kawabata

Senior Probation Officer
Nagoya Probation Office
Japan

Michio Kobayashi

Deputy Director
Criminal Investigation Bureau
National Police Agency
Japan

Akira Miyamoto

Specialist
Urawa Juvenile Classification Home
Japan

Kazuo Mōri

Probation Officer
Sendai Probation Office
Japan

Yoshihiro Nanbu

Public Prosecutor
Tokyo District Public Prosecutors'
Office
Japan

Shigehiro Sakamoto

Chief Navigation Officer
Patrol Vessel "Kikuchi"
Moji Maritime Safety Office
Japan

Shinji Takai

Public Prosecutor
Sakai Branch of Osaka District Public
Prosecutors' Office
Japan

Tateo Toyoda

Assistant Judge
Ichinomiya Branch
Nagoya District Court and Family
Court
Japan

Yoshinori Yamamoto

Chief, Counsellor's Office
Correction Bureau, Ministry of Justice
Japan

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- 4) *Mr. Keizō Hagihara* – “Mental Disorder and Crime”
- 5) *Mr. Hachitarō Ikeda* – “Criminal Justice System in Japan (III): Institutional Corrections”
- 6) *Mr. Tōichi Fujiwara* – “Introductory Discussion of Comparative Criminal Justice in Asia”
- 7) *Mr. Seiji Kurata* – “Criminal Justice System in Japan (I): Investigation and Decision to prosecute” and “Criminal Statistics in Japan”
- 8) *Mr. Yasuo Hagiwara (Haji)* – “Criminal Justice System in Japan (IV): Community-Based Corrections” and “Juvenile Delinquency in Developing Countries”
- 9) *Mr. Yoshio Noda* – “Public Participation in Criminal Justice Process”

Appendix III-3

List of Reference Materials Distributed

- 1)-22) The same materials with those 1)-15) and 18)-24) in Appendix II-3
- 23) Summary of the White Paper on Crime, 1981
- 24) Bulletin of the Criminological Research Department, 1981
- 25) Resource Material Series Nos. 19, 20
- 26) Newsletter Nos. 44, 45, 46

Appendix IV-1

List of Participants in the 61st International Training Course

Mohammad Salam

Superintendent of Police
District: Jamalpur
Bangladesh

V. Jorge Diaz Navarrete

Mayor de Gendarmeria de Chile
Centro Detencion Preventiva Lebu
Chile

Oveti Laladidi

Chief Prison Officer
Fiji Prisons Services
Fiji

Fung Kwan-Yuet

Superintendent (Commercial Manager)
Correctional Services Department
Hong Kong

Ish Kumar Bhagat

Senior Superintendent of Correctional
Services
Correctional Services Headquarters
Hong Kong

V. Appa Rao

Deputy Inspector General of Police
Office of the D.G.P. and I.G.P.
India

R. V. Rudy Tjitrosomo, S.H.

Head, Legal Division
Directorate General of Corrections
Department of Justice, R.I.
Indonesia

Sana Francis Jazrawi

Chairwoman of the Technical
Committee
General Office for Juvenile Reform
Iraq

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Kim, Myung Bae
Chief, General Affairs Section
Anyang Correctional Institution
Korea

Mohd. Jappar bin Yaacob
Deputy Superintendent
Prisons Headquarters
Malaysia

Revati Raj Kafle
Section Officer
Police and Prison Section
Ministry of Home Affairs
Nepal

Shaukat Mehmood Mian
Deputy Inspector General of Prisons-
Punjab
Pakistan

Twain Pongi
Director of Child Welfare
Papua New Guinea

Gina Norry Portugal Hidalgo
Legal Counselor
Criminal Division
Peruvian Supreme Court
Peru

Florcelia E. Rosas
Head Social Worker
Ministry of Social Services and
Development Region IV
National Training School for Boys
Philippines

Chew Sin Poon
Acting Senior Prison Welfare Officer
Rehabilitative Services Branch
Ministry of Social Affairs
Singapore

Loh Siang Piow @ Loh Chan Pew
Acting Assistant Superintendent of
Prison
Reformatory Training Centre
Singapore

Sirmaal Jeoffrey Manilal Gunasekera
Assistant Superintendent of Prisons
Bogambara Prisons
Sri Lanka

Boonsootthi Thanusiri
Warden
Ayutthaya Rehabilitation Centre for
Drug Addicted Offenders
Thailand

Takashi Aoki
Deputy-Director
Koshigaya Child Guidance Center
Japan

Masayuki Ikegami
Public Prosecutor
Tokyo District Public Prosecutors'
Office
Japan

Mitsuru Itaya
Officer, Research and Liaison Section
Rehabilitation Bureau
Ministry of Justice
Japan

Shigeru Ohta
Public Prosecutor
Osaka District Public Prosecutors'
Office
Japan

Sadakazu Kasuga
Family Court Probation Officer
Aomori Family Court
Hachinohe Branch
Japan

Tetsumi Masuda
Professor
Training Institute for Correctional
Personnel
Japan

Masako Saeki
Probation Officer
Hiroshima Probation Office
Japan

APPENDIX

Tadashi Watanabe

Chief of Medical Care and Classification
Section
Tokyo Regional Corrections
Headquarters
Japan

Hiroto Yamazaki

Police Superintendent
Statistics & Research Division
National Police Agency
Japan

Yoichiro Yamato

Judge
Osaka District Court
Japan

Appendix IV-2

List of Lecturers and Their Topics

Visiting Experts

- 1) *Mr. Thomas G.P. Garner, C.B.E., J.P.* — “Management of Institutions”, “Convicted Prisoners — Admission to Discharge”, “Classification and Categorization After-care, Visitors and Public Relations”, “Vocational, Industrial Training, and Cultivation of Good Work Habits”, and “Correctional Services Personnel and Staff Training”
- 2) *Dr. Kurt Neudek* — “Formulation and Application of United Nations Standards and Norms in Criminal Justice”, “The United Nations Standard Minimum Rules for the Treatment of Prisoners: Some Issues of Current Relevance”, “Correctional Issues at United Nations Congress on the Prevention of Crime and the Treatment of Offenders: Changes in Emphasis and Perspective”, and “Corrections from the Viewpoint of Crime Prevention and Criminal and Social Justice”

Ad Hoc Lecturers

- 1) *Mr. Kuniji Shibahara*, Professor, Faculty of Law, Tokyo University — “Penal Policy and International Standards and Norms (I), (II)”
- 2) *Mr. Yoshio Suzuki*, Director-General, Corrections Bureau, Ministry of Justice — “Some Aspects of Correctional Administration in Japan”
- 3) *Mr. Jorge A. Montero*, Director, Institute of Latin America for the prevention of Crime and the Treatment of Offenders — “The Training and Research Activities of Institute of Latin America for the Prevention of Crime and the Treatment of Offenders”
- 4) *Mr. Akira Tanigawa*, Director-General, Rehabilitation Bureau, Ministry of Justice — “The Outline of the Rehabilitation Services in Japan”
- 5) *Mr. Kōichi Miyazawa*, Professor, Faculty of Law, Keio Gijuku University — “The Prison Law Reform and Japanese Correctional Administration (I), (II), (III)”
- 6) *Mr. Hisashi Hasegawa*, Warden, Kawagoe Juvenile Prison — “Prison Industry and Vocational Training”
- 7) *Mr. Saburō Tsuchimochi*, Director, Education Division, Corrections Bureau, Ministry of Justice — “Correctional Programmes for Institutionalized Offenders”
- 8) *Mr. Takao Ōshima*, Head, the Second Division, Kantō Regional Parole Board — “Practical Use of Parole in Japan”

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- 9) *Mr. Kiitsu Ozawa*, Senior Researcher, Criminological Research Department, Research and Training Institute, Ministry of Justice – “Treatment Programmes and Their Effectiveness”
- 10) *Mr. Tsuyoshi Hori*, Director, Security Division, Corrections Bureau, Ministry of Justice – “Security Conditions of Penal Institutions in Japan”
- 11) *Mr. Amos E. Reed*, Secretary, Department of Corrections, State of Washington, U.S.A. – “Problems, Programmes and Plans of American Corrections”
- 12) *Mr. Ed. Buehler*, Director, Bureau of Community Corrections, Division of Corrections, Department of Health and Social Services, State of Wisconsin, U.S.A. – “Probation, the Best Alternative to Prison”

Faculty

- 1) *Mr. Hiroshi Ishikawa (Director)* – “Characteristic Aspects of Japanese Criminal Justice System”
- 2) *Mr. Masaharu Hino (Deputy Director)* – “Correctional Administration in Asia and the Pacific Region (I), (II)”
- 3) *Mr. Hidetsugu Kato* – “Criminal Justice System in Japan (II)”
- 4) *Mr. Keizō Hagihara* – “Clinical Services in Correctional Institutions”
- 5) *Mr. Hachitarō Ikeda* – “Criminal Justice System in Japan (III)”
- 6) *Mr. Tōichi Fujiwara* – “Integrated Approach to Prison Overcrowding”
- 7) *Mr. Seiji Kurata* – “Criminal Justice System in Japan (I)”
- 8) *Mr. Yasuo Hagiwara (Haji)* – “Criminal Justice System in Japan (IV)”
- 9) *Mr. Yoshio Noda* – “Public Participation in the Treatment of Offenders”

Appendix IV-3

List of Reference Materials Distributed

- 1)-10) The same materials with those 1), 2), 8)-11), 13)-15) and 19) in Appendix II-3.
- 11) Summary of the White Paper on Crime, 1981
- 12) Bulletin of the Criminological Research Department, 1981
- 13) Recent Activities of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
- 14) Resource Material Series Nos. 19, 20, 21
- 15) UNAFEI Newsletters Nos. 45, 46, 47

Appendix V

List of the Participants

Meeting of the *Ad Hoc* Advisory Committee of Experts on UNAFEI Work Programme and Directions

- 1) *Mr. 'Akau'ola*, Minister of Police, Tonga
- 2) *Mr. M. V. Buardromo*, Permanent Secretary for Home Affairs, Fiji
- 3) *Mr. Shōzō Chikamatsu*, Director-General, General Affairs Department, Supreme Public Prosecutors Office, Japan

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- 4) *Mr. Dhavee Choosup*, Director-General, Department of Corrections, Ministry of Interior, Thailand
- 5) *Mr. William Clifford*, Director, Australian Institute of Criminology, Australia
- 6) *Mr. J.P. Delgoda*, Commissioner of Prisons, Sri Lanka
- 7) *Mr. Jorge M. Cordeiro Dias*, Director of Correctional Services, Macau
- 8) *Mr. T.G. Garner*, Commissioner of Correctional Services, Hong Kong
- 9) *Mr. William D. Garrett*, Chief Executive Officer, New Zealand
- 10) *Mr. Ibrahim bin Haji Mohamed*, Director-General of Prisons, Malaysia
- 11) *Mr. Leo Kuabaal*, Commissioner, Correctional Services, Papua New Guinea
- 12) *Mr. Kōya Matsuo*, Professor of Tokyo University, Japan
- 13) *Mr. A.S. Mehta*, Joint Secretary, Ministry of Home Affairs, India
- 14) *Mr. Kōichi Miyazawa*, Professor of Keiō Gijuku University, Japan
- 15) *Mr. Atsushi Nagashima*, Professor of Tōyō University, Japan
- 16) *Mr. Tsuneo Oyake*, Deputy Director-General, United Nations Bureau, Ministry of Foreign Affairs, Japan
- 17) *Mr. Viente R. Raval*, Director, Bureau of Prisons, Ministry of Justice, Philippines
- 18) *Mr. I.J. "Cy" Shain*, Research Director, Judicial Council of California, U.S.A.
- 19) *Mr. Minoru Shikita*, Chief, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs, United Nations
- 20) *Mr. Quek Shi Lei*, Director-General of Prisons, Prison Headquarters, Singapore
- 21) *Mr. Yoshio Suzuki*, Director-General, Correction Bureau, Ministry of Justice, Japan
- 22) *Mr. Akira Tanigawa*, Director-General, Rehabilitation Bureau, Ministry of Justice, Japan
- 23) *Mr. Hiroshi Ishikawa*, Director, UNAFEI
- 24) *Mr. Masaharu Hino*, Deputy Director, UNAFEI

Appendix VI

Report of the Meeting of the *Ad Hoc* Advisory Committee of Experts on UNAFEI Work Programme and Directions Fuchu, Tokyo, Japan, 10 April 1982

Introduction

On the occasion of the third meeting of the Asia and Pacific Conference of the Correctional Administrators held at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Institute convened, on 10 April 1982, a Meeting of the *Ad Hoc* Advisory Committee of Experts for the purposes of making an evaluation of the on-going programme and activities and of advising on its future work. The list of participants is attached as Annex 1.*

* Omitted here because it is contained in Appendix V.

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Formal Proceedings

The meeting was formally opened by Mr. Hiroshi Ishikawa, the Director of UNAFEI. He expressed his heartfelt gratitude for the participants' acceptance of the invitations which he had extended.

Mr. Ishikawa reminded the meeting that UNAFEI was established in 1961 in pursuance of the agreement between the United Nations and the Government of Japan to promote regional co-operation in the field of prevention of crime and the treatment of offenders through training and research, and thus to contribute to a sound national development in Asia. He explained that during its twenty years of existence, UNAFEI has conducted more than 60 international seminars and training courses, bringing in a total of 1,306 persons representing 49 countries, mainly in Asia. In addition, UNAFEI has conducted several joint seminars conjointly with Governments in the region including three such ones in 1981. The Institute, he said, has undertaken a number of research projects and has instituted a series of publications, including the UNAFEI Resource Material Series. Mr. Ishikawa asked the meeting to proceed to a frank and candid evaluation of all previous UNAFEI activities and to advise on future directions.

Concluding his opening address, Mr. Ishikawa asked for nominations for Chairman, Vice Chairman and Rapporteur. The following officers were proposed and elected by acclamation:

Chairman: Professor Atsushi Nagashima (Japan)
Vice Chairman: Mr. Dhavee Choosup (Thailand)
Rapporteur: Mr. William Clifford (Australia)

Adoption of Agenda

The Chairman invited the members' attention to the following provisional agenda:

Provisional Agenda

1. Election of Officers (Chairman, Vice Chairman and Rapporteur)
2. Adoption of the Agenda and Other Organizational Matters
3. Evaluation of On-Going Programme and Activities
4. Suggestions for Future Programmes and Activities
5. Role and Functions of a UNAFEI Alumni Association in the Respective Countries
6. Adoption of the Report

The meeting agreed on the proposed provisional agenda, which was adopted by consensus.

General Discussion

The general discussion was opened by Mr. Garner of Hong Kong, who suggested that the value of UNAFEI was appreciated by the people in the field of crime prevention and the treatment of offenders in the region but was not very well known by those not directly involved in the work. He called for a raising of consciousness of those who needed to know about UNAFEI but who may not be working in criminal justice. He also proposed that the countries of the region might register their presence in the new building of UNAFEI by adopting particular rooms in which participants would stay. Hong Kong, for example, could send small items for a "Hong Kong Room" such as pictures for the walls, small pieces of equipment, even a clock with radio. This would not mean, of course, that

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this room had to be occupied only by people from Hong Kong, but it would establish a Hong Kong presence in the new building, and if other countries followed suit, the unity of the work in the region would be underlined. Other members showed deep interest in this proposal. Thirdly, he suggested that the programmes at UNAFEI might not always have been dealing with the main correctional issues for the region. He would like to see a seminar on drugs, for example. Many other members endorsed his proposal of conducting such a seminar on drugs.

Mr. A.S. Mehta of India expressed his appreciation of being asked to stay on after the Asian and Pacific Conference in order to attend this Advisory Committee Meeting. India had greatly benefited from UNAFEI activities and he believed that there had been about 47 participants from India. He was concerned that there should be some way of making sure that people brought in for courses from the countries of the region were actually engaged in and capable of disseminating their gains in the field for which the course was intended by providing suggestions as regards the level and type of nominations expected at the stage when the invitations are sent, keeping in mind the particular courses contemplated. He further expressed satisfaction that UNAFEI had taken up courses on the subject of co-ordination in the criminal justice system, and suggested increasing the number of such courses.

Mr. Tsuneo Oyake, Deputy Director-General of the United Nations Bureau of the Ministry of Foreign Affairs, Government of Japan, highly appreciated UNAFEI for its work in the past and expressed the full support of the Foreign Ministry in the future, within the framework of its technical co-operation programmes. He said he was pleased to be able to share in this meeting of the Advisory Committee, and he was anxious to listen to ideas as they came from the floor.

Mr. J.P. Delgoda of Sri Lanka supported the work that had been going on, but thought there might be more consideration given to a larger number of fellowships and to opportunities for longer and shorter periods of training.

Mr. Quek of Singapore thought that, despite the achievement of UNAFEI, the subject of correctional management had never been adequately covered by the courses, and he hoped that this could be done in the future.

Items 3 and 4

The Chairman suggested that already the discussion had moved on to Items 3 and 4, and he proposed to take these now. Mr. Choosup drew attention to the list, which had been circulated, of persons participated in the 59th Seminar Course. These included quite a few people from other regions, and he felt a little concern that the Asian and Pacific region might not get adequate attention in the diluting of interests to make them world-wide. He understood, of course, that there had to be invitations across the world, and this might be an appropriate policy for the Foreign Ministry, but he hoped that the main interest would remain in Asia and the Far East. Other members also showed a similar concern and stressed the desirability that the majority was from Asia because of UNAFEI's very nature of the Asian regional institute.

Mr. Garner called for shorter and more intensive courses for decision-makers. He felt that these were not adequately provided for but were very important. Decision-makers could never get away from their countries for very long and the maximum period which they would be able to attend would be around ten days, or even less. He thought some attention should be given to this.

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Mr. Shikita, representing the United Nations Secretariat, thanked the Government of Japan for her unflinching support of UNAFEI and pointed out that the work programme of UNAFEI had been well received by the Crime Prevention and Criminal Justice Branch, as well as by the various committees of the United Nations. For example, the Seventh Session of the Committee on Crime Prevention and Control had been very appreciative of the work done by UNAFEI on the Standard Guidelines for the Formulation of the Minimum Rules for Juvenile Justice Administration. This was the only region which had actually followed up the recommendations of the Caracas Congress. He endorsed the guiding principles underlining the formulation of UNAFEI work programmes, which had very close relations with the United Nations Congresses, and hoped that this policy would continue. He also hoped that the working relations between UNAFEI and the Branch would be further strengthened through various traditional as well as imaginative ways.

Mr. George 'Akau'ola of Tonga thought that more attention should be given to sending people not just for courses but for a length of time when they could actually research specific projects for the benefit of their own countries. This prompted the intervention of Professor Koichi Miyazawa of Keio University and Professor Koya Matsuo of Tokyo University. Both stressed the need for closer collaboration between UNAFEI and universities, and expressed the desire to develop closer relations with UNAFEI in the years ahead.

The Director of UNAFEI, Mr. Ishikawa, responded very warmly to the invitation which had been extended by Professors Miyazawa and Matsuo. In this connection, Mr. Clifford suggested the advisability of having one-day seminars which the universities could conduct for the UNAFEI participants.

Mr. Garrett of New Zealand expressed appreciation of being present at this Committee and apologized for the lack of any previous acquaintanceship with the work of UNAFEI. However, he was conscious of the need for the practical services to stimulate the study of criminology in the universities and he hoped that UNAFEI would be able to do something about this, in Japan as well as in the Asian region.

Mr. Suzuki, the Director-General of the Corrections Bureau and a previous Director of UNAFEI, said that, at the various United Nations Conferences which he had attended, he had been faced with questions about the kind of research being done by UNAFEI. Eventually he had found a way of answering these questions by explaining that UNAFEI was not a research-producing body but a research-consuming body; for example, it collected the available research data in the region and used it for training purposes. He hoped that this collection of material would continue.

Mr. Shikita, also a previous Director of UNAFEI, thought that it was not quite true to think of UNAFEI only as a research-consuming body. Its training programmes were a unique example of an imaginative amalgamation and consolidation with research programmes, and the Resource Material Series could be one of its major end-products. However, he agreed that whatever UNAFEI had done could only be called analytical research and further emphasis on evaluative research was still necessary.

Mr. Buardromo of Fiji felt that in the region generally the prison services were neglected and he supported Mr. Quek of Singapore that there should be more concentrated attention on correctional management.

Dato Ibrahim bin Mohamed from Malaysia took the opportunity of expressing his country's gratitude for the help which it had received from UNAFEI. There had been 57 Malaysians accepted as participants and 17 of these came from the prisons. However, he felt, and was supported by Mr. Garner, that there should be some way in which UNAFEI could make private and confidential reports on the performance of their participants, a

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truthful and factual report. Other suggestions he made was that there should be included visits to some of the large Japanese factories, and that seminars for policy-makers, as recommended by Mr. Garner, should have a limit of ten days. He also stressed the need to take due care to ensure that outside experts did not disturb the culture and traditional patterns of work in the Asian Region.

Mr. Garner supported this proposal. Far too often it had been clear that experts from other regions did not understand some of the Asian conditions. He said that whilst everything in the region was not good, it was also true that everything was not bad. And as Dato Ibrahim bin Mohamed had said, the Asians could not learn too much from people who did not understand the region. Dato Ibrahim bin Mohamed also drew attention to the importance in the Asian Region of stressing obligations as much as human rights.

Mr. Mehta underlined the importance of UNAFEI's function as a learning-house, and hoped that this function should be further strengthened. In this connection, Mr. Hino, Deputy-Director of UNAFEI, thanked the various departments in the different countries of the region for providing UNAFEI with valuable information and he hoped to continue to receive relevant information. He also mentioned that UNAFEI was making efforts to explore ways and means of more effectively discharging this function and wished to have more frequent flow of information from the countries in the region.

Professor Matsuo pointed out that, since UNAFEI had now reached its 20th Anniversary and it was in Japanese terms an adult institution, it should be better known in Japan itself. He thus stressed a need for more public relations. Dato Ibrahim bin Mohamed and Mr. Clifford also stressed the need for greater attention being paid to public relations. So much went on at UNAFEI, which never received publicity, and so much went on across the region in co-operation with UNAFEI, which remained unknown both inside and outside Japan. Other members joined in this emphasis.

Item 5: Role and Functions of UNAFEI Alumni Associations in the Respective Countries

The discussion here centered on the work of Alumni in the countries of the region. Mr. Ishikawa reported that in July 1980 the Director of UNAFEI sent a letter to the UNAFEI Alumni Association in the respective countries, in which he urged each Association to reactivate the functions and activities of the Association. In response to the letter, several Associations had initiated some action. The following were some examples:

1. UNAFEI Alumni Association of India decided to take up a research project on criminal statistics system and designated Alumni members as researchers.
2. The Sri Lanka UNAFEI Alumni Association Committee decided to hold a few seminars in its provincial capital cities.
3. UNAFEI Alumni Association of Thailand and the Philippines Alumni Association of UNAFEI held a general meeting and inducted the new officers of the Association as the first step in the reactivation of its functions.
4. Furthermore, UNAFEI Alumni Associations of Hong Kong, India, Indonesia, Malaysia, Nepal, Pakistan, the Philippines and Thailand sent UNAFEI copies of the up-dated lists of their Alumni Associations so that UNAFEI could be informed of the present positions and addresses of Alumni members in these countries.

Mr. Shikita pointed out that these Alumni Associations constituted very important informal channels of information and have an important function in that they are composed of representatives of various components of the criminal justice system and help

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to bring them together so as to facilitate the systemic administration of criminal justice.

The Director of UNAFEI said that since UNAFEI Alumni members played an important role in the improvement of criminal justice administration in the respective countries, UNAFEI had started to make efforts to channel financial and technical assistance to the UNAFEI Alumni Associations. In this connection, Mr. Nagashima introduced the newly-established Asian Crime Prevention Foundation, of which he was the Acting President. One of the main purposes of the Foundation was to facilitate meaningful research and other activities of the UNAFEI Alumni members of respective countries. Part of the fund was donated by members of UNAFEI Alumni Association of Japan, which alone totalled to over ¥5,000,000. He, in his capacity as the Acting President, stated that he would welcome the proposals from the Associations of the different countries for research or other projects in their countries to which the Foundation might provide funds and expertise through UNAFEI. All members heartily welcomed the statement of Mr. Nagashima. Dato Ibrahim bin Mohamed looked forward to the assistance that the Foundation might be able to provide and said there might be various ways and means by which the UNAFEI Alumni Association could be further strengthened.

Mr. Garner hoped that in dealing with the future planning for the Alumni and the Institute, it would be possible for courses to be publicized at least eight months ahead. Mr. Clifford suggested that this could be difficult for UNAFEI but there should be no problem with preparing a list of courses even two years ahead with a provision that the titles could be changed to meet contingencies. This would allow for budgeting in advance and would permit adaptability when something arose and it was necessary to adjust to the new situation.

Adoption of the Report

The draft report of the meeting was circulated to the participants and certain corrections were made. The Members agreed, however, that the report would be finalized by the Chairman.

Appendix VII

Contents of the 20th Anniversary Commemoration Volume of UNAFEI

- Hiroshi Ishikawa* – Foreword
- Thorsten Sellin* – Preface
- B. J. George, Jr.* – Editor's Note
- Norval Morris* – Introduction
- V. N. Pillai* – "The Administration of Criminal Justice: Unity in Diversity"
- Minoru Shikita* – "Integrated Approach to Effective Administration of Criminal and Juvenile Justice"
- Leslie T. Wilkins* – "Social Invention for Social Defence: The Technology of Crime Prevention"
- William Clifford* – "The Development of Comparative Criminal Justice in the Asian Region"
- Gerhard O. W. Mueller* – "Crime and Economy: Challenge to the United Nations"
- Abdur R. Khandaker* – "Police and Criminal Justice in Bangladesh"

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- Juan L. Agas* – “The Integrated National Police and Crime Prevention in the Philippines”
Chung Haechang – “The Criminal Justice System in Korea”
A. Karim Nasution – “The Role of Prosecution in the Indonesian Criminal Justice System”
Mamanda P. Singh – “Crime and Criminal Justice in Nepal”
Hasan Nawaz Choudhry – “The Criminal Justice System in Pakistan: Contemporary Problems in Securing Efficient Administration of Criminal Justice”
Noel Tittawella – “A Brief Survey of the Criminal Justice System in Sri Lanka”
Hira Singh – “Criminal Justice System in India: A Human Rights Perspective”
T.G. Garner – “Corrections in Hong Kong”
Sulaiman bin Haji Sani – “Malaysian Prisons and the Criminal Justice System”
Dhatee Choosup – “Innovation in Criminal Justice in Thailand”
Akira Tanigawa – “Public Participation and the Integrated Approach in Japanese Rehabilitation Services”
K. V. Veloo – “The Probation Service in Singapore”
B.J. George, Jr. – “A summary and Overview”
B.J. George, Jr. – Index

Appendix VIII

List of the Participants in the Third Asian and Pacific Conference of Correctional Administrators

- 1)-17) The same persons with those 1), 2), 4)-11), 13), 17), 19)-21), 23) and 24) in Appendix V
18) *Mr. Maurice John Dawes*, Director of Correctional Services, Victoria, Australia
19) *Mr. Noel S. Day*, Deputy Chairman, Corrective Services Commission, New South Wales, Australia
20) *Mr. Yang Ta-Doon*, Superintendent, Hong Kong
21) **Mr. Chow Sai-Wing*, Senior Superintendent, Hong Kong
22) **Mr. Wu Chun-Kan*, Superintendent, Hong Kong
23) **Mr. Johnny Wong*, Superintendent, Hong Kong
24) **Mr. Pi Wing-Lee*, Superintendent, Hong Kong
25) *Mr. Keisei Miyamoto*, Director of Industry Division, Corrections Bureau, Japan
26) **Mr. Hisashi Hasegawa*, Warden, Kawagoe Juvenile Prison, Japan
27) **Mr. Keisuke Iwai*, Councillor, Rehabilitation Bureau, Japan
28) **Mr. Tomiyoshi Kawahara*, Chief of Security Section, Tokyo Regional Corrections Headquarters, Japan
29) *Mr. Francisco José de Noronha*, Assistant Director of Macau Judiciary Police, Macau
30) *Mr. Somboon Prasopnetr*, Chief of Correctional Staff Training Centre, Thailand

Note: Asterisks (*) indicate observers.

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Appendix IX

**Main Staff of UNAFEI
(as of 31 December 1982)**

Director	<i>Mr. Hiroshi Ishikawa</i>
Deputy Director	<i>Mr. Masaharu Hino</i>
Chief of Training Division	<i>Mr. Hidetsugu Kato</i>
Chief of Research Division	<i>Mr. Keizō Hagihara</i>
Chief of Information and Library Service	<i>Mr. Hachitarō Ikeda</i>
Chief of Secretariat and Manager of Hostel	<i>Mr. Yoshimasa Suzuki</i>
Professor	<i>Mr. Tōichi Fujiwara</i>
Professor	<i>Mr. Seiji Kurata</i>
Professor	<i>Mr. Yasuo Hagiwara (Haji)</i>
Professor	<i>Mr. Yoshio Noda</i>

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Appendix V

Distribution of Participants by Professional Backgrounds and by Countries
(1st - 61st Courses, 2 U.N. Human Rights Courses and 1 Special Course)

(1962 - 1982)

Country	Judicial and Other Administrators	Judges	Public Prosecutors	Police Officials	Correctional Officials (Adult)	Correctional Officials (Juvenile)	Probation Parole Officers	Family Court Investigation Officers	Child Welfare Officers	Social Welfare Officers	Training and Research Officers	Others	Total
Asia													(737)
Afghanistan	7	8	5	3									23
Bangladesh	11	5		4	4		3		4				31
Brunei	1												1
Burma	2												2
Hong Kong	10				8	3	6		1	3			31
India	11	8		14	6	1	1			2	5	1	49
Indonesia	9	13	3	18	6		3			4		1	57
Iran	5	11	8	8	6						2	1	41
Iraq	4	2	1	5	4	3					1		20
Kampuchea		2	1	2	1								6
Korea	9	3	23	5	7	3					2		52
Laos	3	4	3	9									19
Malaysia	10		2	12	17	6	3		1	5	3		59
Nepal	13	7	3	16								2	41
Pakistan	8	3	2	8	5	1	2				2		31
Philippines	10	5	12	12	6	3	3	3		2		4	60
Singapore	10	9	2	9	8	1	5			3	1		48
Sri Lanka	16	8	4	3	10		8			2			51
Taiwan	12	4	2	2	1								21
Thailand	12	11	7	6	10	6	5	1		7	4	1	70
Turkey	1												1
United Arab Emirates	1												1
Viet Nam	10	5	2	1					4				22
Africa													(14)
Egypt											1		1
Ethiopia	2												2
Ghana				2									2
Guinea				1									1
Kenya	1												1
Mauritius		1											1
Morocco				1									1
Sudan	1		1	1									3
Tanzania	1												1
Zambia		1											1
The Pacific													(29)
Australia			1				1			1			3
Fiji	1		1	4									6
Ponape, Micronesia							1						1
New Zealand	1			1									2
Papua New Guinea	3		1						1			1	6
Tonga	2			3	2						1		8
Western Samoa	1			1								1	3
North & South America													(18)
Brazil			1	3					1				5
Chile	1				1								2
Costa Rica	1											1	2
Ecuador						1							1
Jamaica	2												2
Panama												1	1
Paraguay				1									1
Peru	2	1											3
U.S.A. (Hawaii)								1					1
Japan	70	57	112	49	38	31	89	41	35	2	28	9	561
Total	264	168	197	204	140	59	130	46	38	40	50	23	1,359

RESOURCE MATERIAL SERIES

No. 23

UNAFEI

Introductory Note

The Editor is pleased to present No. 23 of the Resource Material Series with materials produced during the 61st International Training Course on Improvement of Correctional Programmes for More Effective Rehabilitation of Offenders, which was held from 7 September to 27 November 1982.

Part 1 consists of papers contributed by two visiting experts. In the paper "The Approach to Corrections in Asia and the Pacific with Reference to the United Nations Standard Minimum Rules for the Treatment of Prisoners", Mr. Thomas G.P. Garner, C.B.E., J.P., Commissioner of Correctional Services, Correctional Services Department Headquarters, Hong Kong, describes, among other significant matters, the differences which exist in the approach to crime and punishment in Asia and the Pacific compared to Europe, and suggests a number of amendments to the United Nations Standard Minimum Rules for the Treatment of Prisoners. Another visiting expert, Dr. Kurt Neudek, United Nations Social Affairs Officer, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs, United Nations Secretariat, Vienna, Austria, in his paper "Correctional Issues at United Nations Congresses on the Prevention of Crime and the Treatment of Offenders with Particular Reference to the Standard Minimum Rules for the Treatment of Prisoners", mainly describes the United Nations past involvement in the field of the treatment of prisoners, and presents the prospects in this field with special reference to the United Nations Standard Minimum Rules for the Treatment of Prisoners.

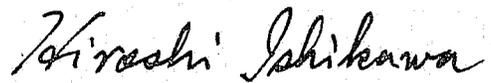
Part 2 contains the papers of the participants of the Course, Part 3 presents the Report of the Group Workshops and Part 4 gives the Report of the Course.

The Editor deeply regrets that the lack of sufficient space precluded him from publishing all the papers submitted by the participants in the Course. The Editor would like to add that due to lack of time, necessary editorial changes had to be made without referring the manuscripts back to their authors. The Editor asks for their indulgence for having to do it this way since it was unavoidable under the circumstances.

INTRODUCTORY NOTE

In concluding the Introductory Note, the Editor would like to express gratitude to all who so willingly helped in the publication of this volume by attending to the typing, printing and proofreading and by assisting in various other ways.

April 1983

A handwritten signature in cursive script that reads "Hiroshi Ishikawa".

Hiroshi Ishikawa
The Editor
Director of UNAFEI

**Material Produced During
The 61st International Training Course
On Improvement of Correctional Programmes
For More Effective Rehabilitation of Offenders**

PART 1: EXPERTS' PAPERS

The Approach to Corrections in Asia and the Pacific
with Reference to the United Nations Standard Minimum Rules
for the Treatment of Prisoners

by T.G.P. Garner*

The emergence of the Standard Minimum Rules for the Treatment of Prisoners in 1955 gave to those who work in the Criminal Justice Field guidelines of an international standard to cover virtually all aspects of the treatment of prisoners and the staff working in correctional institutions.

Correctional services in many countries had for years been working in isolation guided only by the legislation in their respective countries with very little material available to indicate precisely what went on elsewhere or any set standard by which to measure their own performance. This situation, coupled with a reluctance on the part of some governments to commit funds for the building of modern correctional facilities and the recruitment of suitably qualified men and women, were among the contributing factors as to why some services failed to progress to the same extent as others.

While one can appreciate the demands on government funds in respect of such fields as medical, education and welfare, nevertheless, it should not be the case that prisons and other correctional institutions are of less importance. In practice, however, correctional services in many countries are placed far down the line in the queue for funds, and all too often lag well behind other law enforcement agencies. However, the demands made upon the service by the government, the public, and the prisoners have to be met and the same standards which prevail in

other law enforcement agencies who are favoured with funds are expected, if not demanded.

Is it any wonder, therefore, that in some cases disillusionment has crept in and a number of goals have been thrown away as being unattainable much to the detriment of governments, the correctional service and most important of all the community which it serves.

While it cannot be denied that the responsibility for ensuring that prisoners have the necessities of life rests with the correctional service and in particular the head of the service, of equal importance is the onus which is placed upon the government for, by virtue of the enactment of the various laws which cause an offender to be incarcerated, it has the responsibility for ensuring that the correctional service has what it requires to properly carry out its task. This is a responsibility which cannot be delegated. Furthermore, should a correctional service find that as a result of government's failure to provide sufficient funds the service falls short of maintaining the provisions usually laid down in law for the care and welfare of a prisoner, this fact must be pointed out by the head of the service to those who should know and who have the responsibility for taking remedial action.

A correctional service is on the receiving end of a one-ended commitment for it cannot refuse to accept a prisoner even although chronic overcrowding may be prevalent. In countries, however, where a certificate of accommodation is required by law, it is possible for the person who authorises the certificate to state that the number shown which should include an acceptable (temporary) number for over-

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crowding should not be exceeded and to do so would automatically incur cancellation of the certificate. This would authorise the Superintendent of the institution concerned to refuse to accept any additional prisoners under the accommodation rule. To my knowledge, such a step has never been taken, and such a situation is not provided for under the United Nations Standard Minimum Rules, at least in terms strong enough to bring about an improvement. The word 'temporary' before 'overcrowding' in Rule 9(1) without explanation or a stated period of time tends to give tacit approval for it to become permanent. A point which works against not in favour of the United Nations Standard Minimum Rules.

The Asian and Pacific View

It is now better known and more fully understood that the people living in most countries in Asia and the Pacific view crime and punishment differently to those who live in Europe or in the United States. As a result of this, correctional programmes have tended to advance along established cultural lines rather than over-indulging in experimental programmes, many of which were doomed to failure from the beginning. Consequently the views now being expressed in Europe and elsewhere outside of the Asian and Pacific region are not necessarily shared by the majority of the countries in Asian and the Pacific.

Deterrence and Discipline

In the interest of the community and in the interest of keeping the crime rate down, it is necessary for one of the aims of imprisonment, that of a deterrent, to be maintained. This does not mean that a sentence of imprisonment should be served under harsh conditions or in a less than satisfactory environment. However, it is important that a prisoner should know exactly why he is in prison and why such institutions are maintained. A good correctional programme cannot function unless there is a strong element of discipline

within it and discipline must be applied to staff as well as the prisoners.

Mention the word 'discipline' to some people who work within the correctional field and they shudder in horror. In truth it is usually in the areas where such shuddering takes place that one finds programmes not working as efficiently as they should for control over the inmates and therefore the ability to influence man for good is sadly reduced. Over the years one has often heard the line that imprisonment is an entrance examination to the university of crime (prison). Those who work in the correctional field know that they usually have in their charge the largest collection of the various types of criminals in society and recognise that the opportunity for one prisoner to teach another about crime does exist. Therefore, it is on the quality of the staff that one must rely to ensure that this does not take place and quality in terms of remuneration never comes cheap.

Deterrence can work in two ways: firstly as a deterrent to an individual to prevent him from offending again and so reduce recidivism; secondly, it can act as a deterrent to others, the potential offender to deter a person from committing a crime. A part of the deterrent is punishment and this element is an important factor. Today there are very few members of the community who would disagree that in the majority of cases a person convicted of a crime deserves some form of sanction or punishment.

We must also take into consideration that a custodial sentence removes an offender from the community and so curtails his unlawful activities at least for a time leading to a reduction in crime. This is a proven fact and must be included in any evaluation but is often forgotten.

The placing of an offender in custody enables those within the correctional field to bring into play correctional programmes. I do not subscribe to the belief that the correcting of unlawful behaviour is not possible, particularly when it is within the framework of efficiently run correctional programmes, and although it is easier in some cases than others there is no doubt

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that it is this latter function which attracts the largest number of men and women to correctional work. They want to be involved in a meaningful and worthwhile way not only to the prisoner but also to the community.

In 1955, recommendations on the selection and training of personnel for the correctional service were drawn up by the United Nations which is a resolution adopted on 1st September of that year drew attention to the change in the nature of prison staff which had resulted from the development in the conception of their duty from that of guards to that of members of an important social service demanding ability, appropriate training and good team work on the part of every member.

This resolution went on to say that an effort should be made to arouse and keep alive in the minds of both the public and the staff an understanding of the nature of a modern correctional service and stated that for this purpose all appropriate means of informing the public should be used.

That correctional services can attract highly qualified, well motivated and dependable people is indicative of the progress which has been made in recent years.

Correctional programmes in the Asian and the Pacific Region are given a high priority within correctional services; however, it does not lose sight of the fact that intermingled with the work of corrections is the established goal that imprisonment must act as a deterrent not only to the individual but to others. One will therefore not find a lazy 'do as you like' attitude prevailing within penal institutions in this region. There is little doubt that this has done much to keep crime rates down in some countries in Asia and the Pacific Region to the extent that they have not soared as rapidly as in some countries in the western world and while it can be said that a potential criminal is more likely to be deterred if he knows he will be caught, nevertheless, the second line of defence for a community is to encourage him to think twice before he commits an offence which he will if he considers that the end

result will be incarceration in a place and subject to a programme which in at least some aspects he will not find to his liking. A very strong deterrent to recidivism.

A perfect example of such philosophy can be found in the detention centre programme which was inaugurated in Hong Kong in June of 1972. During the ten years since this programme came into operation, over 5,000 young offenders between the ages of 14 and 20 have been exposed to it.

The programme which is very demanding is aimed at making a young offender realise that he has done wrong and teach him respect for the law. On average a young offender stays in the custodial side of the programme for 4 months. A very short period compared to other programmes for young offenders including imprisonment which may carry a sentence of several years. In addition, there is an after-care period of compulsory supervision which lasts for one year. Success is determined at the end of the 1-year supervision on the basis that the individual has not been re-convicted for any further offence, is living at home satisfactorily with his family, and is attending school or in employment. Based on these factors, the percentage of success stands at 94.27%.

Measured at the end of a 3-year period, *i.e.* 2 years following the 1-year period of follow-up supervision, the percentage of successful cases stands at 78.78%. The outcome of this programme has been so remarkable that several years ago a decision was taken to implement a similar programme for young adults in the age range 21 to 24, the main difference being an average stay in custody of a little over 7 months. This programme has also achieved a marked degree of success which, based on the same criteria, stands at 94.30% following the 1-year supervision period and at the end of 3 years is 85.57%.

Such programmes are, however, not easy to administer and they require a sustained input by the staff at all levels. They also require special safeguards to ensure that those who are admitted to the programmes are in no way bullied or

ill-treated. Experience has proven that the safeguards built into both programmes have satisfactorily stood up to the demands made on them.

Of equal importance and again as an example of what can be done within the community, programmes based on extended families have proved to be highly successful in several countries in the region.

United Nations Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations

As a result of a resolution passed on the 30th August 1955 at the 1st United Nations Congress on the Prevention of Crime and Treatment of Offenders, the Standard Minimum Rules for the Treatment of Prisoners were adopted. Since that time much progress has been achieved by many countries towards the implementation of the Standard Minimum Rules for the Treatment of Prisoners and at each successive United Nations Congress they have been the subject of discussion.

The existence of these rules to persons who are working in the field are known; however, one fact which stands out is that they are known and understood better by some than others.

The rules which are expressed in basic terms can be interpreted along fairly broad lines and form the basis for—

- a) staff guidelines—guidelines, that is, not only to satisfy local but also international standards for the care and humane custody of prisoners; and
- b) provide information to the prisoners. Interpreted correctly, they provide guidelines on conditions of confinement and how one can expect to be treated during a period of detention.

The implementation of these rules do, however, present difficulties to some authorities. Such factors as overcrowding, the high cost of constructing prisons and other correctional institutions particularly in the face of other demands on government financial resources in such fields as medical, education, social welfare etc. usu-

ally leaves a correctional service having to face with little support fierce competition for funds for its correctional programmes and facilities.

Finance, of course, is not always the only drawback, for instance, in some countries and Hong Kong is an example, the shortage of land presents problems of a different kind.

Another problem area insofar as staffing is concerned is the question of prejudice towards the correctional services which in some countries make for a situation whereby people are reluctant to work in this field because some members of their family believe that if they do they may become stigmatised or ostracized by their friends. This has a direct bearing on the implementation of the Standard Minimum Rules due to its effect on recruitment causing men and women who possess the right qualifications and other attributes which go towards making a good correctional officer being put off from joining the service. As a result of such obstacles, it is not surprising that while some countries have been able to generally implement the rules, others have found it more difficult to do so.

U.N. Standard Minimum Rules

In the preamble to the rules, reference is made to the fact that they are not intended to describe in detail a model system of penal institutions and they seek only on the basis of the general consensus of contemporary thought and the essential elements of the most adequate system of the day (1955) to set out what is generally accepted as being good principles and practice in the treatment of prisoners and the management of institutions. Attention is drawn to the fact that in view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules were capable of application in all places and at all times. However, it was considered that their adoption would serve to stimulate efforts to overcome practical difficulties in the way of their application in the

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knowledge that they represent as a whole the minimum conditions which are accepted as suitable by the United Nations. However, it is appreciated that the rules actually cover a field in which thought and practices are constantly developing and drew attention to the fact that they were not intended to preclude experiments and practices providing such are carried out in the spirit of the principle.

Recognising that the rules were introduced over 27 years ago, it is not surprising that with the passage of time there is now a need to consider amendments at least to some of the rules.

Accommodation

The rules referring to 'accommodation' read as follows:

"Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

In all places where prisoners are required to live or work—

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial

ventilation;

(b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.;

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times."

In practice, the reference to this rule with regard to 'temporary' overcrowding creates worse conditions by ruling out two to a cell which by implication points to three. To accommodate three persons in a cell which has only been designed for one sets the stage for the creation of conditions far worse than if only two were accommodated in it. In other words, a 200% overcrowding factor when it need only be half that. Furthermore, the present wording of this rule tends to accept overcrowding, minor or major, which (although labelled temporary) provides a way out to avoid implementation and hampers a correctional service in its quest for additional accommodation.

Further examination of the rule also highlights the fact that if the criterion as applied to dormitories (that they should be occupied by carefully selected prisoners) was also applied to cellular accommodation, there is no reason why two prisoners carefully selected as being suitable to associate with each other should not do so. This is even more acceptable in warm and humid climates where many cells are equipped with an open grille gate for better ventilation rather than a solid door. This

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rule should also be improved with regard to bathing facilities. This could easily be accomplished by adding after 'but at least once a week in temperate climates' the words 'and once a day in tropical climates'.

Clothing and Bedding

Rule 17 relates to 'clothing and bedding' and reads as follows:

"Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorised purpose, he shall be allowed to wear his own clothing or other inconspicuous clothing.

If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness."

Reference to being provided with a separate bed is relevant for, in the western sense, this usually refers to a piece of furniture for reclining and sleeping typically consisting of a flat rectangular frame with a mattress resting on springs. In practice, however, it is common outside of Europe particularly in many countries in Asia for people to normally sleep on a mat which is usually on a raised platform above the ground. Such a platform may accommodate one or several persons. Consideration

should be given, therefore, to the question of amending this rule so as to refer (as appropriate) to a separate bed space, in addition to a bed.

Medical Services

Rule 22 under the heading of 'medical services' reads as follows:

"At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

The services of a qualified dental officer shall be available to every prisoner.

In women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

The medical officer shall see and examine every prisoner as soon as possible after his admission and thereafter as necessary, with a view particularly to

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the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

The medical officer shall report to the Director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

The medical officer shall regularly inspect and advise the director upon:

- (a) The quantity, quality, preparation and service of food;
- (b) The hygiene and cleanliness of the institution and the prisoners;
- (c) The sanitation, heating, lighting and ventilation of the institution;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding;
- (e) The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

The director shall take into consideration the reports and advice that the medical officer submits according to Rules 25(2) and 26 and, in case he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority."

Many countries have difficulty in trying to make available the services of at least one qualified medical officer who should

have some knowledge of psychiatry. In fact, in some countries particularly where institutions are small and in remote areas, there is sometimes great difficulty in making available a medical officer on a daily basis.

While no one would deny that if such were possible it would be advantageous to have a qualified medical officer who has some knowledge of psychiatry. The plain fact is that medical officers with such knowledge are not available to the correctional service in sufficient numbers in the Asian and Pacific region and it is unlikely that this position will change appreciably in the foreseeable future. It would therefore be helpful to include the words 'it is desirable that he/she' instead of the word 'who'.

Prisoners under Sentence

The operation and administration of correctional institutions requires the use of a variety of management and administrative skills. A correctional administrator must be capable of recognising and dealing with various correctional problems and must be in a position to apply management and administrative know-how in order to produce solutions to such problems. One important area is that devoted to convicted prisoners and amongst other things it calls for the involvement of a high proportion of available manpower, specially designed buildings and finance. Such factors within a correctional service can be referred to as 'scarce resources', and the more one can avoid the use of high security institutions which make great demands on such scarce resources the more economical will be the cost of the service.

It is helpful administratively if persons convicted and given a custodial sentence are admitted at the commencement of their sentence into some form of reception and diagnostic centre. Centres can cater for various classes, for instance, one for adult male prisoners and another for young male prisoners (under either 18, 20 or 21 years of age). By this means a degree of classification is introduced and avoids processing

all persons through one institution, thus reducing pressure on accommodation and staff.

Immediately after admission, there is the necessity for all persons to be informed of their rights and privileges, the procedure regarding appeal, and for assistance to be given to them in order to help in the preparation of applications for legal aid and appeals.

Concurrently and of equal importance is the necessity for them to be interviewed with the aim of assisting them to settle down and to identify family or other problems which may have arisen as a result of their imprisonment. Such work as this could best be done while prisoners are in a form of induction programme designed to assist in every way possible to tackle problems on admission.

The period of time in the induction process could vary from 7 to 21 days and should be used to observe attitude and behaviour, the results of which are most useful to a classification/categorisation board.

Classification and Individualisation

Rules 67 to 69 under the heading 'Classification and Individualisation' clearly lay down guidelines for this purpose.

The classification and individualisation of all persons admitted into penal institutions on valid warrants of detention is essential. This not only benefits the staff and improves the atmosphere within the institution but in particular benefits each individual prisoner. Those who work in penal institutions are well aware of the necessity to have laid-down guidelines for classification without which it would be chaotic and correctional institutions would be unable to function in the way in which they are intended to in support of law and order.

A good classification system, therefore, assists the staff to improve and expand programmes directed towards the correction of the offender. Through a programme of classification, we separate the sexes, identify the young from the adult

offender, the first offender, and those with a short criminal history from the recidivist or old offender.

The Standard Minimum Rules referring to classification and individualisation state that the purposes of classification shall be:

(a) To separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

So far as possible, separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoner.

As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions."

Ordinary classification has in years gone by assisted the prison authorities in their aim for better management within institutions. It does, however, have its limitations and while identifying certain groups within a prison population it requires something more to be done to further refine the process in order to improve individual identification, otherwise it is left to the rule of thumb which is most unsatisfactory.

A case-in-point is that of the dangerous offender. In the event of an escape of this category of person, there is understandably a great deal of indignation by members of the community. Such offenders are not easily identified through the normal classification method and their escape does a lot of damage to penal programmes and to the service itself. In particular, if a person has not been categorised as a dangerous offender and the escape takes place from a minimum security establishment, it raises a number of questions and casts doubt on the ability of the service to function efficiently for the protection of the community which, insofar as any good correctional service is concerned, is

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an essential aspect of its work.

No one would disagree that there is now and will continue to be a need for maximum security conditions for violent offenders and others who pose a threat to the community. However, confinement in a maximum security prison calls for a higher ratio of staff to prisoner than that normally found in institutions of a lower security rating.

Indeed the demand on secure accommodation and staff makes it expensive and uses up a large proportion of the scarce resources that a correctional service has at its disposal. Therefore, it is important to determine, if possible, at the beginning of a sentence, those who fit into this category.

The accommodating of a large number of offenders in institutions with a security rating below maximum presents the opportunity to plan a correctional programme in an establishment with a less artificial environment in which to carry this out, also without the additional staff and costly physical aids that go with maximum security it is less expensive. To decide who goes where, therefore, calls for a categorisation system which can run in tandem with classification.

Categorisation is supportive to classification in that it helps identify the security grading that should be given to an individual prisoner and such security gradings can be based on several categories:

Category A can be given to a prisoner whose escape would be considered to be highly dangerous to the public or to the police or to the security of the state and for whom the very highest conditions of security are necessary.

Category B can be given to a prisoner for whom the very highest conditions of security are not necessary but for whom escape must be made very difficult.

Category C can be given to a prisoner who cannot be trusted in minimum security conditions but lacks any ability or resource to make a determined bid to escape.

Finally, *Category D* can be given to a prisoner who can reasonably be trusted to

serve his sentence in minimum security conditions.

As a result of this categorisation scale, one is able to establish a base and decide the conditions of security to which the individual prisoner should be subjected during the time he is in a given category.

A combination of classification and categorisation enables the authorities to probe more deeply into the background of each individual prisoner and as a result, due to the refining of the prison population into more compatible groups, prisoners will in general be more amenable not only with each other but also with the staff. This causes less friction and allows the staff to concentrate on the training programme rather than having to always keep a close watch on those who do not or will not respond in a positive way.

Good categorisation will contribute to an improved method of identification of the dangerous offender, the one whom it is necessary to subject to a far greater degree of supervision and control than is normally necessary for the average prisoner. In other words, the one who requires staff to concentrate on watching him not others. It will assist in singling out for special attention the compulsive and violent prone offender who poses a threat to the staff and to other prisoners. It benefits the greater majority of prisoners because among other things it helps to identify and assist the staff to render ineffective the potential gang leader or the prisoner who will try by any means to impose his will on others if given the opportunity.

Of particular importance is the necessity to create conditions of compatibility which will enable individual prisoners to be able to serve their sentence without interference from others.

It would be useful, therefore, if specific reference were made to a programme of induction under Rules 67 to 69 which is not only desirable but also essential in the interest of staff and prisoners.

Work

Rules 71 to 76 refer to 'work' and it is

interesting to note that when the Council of Europe produced Standard Minimum Rules for the Treatment of Prisoners in Europe, the word 'shall' in Rule 71(2) of the United Nations Standard Minimum Rules has been replaced by the word 'may'. Such a modification, while it is contrary to the spirit of the United Nations Standard Minimum Rules, is also not acceptable to many countries in the Asian and Pacific Region where the emphasis is still most certainly on 'shall'. It could be that the modification to the word 'shall' has originated in Europe because of the opposition by some trade unions to the provision of certain work for prisoners which hampers the correctional authorities' efforts to find suitable work for convicted prisoners.

In general terms it can be stated that the objectives of vocational and industrial training are—

- a) To provide an inmate with a level of training and skills which suit his aptitude and capacity to enable him to compete for related and satisfying employment upon discharge;
- b) To give him confidence, satisfaction and self-respect to acquiring these new found skills so that he may adjust more readily to normal society after discharge and refrain from a deviant way of life;
- c) To cultivate good work habits; and
- d) To assist in reducing part of the costs of an inmate (no matter how small) of his own maintenance whilst in custody.

Prisoners need something purposeful to do to occupy their minds so as not to dwell on the restraints imposed by an institutional life. The fundamental principle that man basically wants to keep himself occupied and be able to do something useful and constructive can be utilised for good. The more professionally orientated and rigorous the programme of industrial and vocational training, the better will be the result not only to the offender but also to others by putting minds and energy to gainful employment during incarceration.

Training of short-term prisoners in a

specific trade or skill has severe limitations and the main aim of any work programme for such prisoners should be to develop a good work habit so that they are prepared to obtain any form of lawful employment on discharge. Most short-term prisoners can be utilised in different projects outside of the perimeters of an institution. Afforestation is but one of these activities along with improvements to the countryside in which the investment of such labour is not only rewarding to the individual so employed but also to the many members of the community who will enjoy the fruits of their labour; this includes of course the prisoner who may do so after he is discharged.

Community projects on which short-term prisoners can be employed are not too difficult to find, particularly in rural areas where there is always the difficulty of finding the necessary funds to carry out small projects or because contractors are reluctant to undertake such projects owing to distance. Such work, therefore, can be done by prisoners to the benefit of all.

This means that prisoners serving longer sentences and prisoners who are mainly confined to medium or maximum security prisons can be employed in workshops on various trades.

The actual training of inmates calls for qualified and experienced instructors. Such staff form an important part of a correctional service's resources and play a special role in the correctional programme. Specialist staff have the responsibility for directing and controlling the technical aspects of all industrial and vocational training programmes, and the director in charge of the institution has the responsibility for the day-to-day operation of the workshops and for the day-to-day management of the instructing staff engaged in teaching and supervising.

In some cases emphasis can always be given to on-the-job training where practical skills can be acquired through the actual learning process. When devising courses of this kind, it is essential to have regard to the educational and intellectual standards particularly in the case of the young of-

fenders. In most cases they will have reached a correctional institution due to a wayward and undisciplined background which had interfered with their ability to concentrate and absorb the essentials of educational training while at school. This is not to say that they are necessarily unintelligent or unresponsive given the necessary stimulus to their interest, but that at the level of which training takes place due weight must be given to their more practical talents.

Educational training must always be given as a con-commitment of the theoretic and practical aspects of trade training. It is, however, one thing to give training and another, entirely different to have it recognised by an external authority which does not attempt to distinguish or concern itself with regard to where the training takes place. For offenders on release to take with them some tangible evidence of the skills and accomplishments they have achieved not only boosts their confidence, it also gains the respect of would-be employers to whom it demonstrates their potential merit for the future rather than their mistakes of the past.

Thus it can be said that the United Nations Standard Minimum Rules relating to work are in themselves very important for work plays a vital part in the life of a prisoner in an institutional setting. It would therefore be constructive and of help to correctional authorities if the United Nations Standard Minimum Rules in their application to prisoners under sentence also carried a reference to the prisoner's right to work in addition to the fact that he shall be required to work. Such an amendment to the rules would go some way towards countering the opposition by some unions and it would also generate a better response by some correctional authorities in their efforts to find suitable employment for prisoners particularly those in closed institutions.

Reference should also be made to the desirability particularly for young prisoners to obtain some tangible proof of recognition of the skill and ability they have acquired by concentration and effort

during their period of detention. This could be achieved by the insertion of an additional sentence to this effect under Rule 71 (5).

Institutional Personnel and Staff Training

Modern facilities are important and most desirable in a correctional institution particularly for living and sleeping arrangements; however, these are not the most essential requirements.

Correctional institutions are expensive to build especially a maximum security facility and the passage of time has shown that when such an institution is built it is likely to remain standing for a good many years and expected to pass the test of time. Accordingly, in virtually all correctional services world-wide, one will find buildings, old and new.

While modern buildings will most certainly aid the staff in carrying out their duties more efficiently, nevertheless, it is the personnel who work within them who are of the greatest importance. It is safe to say that a staff of poor calibre working within a modern facility will have little or no success in correctional work whilst staff of the right calibre working within old buildings will still be able to plan and maintain an excellent correctional programme. The master key to success, therefore, lies in the selection, training and retention of suitably qualified men and women for the correctional service. Retention calls for a planned career structure and the necessary training facilities and programmes to enable staff to develop and progress up the correctional ladder. The Standard Minimum Rules relating to correctional services personnel and staff training, therefore, are of the utmost importance not only to the staff themselves but to the prisoners confined in correctional institutions and ultimately to the community who along with the prisoners stand to gain the most from the establishment of a highly efficient correctional service.

In order for the uniformed correctional officer to become truly professional, an

on-going system of training not only at the basic level but including refresher and development courses is required.

Such training given at different levels of responsibility will assist the various personnel to develop along the right lines, and will equip them for advancement up the promotion ladder.

It is important, however, to have built into salary scales the provision for the satisfactory retention of staff who reach the limits of their ability at various levels. This must be attractive possibly done in the form of increments in order to retain their interest and initiative. The collection of 'dead wood' within a correctional service is self-destructive and should be avoided.

The correctional service is a profession and it is not generally realised that in a modern service it takes at least two years of training and experience before an officer begins to fully contribute to the service. It therefore follows that a considerable investment is made in the training of a correctional officer and such an investment must not only be followed through but can and should be expected to make a substantial contribution within the criminal justice system.

Every person joining the service including those at the basic level should be aware of the fact that providing he or she proves suitable and efficient there are no impediments to advancement in their career to the highest levels in the service providing they also have the required qualifications. Such a system calls for an on-going programme of training not only in formally recognised training establishments but also via in-service training within the various correctional facilities. Irrespective of the classification of individual institutions, all are different and the use of even one or two hours or so a week of an officer's time to engage in an on-going in-service training programme not only assists him as an individual to become more efficient but greatly contributes to the efficiency of the institution.

Rules 46 to 51 of the United Nations Standard Minimum Rules refer to 'institutional personnel' and point out that 'the

prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used'.

There is little doubt that in many countries today, including those in the Asian and Pacific Region, there is a reluctance in some segments of society to allow sons, husbands, wives or daughters to work in the correctional service. Such reluctance has its roots in history and is difficult to overcome particularly in the countries where the legislation for personnel of institutions is so worded as to infer that, although they may be involved in social work of great importance, they are not trusted. Consequently, degrees of control which in many cases are not realistic are imposed much to the detriment of morale and efficiency.

It would therefore be of great value to recruitment and to all who work in the correctional field if the correctional service was given better recognition in the rules as a 'profession' and following the required training which could be subject to accreditation a correctional officer should be referred to as a 'professional'.

Public Relations

A correctional service is a silent one, that is, its work is not carried out in the public eye and it tends to shy away from publicity and the news media. Consequently the only time you hear or read about it is when something goes wrong or when things appear to have gone wrong. An escape, a disturbance, staff in trouble, or an ex-prisoner's account of life inside. "The inside story".

It is precisely because of this and the distorted image which is so often projected that it is necessary for the service to have an efficient information unit. Such a unit can arrange for the news media to have accurate accounts of all that happens and can also answer questions posed by journalists and other sources, e.g., the unit

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should give a true and factual account of 'life inside'.

To function efficiently, a correctional service requires the support of the community for it is from the community that a prisoner comes and to the community he will return.

As is the case in all communities, there are a number of heart-warming stories which generate from inside a correctional institution; despite this, little or nothing is seen of these in the media. Is it any wonder then that the image of the correctional service in the minds of members of

the community is distorted?

An efficient information unit can work towards better recruitment and the recruitment of staff with good qualifications—an important factor which requires on-going publicity. It can accurately depict the work of the staff and the aims of the service.

The Standard Minimum Rules should therefore contain a reference on the need for publicity in order to explain the work of the Correctional Service covering the different types of programmes and the way in which they are carried out.

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Correctional Issues at United Nations Congresses on the Prevention of Crime and the Treatment of Offenders with Particular Reference to the Standard Minimum Rules for the Treatment of Prisoners

by Kurt Neudek*

Introduction

Corrections are expected to play an important role in crime prevention in many countries. While it is true that one of the functions of corrections is social protection and that it is a means of inflicting socially approved punishment, it has been increasingly emphasized that among the principal functions of corrections is resocialization and rehabilitation of the offender. Recidivism is frequently accepted as a useful yardstick for evaluating the performance of the prison administration and a number of institutional models for the treatment of the offender have been developed in the past such as the "medical model", the "education training" model, the socialization model, the therapeutic model, the community treatment model, etc. Often elements of different models are incorporated in various treatment programmes.

However, during the last decades, fundamental questions have been raised all over the world, nationally and internationally, about the role of corrections in the criminal justice process, the relative balance of punishment and treatment as correctional objectives and the effectiveness of many current correctional programmes and practices. Moreover, basic philosophical assumptions about the function of imprisonment in a system of crime control have been re-examined, and new directions and policies have been explored and applied. The

aims and purposes of the penal systems have been challenged and reassessed; the rationale and consequences of the "treatment" ideology, and of the use of the medical model in corrections, have been evaluated; and the sentencing process scrutinized with a view to increasing its justice and fairness and to lessening unwarranted disparities. At the same time the rising level of expectations among underprivileged members of society has produced intensive pressure for the improvement of conditions in penal institutions, and the emphasis being placed on the importance of the human rights of prisoners has contributed to bringing corrections to the forefront of public debate.

In addition, new developments in criminality and increased prison population together with unfavourable social and economic conditions in many parts of the world have put not only corrections but the entire criminal justice system under heavy strain and compelled them to function under difficult circumstances. There is no doubt that, in the wake of rapid and sometimes unbalanced industrializations, urbanization and technological changes resulting in the weakening or breakdown of social institutions, such as the family, the clan and the community, prison appears to have been subjected to excessive use in some of the developed and developing countries. Rising crime, overcrowding in penal institutions and the seeming inability of some criminal justice systems to cope effectively with the new patterns and dimensions of criminality have further accentuated the problems of the prison administration.

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United Nations Policy in Crime Prevention and Criminal Justice: Changes in Emphasis and Perspective

These developments have been reflected

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at the quinquennial United Nations Congresses for the prevention of crime and the treatment of offenders. They are periodic world-wide conferences designed to promote the exchange of views, expertise and experience among Member States, to strengthen international and regional cooperation and to give guidance to United Nations policy in the area of crime prevention and control. The congresses explore practical issues and devise practical solutions in crime prevention and criminal justice, in a professional as well as in an administrative context. Evaluation and research aspects are included in the consideration as far as possible. Although similar congresses were formerly convened by the International Prison Commission and the International Penal and Penitentiary Commission, the holding of the Congresses under United Nations auspices since 1955 has provided a more universal forum for consultations and a better potential for implementing the resolutions of the congresses.

Among the principal achievements of the First Congress, held at Geneva in 1955, is the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Recommendations on the Selection and Training of Personnel for Penal and Correctional Institutions and the recommendations on Open Penal and Correctional Institutions. Subsequently, the Economic and Social Council, by resolution 663-C (XXIV), approved the Rules and endorsed the Recommendations. In accordance with this resolution, Governments were invited to give favourable consideration to the adoption and application of the Rules, and to take the other two groups of recommendations as fully as possible into account in their administration of correctional institutions.

The Rules constitute a landmark in the process of penal reform. They have had significant impact on the laws and practices of many countries and, to a large degree, the principles of the Rules have been incorporated in prison regulations. However, since the Rules were adopted in 1955 circumstances have changed and, as will be shown

later, following United Nations congresses proposed a number of priority issues with a view to adapting the Rules to the requirements of modern penal policy, including the addition of a new Rule 95 on prisoners detained without charge.

Another important topic discussed at the First Congress was the question of prison labour, on which a number of recommendations were adopted. The Congress proposed, *inter alia*, that all prisoners under sentence should be required to work subject to their physical and mental fitness as determined medically. Work was not to be considered as additional punishment but as a means of furthering the rehabilitation of the prisoner, his training for work, the forming of better work habits, and of preventing idleness and disorder. Those who could not legally be compelled to work should nevertheless be allowed and encouraged to do so.

The Second Congress was held in London in 1960. It dealt in the area of corrections with short-term imprisonment, including individualization of the penalty by the judge, special categories of offenders and alternatives to short-term imprisonment. It was observed that, wherever possible short-term prison sentences should be replaced by other penalties and measures which do not give rise to the harmful effects often attributed to short-term imprisonment. The congresses considered also pre-release treatment and after-care as well as assistance to dependents of prisoners, but made no recommendations in these areas.

The Third Congress, which was held in Stockholm in 1965, discussed a number of significant subjects related to corrections, notably measures to combat recidivism with particular reference to adverse conditions of detention pending trial and inequality in the administration of justice. In this context classification and treatment techniques aimed at preventing and minimizing recidivism were considered. Great attention was devoted to the important issue of training prison staff and other correctional officers for their difficult work. Moreover, problems of employment of prisoners, their accommodations

and their supervision inside and outside the institutions were discussed. It was recognized that correctional treatment is an entity, which must be planned to provide a continuous and integrated training and rehabilitation programme.

Another major topic dealt with at the Third Congress was probation, especially adult probation, and other non-institutional measures. Among the significant factors emerging from the discussion were the following:

- Probation may be considered as a treatment method in its own right, by means of which an offender may be reintegrated into society without recourse to traditional methods of corrections. Thus, it may be regarded as a major element in penal policy in both the developing and the developed countries;
- Since probation is a form of treatment in the community, its development requires the acceptance and support of the public. Hence, it must be made clear that probation serves not only the interest of the offender, but also that of the public, and is not inconsistent with public security. The public should be made aware that probation is one of the most effective and least costly ways of combating criminality. Community action in the field of probation was important;
- Treatment should not necessarily be restricted to the probationer, but could, in some cases, be advantageously extended to his family, particularly through family-centered interviews;
- Constructive human relations between the probationer and his supervisor are an essential element in rehabilitation. The rehabilitation of the probationer depends to a great extent on the competence of the probation officer;
- There was a need to bridge the gap between institutional and non-institutional treatment methods. In this connection the usefulness was em-

phasized of community-based residential centres, hostels and "half-way houses" for persons who were unable to adjust themselves to life in the community. It was observed that measures such as furloughs, work-release to the community and pre-release training centres can help the offender to make a gradual adjustment to life in freedom and so tend to prevent recidivism;

- There was widespread support for unification of the relevant services with a view to achieving a more constructive relationship between them, for a commonly accepted penal philosophy for prison and probation officers, and for common training principles."

Probation as a substitute for institutionalization was also one of the main subjects of discussion of a further item on the agenda of the Third Congress, namely special preventive and treatment measures for young adults. Emphasis was placed on devising methods which could resolve the young adults' delinquency problems within the community. In this conjunction it was pointed out in particular that greater use should be made of the services of volunteers in supervising probationers.

Although non-institutional treatment should be given preference, it was recognized that institutional treatment with its attendant deprivation of liberty, is sometimes necessary for certain types of young offenders. In such cases it was felt to be essential that institutional vocational and educational programmes were available which would take account of prevailing conditions relating to employment, as well as the offender's own occupational interests, in order to meet the needs of post-release life.

At the Fourth Congress, held at Kyoto in 1970, the main item of discussion in the correctional field were the Standard Minimum Rules for the Treatment of Prisoners in the light of recent developments. There were three particularly important reasons that the question of revising the Rules and their implementa-

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tion had arisen. The first was the lapse of a period of the time since the adoption of the Rules by the First Congress in 1955. Secondly, the United Nations Economic and Social Council, in 1957, had recommended that the Secretary-General of the United Nations be informed every five years of the progress made by Governments in the application of the Rules. Thirdly, it was felt that there had been developments in the field of corrections in the past fifteen years which should be reflected in the Rules.

The following five problem areas were identified as the most crucial for consideration by the Congress:

- a) The question of the nature and scope of the Rules, with particular emphasis on the possible need for recasting the Rules so as to correspond with the two distinct subject areas they covered: the human rights aspects, and sound correctional practices;
- b) The extent of applicability of the Rules, or the question of jurisdiction, *i.e.*, who was to be covered by the Rules. There was also the question of extending the Rules to persons subjected to new correctional practices which did not fall into the category of full-time institutionalization;
- c) The status of the Rules, or the question of elevating the Rules, or a part thereof, to the level of a General Assembly resolution, declaration or convention;
- d) The question of the implementation of the Standard Minimum Rules, whether national or international, or the search for new and improved methods of implementing the Rules through education, reporting, monitoring, seminars, travelling faculties, etc. Allied to that area was the question of financial and budgetary allocations to develop implementation programmes;
- e) The question of the need for technical revision, with particular emphasis on the possible need for simplifying and redrafting the Rules in a manner

which would make possible uniform reporting and data collection; the use of a questionnaire for the purpose of data collection; the question whether revision of individual rules should be entrusted to committee, commission or working party, and specific recommendations for amendment."

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

- a) The problem of the Standard Minimum Rules has elicited sustained attention and has given rise to important comments at the highest level. The problems remain very acute and continue to give rise to increasingly difficult questions, because of their human and social implications;
- b) A programme of persuasion and action was recommended to promote the spirit of the Rules and training in the specific methods required for their implementation."

The Fifth Congress, held at Geneva in 1975, took up the subject of corrections under its agenda item entitled: "The treatment of offenders, in custody or in community, with special reference to the implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations". The Congress addressed itself to the following key issues:

- a) Alternatives to imprisonment;
- b) Factors in correctional reform;
- c) The Standard Minimum Rules in a climate of change; and
- d) Protection of all detainees against torture and other inhuman treatment.

It was in this last area, namely the prevention of torture, where the Congress had its greatest impact on future developments and where it provided new directions for United Nations work in crime prevention and criminal justice. The Congress unanimously adopted the De-

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claration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Declaration was subsequently adopted by the United Nations General Assembly in its resolution 3452 (XXX), which recommended that it serve as a guideline for all States and other entities exercising effective power. It proclaims, in reference to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, that no one may be subjected to torture or cruel, inhuman or degrading treatment or punishment. The Declaration then deals with a number of detailed measures against torture such as the training of law enforcement officials, the treatment of detained persons, and provisions of criminal law and procedure against acts of torture and other cruel, inhuman or degrading treatment or punishment. In related resolutions the General Assembly took measures for the elaboration of additional standards with a view to implementing the Declaration, among them the Code of Conduct for Law Enforcement Officials, adopted by the Assembly in 1979, the Draft Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Draft Code of Medical Ethics and the Draft Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment.

In addition to the adoption of the Anti-Torture Declaration, the following conclusions and recommendations in the area of corrections 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 re-integration 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 a 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

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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.”

The main accomplishment of the Sixth Congress, held at Caracas in 1980, was the unanimous adoption of the Caracas Declaration. The Declaration recognizes the significant increase in crime, including new forms of criminality in various parts of the world, and stressed that “the success of criminal justice systems and strategies for crime prevention, especially in the light of the growth of new and sophisticated forms of crime and the difficulties encountered in the administration of criminal justice, depends above all on the progress achieved throughout the world in improving social conditions and enhancing the quality of life”. For this purpose crime prevention and criminal justice should be considered in the context of economic development, political systems, social and cultural values and social change, as well as in the context of the new international economic order and programmes for crime prevention and the treatment of offenders should be based on the social, cultural, political and economic circumstances of each country, in a climate of freedom and respect for human rights. Moreover, Member States should develop an effective capacity for the formulation and planning of criminal policy, and all crime prevention policies should be co-ordinated with strategies for social, economic, political and cultural development. The General Assembly not only endorsed the Caracas Declaration by consensus in its resolution 35/171, but urged the international community to make concerted, systematic efforts to co-ordinate and stimulate technical and

scientific co-operation and policies directed towards crime prevention in the context of political, economic, social and cultural development.

The Sixth congress in its resolution 1, also invited all States to ensure, in the process of implementing measures of economic development, simultaneous realization of adequate measures of a social and cultural nature. Such measures should reach the entire population and above all those groups and sections which, by virtue of their economic and social status, need them most. For this purpose broader public participation in each State in the implementation of the above-mentioned social and cultural measures, as well as other activities aimed at crime prevention should be promoted.

In this context the Congress considered correctional issues under its agenda item 6 entitled: “Deinstitutionalization of corrections and its implications for the residual prisoner”. Among the relevant resolutions of the Congress are resolutions 6 and 11 on prevention of torture, resolution 12 on the implementation of the Code of Conduct for Law Enforcement Officials, resolution 14 on human rights instruments and their implementation for prisoners and further resolutions dealing with alternatives to imprisonment, specific needs of women prisoners, development of measures for social resettlement of the imprisoned, and the elaboration of a model agreement for the transfer of foreign offenders to their home countries.

In accordance with mandates of the Sixth Congress and the General Assembly, several of these subject matters will also be among the items on the agenda of the forthcoming Seventh Congress in 1985. For example, the Sixth Congress requested the General Assembly to include a specific item concerning the implementation of human rights for prisoners in the agenda for the Seventh Congress. At the same time the Sixth Congress recommended that the Committee on Crime Prevention and Control, which is the United Nations organ principally charged with the preparation for the 1985 Congress, should prepare

reports on alternatives to imprisonment and on measures for the social resettlement of the imprisoned for submission to the next Congress. The Congress will deal with these and related correctional topics under its agenda item entitled: "Formulation and application of United Nations standards and norms in criminal justice". In this connexion the Congress is expected to focus on the significant potential role of corrections in crime prevention as an integral part of the criminal justice system, closely linked to a complex of social services.

Corrections from the Viewpoint of Crime Prevention and Criminal and Social Justice

Pending future recommendations and conclusions of the Seventh Congress, United Nations work in the area of corrections is based at present on the Caracas Declaration and the resolutions of the Sixth Congress, which provide a new direction to traditional crime prevention and criminal justice strategies as well as penal policy. One basic consideration is that prevention strategies cannot be limited to the criminal justice system. The most effective tools for preventing criminality are the solutions of social, economic and cultural problems affecting broad sections of the population. Police, courts and corrections are viable tools for preventing criminality. However, an effective approach requires a more extended endeavour. Prevention would involve all the various sectors of society, not only public structures—centralized or decentralized—which have competence beyond the criminal justice system but also voluntary organizations and the public at large. Even within the criminal justice system, new methods may be required to deal with criminals and delinquents. The more repressive approach often alienates the public and makes wrongdoers resistant to persuasion and change.

The criminal justice system, commonly referred to as the formal control system, can play a preventive role to the extent

to which its various sectors are genuinely capable of meeting the real problem of the community at large of their clientele. The efficiency of the system in that respect is regulated by conditions of recruitment and quality of training. Both those activities may lead to the development of officers highly capable not only technically but also in understanding the human problems in the daily accomplishment of their delicate tasks. It has been demonstrated that good training can facilitate increased co-operation and mutual trust between corrections and the public. The public, by its attitude, may affect the efficiency of the criminal justice system but, on the other hand, well-trained correctional officers can assist greatly in the education of the public.

Corrections, in fact, is only one sector, or sub-system, of the criminal justice system and cannot be dealt with in isolation. Changes in the operation and policies of any one sector, for example, police and courts, affect the others, with continuous feedback effects among all of them. Furthermore, from a budgetary point of view, in terms of both money and personnel, the different sub-systems compete, to some extent, for limited resources; and, in turn, the criminal justice system as a whole competes for resource with other systems, such as those for the delivery of health, education and other services. In such a systems approach, those offenders received by the correctional administration are the sub-systems' input, those sentenced to institutional or community treatment—the correctional population; and those discharged constitute the sub-system's output, some portion of which may return to the sub-system as its input in the future, that is, the recidivist. Using this approach, it is evident that the main decisions affect both the input and the output of the correctional sub-systems. Effective flow of information, integration and co-ordination among all of them are therefore essential, so that gains in effectiveness in one sector are not offset by a decrease in effectiveness elsewhere.

In addition, it may be appropriate to

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focus efforts in the future even more upon the further development of a rational system as delivery and social services along a continuum which extends from the time at which the offender is arrested or otherwise enters the criminal justice system until his reintegration into society. Such a social service system, linked to the rehabilitation of the offender, would be complemented by a criminal justice system, the components of which would closely co-operate. Moreover, the linkages between corrections and social services would be strengthened with a view to ensuring that the offender is provided a better opportunity to function as a law-abiding citizen after his release. Especially in the developing countries there is a pressing need and ample scope for stimulating an active interaction between social welfare and social defence.

Accordingly, there is a growing awareness in many countries that large numbers of persons who come into contact with the criminal justice system, together with their families, present problems which require the assistance of other social services. Increasingly, public non-correctional agencies have come to identify the offender as a member of an important target group for their efforts. For example, there has been a broad expansion of public health programmes, work-training plans, vocational rehabilitation service and family counseling to offenders and their immediate families. In some instance community services are organized which focus their efforts on the reintegration of the offender into the community.

At the United Nations congresses, in particular at the Sixth Congress, there has been a clear awareness of the interrelationship between the system of correctional services and the larger system of social services. The Sixth Congress adopted a significant resolution on this and related subject matters which reads as follows:

“Resolution 10. Development of measures for the social resettlement of the imprisoned.

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

Acknowledging the importance of developing alternatives to the sanction of imprisonment,

Recognizing that, nevertheless, imprisonment cannot be wholly dispensed with,

Noting that in many countries efforts are being made to reduce the negative effects of imprisonment by intensifying the social contact of the prisoner with the world outside prison,

1. *Recommends* that Member States:

(a) Should seek to promote measures aimed at keeping sentences involving deprivation of liberty as short as possible, having regard whenever possible to the protection of the public;

(b) Should ensure that their prison systems are sufficiently differentiated to allow the assignment of inmates in accordance with their needs, so as to facilitate their placement in open institutions wherever possible, either from the beginning or in the course of their prison sentences;

(c) Should seek to maintain and develop the personal and social relationships of the prisoner by making generous provision for correspondence and visits, as well as for leave from the prison;

(d) Should plan and carry out measures designed to facilitate the post-release adjustment of the inmate in society, in close co-operation with the various correctional bodies and social agencies;

(e) Should ensure to the greatest possible extent that opportunities are made available for the development of the prisoner's educational potentialities and for training in social and technical skills, and that efforts are made to motivate prisoners to use such opportunities;

(f) Should promote the training

and education of prison staff so that they may contribute positively to the implementation of these measures;

(g) Should inform the public about the purposes of these measures for social resettlement of the imprisoned and encourage public acceptance of them;

2. *Invites* Governments to report to the Secretary-General every five years on developments in this field;

3. *Requests* the Committee on Crime Prevention and Control to consider the question of the development of measures for the social resettlement of the imprisoned at the earliest date, and—in the context of a revision of the Standard Minimum Rules for the Treatment of Prisoners that would encourage the utilization of these concepts—to prepare a report on the extent to which such measures are being utilized for submission to the Seventh United Nations Congress for the Prevention of Crime and the Treatment of Offenders”.

The Congress further considered contemporary developments in correctional theory and practice which have brought about a shift of emphasis from institutional detention towards treatment in the community at large or in conditions of semi-liberty. In view of the continuing trend towards greater reliance upon the community and substantial evidence of the effectiveness of alternatives to imprisonment, the Congress adopted the following resolution:

“Resolution 8. Alternatives to imprisonment

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

Acknowledging that imprisonment remains an appropriate sanction for certain limited offences and offenders,

Recognizing the social benefits that accrue to society from dealing with its deviant members to the extent possible within the community,

Convinced that alternatives to prison sentences can in many cases be equally effective,

Believing that the tendency observable in many countries to avoid imposing prison sentences as far as possible can be taken further without undue risk to public safety,

Aware that it is necessary not only to develop existing alternatives, such as probation and work serving the community, but also to encourage the development of a range of sanctions to enable courts to select the particular sanction best suited to the individual case,

1. *Recommends* that Member States:

(a) Should examine their legislation with a view to removing legal obstacles to utilizing alternatives to imprisonment in appropriate cases, in countries where such obstacles exist;

(b) Should identify various new alternatives to prison sentences that could be implemented without undue risk to public safety, with a view to possible incorporation into legislation;

(c) Should endeavour to make the necessary resources available for carrying out alternative sanctions and ensure, in accordance with their national laws, the appropriate use of those sanctions to the maximum extent possible, in particular bearing in mind the need to respond to the specific requirements of disadvantaged and vulnerable groups in certain societies;

(d) Should consider means for the effective involvement of the various components of the criminal justice system and the community in the continuing process of developing alternatives to imprisonment;

(e) Should encourage wider community participation in the implementation of alternatives to imprisonment and in activities aimed at the rehabilitation of offenders;

(f) Should evaluate legal and administrative procedures with a view

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to reducing to the extent feasible the detention of persons awaiting trial or sentencing;

(g) Should make efforts to inform the public of the advantages of alternatives to imprisonment, to encourage public acceptance of these measures;

(h) Should ensure that the present resolution is widely circulated in the concerned organizations, agencies and institutions.

2. *Calls upon* the Secretary-General to provide advice and support on request from Member States and to facilitate co-operation among Member States interested in developing alternatives to imprisonment;

3. *Invites* Governments to consider reporting to the Secretary-General every five years on developments in this field;

4. *Requests* the Committee on Crime Prevention and Control to consider the question of alternatives to imprisonment at the earliest date, and to examine the possibility of preparing a report on the extent to which such alternatives are being utilized for submission to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders."

The United Nations Standard Minimum Rules for the Treatment of Prisoners: Some Issues of Current Relevance

Although sentences involving deprivation of liberty gradually are being replaced wherever possible, by penal measures which are equally effective but do not give rise to the drawbacks inherent in imprisonment, detention in a penal institution nonetheless remains an indispensable penal sanction in certain cases and is still often applied. It is in this context that the impact of alternatives to imprisonment on the implementation of the Standard Minimum Rules for the Treatment of Prisoners needs careful consideration.

The increased use of alternative measures certainly facilitates the more effective implementation of the Rules,

as it decreases the number of inmates and thereby contributes to strengthening the capacity of the institution to improve correctional programmes for more effective rehabilitation.¹ At the same time the question may be raised as to the desirability and feasibility of preparing a new set of minimum guiding rules for offenders under community treatment comparable with and parallel to the Standard Minimum Rules.² Such new Rules might deal, e.g., with question concerned with the assurance of respect for the human dignity of the offender and the obligations of the supervising authorities towards those sentenced to penalties involving elements of community treatment, semi-liberty and social control. Because of the different situation and circumstances of non-custodial correctional programmes the United Nations Standard Minimum Rules for the Treatment of Prisoners may not be readily applicable to or suitable for convicted offenders under community treatment; and the same seems to be true, to a large extent at least, of the recommendations on Open Penal and Correctional Institutions contained in the annex to Rules.

A further essential means which has been suggested at various Congresses with a view of promoting the reintegration of offenders into society is effectively linking their rehabilitation to related social services. The need to establish this linkage is strongly emphasized in the Rules, especially in rules 61, 64, 74, 80 and 81. However, difficulties have frequently been encountered in providing the requisite ways and means for the achievement of this objective. To this purpose the United Nations Committee on Crime Prevention and Control recommended that consideration may be given to the following principles:³

- "— The right of offenders to receive social services should be formally recognized and emphasized;
- The social services available to all persons in the community should be available also to those discharged from prison, and the principles of "lesser eligibility" should not apply at any stage of the criminal justice

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- process;
- The forms of delivery of social services, organizationally, should be culturally appropriate;
 - Traditional agents of social control, such as the extended family and social and ethnic associations in urban areas, should be encouraged to reintegrate offenders;
 - The work of all agencies should be harmonized in accordance with relevant cultural traditions. Although social services can never take over the work or function of criminal justice agencies, the need for an effective working relationship between the two should be emphasized at the national and local level;
 - The importance of the availability of social services, starting at the moment of arrest, should be emphasized;
 - The training needs of the staff in social service agencies—and in other agencies likely to come into contact with or be influenced by social service agencies—should be examined and adequately met. This would include an understanding of the implications of working within the criminal justice system for those not experienced in it;
 - The role and appropriate use of volunteers, in addition to professional staff, should be examined, defined and expanded.”

There also appears to be consensus on another priority item of a more particular kind to which attention may be drawn in reviewing the Rules: the foreign offender and ways and means to meet specific needs, including the transfer. This subject is of growing significance in view of the enlarged numbers of foreign offenders over the past years with increased mobility of peoples and marked differences in socio-economic development between one country and another. Difficulties of communication by reason of unfamiliarity with local culture and habits, language barriers, and the absence of contact with relatives and friends tend to discriminate

against individuals serving sentences in other than their home countries.

The strong international interest in the foreign offender is attested, for example, by a number of bilateral and multilateral agreements on the transfer of foreign prisoners, as well as by the considerable and continuing work on this issues by various intergovernmental and non-governmental organizations and meetings. They include the Council of Europe, the Alliances of Non-Governmental Organizations in Crime Prevention and Criminal Justice in Vienna and New York, the second Asian and Pacific Conference of Correctional Administrators, held at Bangkok, Thailand, in 1981, and the European Assembly for Probation and After Care, which held a seminar on the foreign offender at Brunn am Gebirge near Vienna, Austria, likewise in 1981.

In this context it may be recalled that the Sixth Congress, in its resolution 13 entitled “Transfer of Offenders”, called for international co-operation in order to establish procedures that provide for the return of persons convicted of crime abroad to their home country to serve the sentence, thereby facilitating the process of reintegration into society. In the same resolution the Congress requested the United Nations Committee on Crime Prevention and Control to give priority to the development of a model agreement for the transfer of offenders, with a view to presenting it to the General Assembly for consideration as soon as possible.

In addition to developing this model agreement, the United Nations has turned its attention to other aspects associated with the problem of foreign offenders, notably the rehabilitation of individuals while they are in countries that are not their own. The whole subject will be also on the agenda of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985, in accordance with the recommendation of the Committee on Crime Prevention and Control at its seventh session held at Vienna in 1981. The recommendation was based on a statement on “The Foreign

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Prisoner" which was submitted to the Committee jointly by the International Prisoners Aid Association and Jaycees International.⁴

Another pertinent and timely subject in discussing the possible review of the Standard Minimum Rules may be the specific problems of the elderly offender and the means for their solution. This issue may deserve particular consideration in view of the magnitude of questions related to the aging population and the increased longevity as a phenomenon of global significance.

Often elderly offenders do not receive the same attention as do younger offenders with respect to correctional programmes for more effective rehabilitation, whether institutional or community based. This has various reasons, including the misleading stereotype of the old as not worthy of investment. Conversely, there is of course, in addition, the related but distinct problem of criminal victimization of the elderly, an issue of equally great importance. The United Nations World Assembly on Aging, which took place at Vienna, in 1982, stimulated discussion of some of these concerns. Some aspects of the questions related to the elderly offender have also been considered by the Ninth International Conference and Membership Meeting of the International Prisoners' Aid Association at the Vienna International Centre in 1982.

By the same token, the specific needs of women offenders may need particular consideration in discussing possible modification of the Rules. In accordance with resolution 9 of the Sixth Congress, the United Nations, the governmental and non-governmental organizations in consultative status with it, and all other international organizations, should make continuing efforts to ensure that the woman offender is treated fairly and equally during arrest, trial, sentence and imprisonment. Particular attention should be paid to the special problems which women offenders encounter, such as pregnancy and child care. Moreover, in countries where it is not yet done programmes and services used as alternatives to imprisonment should be

made available to women offenders on a equal basis with male offenders. The Seventh Congress as well as the next World Conference on the United Nations Decade for Women (Nairobi, Kenya), both of which will be convened in 1985, may wish to continue consideration of these and related questions.

Another field in which according to some suggestions the existing Rules could advance is that of strengthening procedures for grievances of detainees, allowing them to lay down claims to national and possibly, in the opinion of some, to international authorities. In this connexion it is being emphasized that the independence and therefore the impartiality of these authorities would be of greatest importance.

It may be recalled that remedies for the resolution of inmate grievances are contained in the Standard Minimum Rules for the Treatment of Prisoners, in rule 35-36 ("Information to and complaints by prisoners") and rules 37-39 ("Contacts with the outside world"). They might be complemented by providing for inmate grievance procedures through provisions for recourse to an independent authority such as an *ombudsman*.

In this connexion, reference may be made to General Assembly resolution 34/178 on the right of *amparo*, *habeas corpus* or other legal remedies to the same effect, in which the Assembly expressed its conviction that the application within the legal system of States of these remedies is of fundamental importance for the protection of detained persons. Of further interest is a study made by a Committee of the Commission on Human Rights in 1969 on the right of detained persons to communicate.⁵ As a result of this study, some provisions on the matter were included in the Draft Principles on Freedom from Arbitrary Arrest and Detention.

Finally, the need for more effective implementation of the Rules has been repeatedly and strongly underlined. At this point attention may be drawn to the Procedures for the Effective Implementation of the Standard Minimum Rules,⁶ drafted by the Committee on Crime

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Prevention and Control, in pursuance of Economic and Social Council resolution 1993 (LX) with a view to strengthening international co-operation in the universal application of the Rules. During the latest United Nations survey on the implementation of the Rules in 1980, highly positive and supportive comments were received on these procedures which may constitute a basis for further action in this field.

At the Sixth United Nations Congress various delegations commented on the value of the Rules which, in some countries, were invoked by superior courts to transform the profile of correctional policies and practices. Representatives emphasized that further consideration should be given to the Procedures for the Effective Implementation, and specific suggestions for the amelioration of the text of those procedures were made.

The Committee on Crime Prevention and Control, at its seventh session at Vienna in 1982, considered ways and means for the more effective implementation of the Rules in the context of one of the proposed agenda items for the Seventh Congress, entitled "Formulation and application of United Nations standard and norms in criminal justice". The discussion focused on dissemination of information, the reporting system, in accordance with Economic and Social Council resolution 663 C (XXIV) and the possibility of strengthening this procedure and the role of the Committee. There was consensus that the question of implementation of the Rules, in particular at the regional and sub-regional levels, should be considered by the Seventh Congress in 1985 and the preparatory meetings and special attention should be given to difficulties encountered in applying the Rules. In this connexion the Committee proposed that the next quinquennial survey of the Secretary-General on the implementation of the Rules should be before the Committee at its next session in 1984 in order to enable the Committee to express its views on the subject in preparation of the Congress.

The work programme for the period 1982-1983 of the United Nations Crime

Prevention and Criminal Justice Branch of the Centre for Special Development and Humanitarian Affairs at Vienna, Austria, envisages the preparation of three reports on the implementation of the Rules, to be finalized in 1983 for submission to the Committee on Crime Prevention and Control at its eighth session in 1984. In particular, the activities of the Branch refer to the following:

- Updating existing procedures for the effective implementation of the Rules, in close consultation with the United Nations Centre of Human Rights and other parties concerned;
- Preparation of commentaries for regional and sub-regional application of the Rules, in co-operation with the United Nations regional institutes for the prevention of crime and the treatment of offenders and the United Nations regional commissions; and
- Elaboration of a model agreement for the transfer of prisoners, in collaboration with national correspondents, in accordance with resolution 13 of the Sixth Congress.

Conclusion

In conclusion it may be noted that the considerations and recommendations of various congresses reveal the political sensitivity and the philosophical controversy that surround the subject of penal policy. Among other issues the shift of emphasis from institutional detention towards treatment in the community at large or in semi-liberty can be observed. This approach has been gathering momentum as a result of accumulating evidence that has tended to erode belief in the efficacy of institutional experience in rehabilitation of offenders. As societies revalue human behaviour and their response to it, the trend to divert delinquents from prison to non-custodial treatment programme is lively to receive further impetus in spite of an opposite trend which, in some countries, revives retribution and fixed and longer sentences.

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It may be observed, in this regard, that some alternatives to institutionalization have been utilized, especially in European and American countries, for more than a century, and that the customary methods of responding to wrong-doing in developed countries had included community control and social reintegration, coupled with restitution long before the concepts of prison and imprisonment were introduced or borrowed from other contexts.

Indeed, traditional non-institutional responses to crime still constitute part and parcel of many indigenous criminal justice systems and appear to offer effectiveness in the context of indigenous social control. These experience of developing countries with sanctions other than imprisonment, for example, various forms of restitution and reparation, constitute valuable object lessons for developed countries, whose possible revitalization even in industrialized and urbanized setting deserves to be considered. The main difference between the current trends and the recent past is, that while alternative approaches once constituted sporadic and scattered experiments, especially on the part of charitable organizations, today they are planned and implemented as part of differentiated strategy intended to deal with the problem of criminality and in a global perspective, where the various sectors of criminal justice are viewed as an integrated system.

In this context it may be also pointed out that public participation in criminal justice constitutes one of the key issues for a successful process of deinstitutionalization of corrections and the development of alternatives to imprisonment. Often specific sectors of the community need to be effectively involved in the formulation and implementation of certain programmes of deinstitutionalization. For example, work order schemes often require prior and continuing consultation with the trade unions in some countries. Similarly, individual or group beneficiaries of correctional labour, under deinstitutionalization programmes, would have to share an understanding of their specific short-term and long-term goals.

Moreover, it needs to be stressed that, although penal institutions may be by definition closed and disciplined organisms, the discussions at the congresses increasingly emphasize that they are, in the modern world, no longer insulated from the socio-economic and cultural transformation that take place in society. The public perception of prisons, as a last bastion of social discipline, and based on the concept of security, dies hard and there is still truth in it. Thus the growth, and now to a certain extent the decline of belief in the therapeutic institutions has led to difficulty. The logical consequence of that—recourse to non-custodial treatment as stressed by the more recent congresses—has in turn, sometimes, disquieted the public.

Finally, the recommendations and conclusions of the Congresses in the area of corrections reflects the long-standing concern of the United Nations with the humanization of criminal justice. In fact, since its foundation the United Nations has continued its efforts to secure and preserve the dignity of all those who come into contact with the criminal justice system. The Universal Declaration of Human Rights refers to the protection of human rights in criminal justice in its articles 7, 8, 9, 10, and 11, while the same principles proclaimed in those articles have been set forth, *inter alia*, in the International Covenant on Crime and Political Rights (articles 9, 14, and 15). In particular, the last two congresses have put growing emphasis on the enlargement of prisoners' rights and expectation. At the same time, in some countries the authority of the prison administration has appeared to be eroded and staff roles complicated to a point where they may be threatened.

Whatever may be decided by forthcoming congresses about future correctional policy, continuous and increasing attention might be paid to the influence of socio-economic and cultural development in society and to adequate preparation of staff and public opinion to accept the effects on correctional treatment. The survey of the discussions at the congresses

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suggests that change in corrections may be best brought about by careful preparation that will influence public opinion and staff attitudes in its favour, and by an evolutionary process that facilitates a positive approach to new and more humane practices concerned with the rehabilitation of offenders.

NOTES

1. See, *e.g.*, George E. Henries, "Alternatives to imprisonment and their impact on the implementation of the Standard Minimum Rules for the

Treatment of Prisoners", *International Review of Criminal Policy*, No. 26, 1968 (United Nations Publication Sales No.: E 70.IV. 1), pp. 29-44.

2. See report of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (United Nations document A/CONF. 87/14/Rev. 1), para. 85.
3. United Nations document A.CONF. 87/12.
4. United Nations document E/AC.57/1982/NGO.4.
5. See United Nations document E.CN. 4/996
6. See United Nations document E/CN. 5/536, para. 95 and annex VI.

PART 2: PARTICIPANTS' PAPERS

The Hong Kong Correctional Services

by Bhagat Ish Kumar*

Introduction

The Hong Kong Correctional Services Department, formerly known as the Hong Kong Prisons Department, was retitled in February this year. The purpose of this change of title is to give a more accurate and appropriate description of the specific roles and functions currently undertaken by the service.

Structure and Categorization

As an integral part of the Hong Kong criminal justice system, the service is responsible for the safe custody of offenders sentenced to correctional institutions and to provide within the penal institutions the necessary environment, facilities and services for rehabilitation. In order to meet such objectives, correctional institutions are divided in accordance with the specific treatment programmes designed to deal with various classes of offenders. Institutions are classified as minimum, medium and maximum security prisons, training centres, and detention centres for young offenders, drug addiction treatment centres for drug dependants and psychiatric centres for the mentally disturbed offenders. The distribution of convicted persons to these institutions covering the years 1980 and 1981 is shown as follows:

	1980	1981
Prison	4,663	5,932
D.A.T.C.	1,518	1,675
T.C.	289	312
D.C.	679	580
Total	7,149	8,499

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On admission, all prisoners will appear before a Board for the purpose of classification and categorization. Factors including length of sentence, past criminal history, security risk and past institutional performance are taken into consideration. The prisoner will then be assigned to the most appropriate type of institution designed to cater for the particular category of prisoner. As a treatment policy, first offenders and habitual offenders, young prisoners and adult prisoners, are segregated and male and female offenders are kept in different institutions.

Accommodation, Clothing, Hygiene and Food

All sleeping accommodation for prisoners are certified for that purpose in terms of space, lighting, ventilation, availability of means of communication and other relevant standards depending on purpose and function. In maximum security prisons, prisoners are kept each in a separate cell of about 54 square feet (5.017 square meter) in area. Toilet and washing facilities are provided in each cell and dormitory. All prisoners are allowed to have a bath daily to ensure complete personal cleanliness. Every prisoner is also provided with a complete outfit of clothing and bedding adequate for warmth and health according to approved scales. A high standard is maintained with respect to appearance, hygiene and tidiness. The laundry workshops manned by prison labour in each of the institutions are responsible for the task. Food is prepared and provided to prisoners in accordance with the approved dietary scales and with due regard to religious factors and recommendation of the medical officers for special cases. A dietitian is respon-

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sible for the planning of well balanced diets. Medical officers and hospital staff frequently inspect premises to ensure high standard of hygiene and cleanliness in all institutions.

Physical Training

Recreation and physical training are important aspects of the correctional programme. All prisoners who are certified physically fit by the medical officer will have to participate in physical training classes. Recreational activities are organised in the evenings and on holidays. Besides, every prisoner, unless excused by the medical officer on medical grounds, will have at least one hour exercise daily in open space.

Medical Services

Medical services are made available to all prisoners in case of need. A thorough medical examination is made of all persons on admission into any penal institution. Prisoners with medical complaints requiring in-patient care are generally hospitalised in institutions. Emergency cases requiring intensive medical care are transferred to outside hospital. Full dental treatment is given to all prisoners, who are serving a sentence of three years or more. Ante-natal and post-natal cares are provided if necessary in female institutions. Special tuberculosis treatment and psychiatric services are also made available to prisoners.

Discipline and Control

Prisoners, on admission or transfer from other institutions, are required to undergo an induction programme through which they are helped to have a clear understanding of the institutional routine and regulations. All prisoners charged with disciplinary offences are subject to formal adjudication. Disciplinary awards in order of severity include separate confinement, forfeiture of remission, forfeiture of privileges, deprivation of earnings, and payment

for loss or damage caused. Dietary punishment as a disciplinary award has been discarded early this year. Caning, not exceeding 12 strokes, has been kept to very restrictive use for male inmates in Detention Centres and Training Centres and only when certified by the Medical Officer to be fit for such punishment. Any prisoner who considers himself aggrieved by any such disciplinary award may launch an appeal within 48 hours which will be considered by the Commissioner or by a person appointed by him. The use of instrument of restraints including handcuffs and canvas restraint jacket are strictly limited for the purpose of protection against bodily injury, prevention of damage to property and for the safe custody of prisoners during their removal. Mechanical restraints are at no times to be used as a punishment.

Prisoners are also entitled to have interviews with the head of the institution for any personal problems. They can also make their request or complaint to visiting senior correctional staff or Justices of the Peace who pay regular visits to penal institutions. The latter made a total of 370 visits to various institutions during the year 1981 compared to 361 such visits made in 1980.

Contact with the Outside World

The maintenance of the prisoner's link with the outside world is an important step in helping the prisoner to overcome difficulties he may face during incarceration. It also helps his re-integration to the community after his discharge. Visits of family members and friends and written communication with them are also encouraged. For cases with no families ties or friends in Hong Kong, a number of volunteers have organised a visiting team to pay regular visits to them. Television, newspaper and news broadcasting are made available to prisoners. They have also access to books of the prison library of their institution. Publications can be sent to them from their family or friends after being censored. All prisoners are allowed to keep in their own possession but at their

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own expenses a portable radio set so that they are kept informed of the happenings of the outside world. If they wish, they may buy a newspaper of their own choice which is delivered to them daily without any censorship. Religious services are organized for prisoners. A prisoner is entitled to attend religious services of his own religion conducted in the institution. The Prison Chaplain is responsible for looking after the spiritual welfare of prisoners and inmates.

Industries and Vocational Training

The expansion of the industrial and vocational training programme which started some four years ago has now been consolidated. This is evidenced by the installation of new machinery, opening up of new trades, the introduction of new production techniques, and an increasing staffing of qualified industrial specialists. New industrial projects are being planned and under construction. Prisoners are now open to a system of more diversified trades in which he has the opportunity to develop his vocational skill.

All prisoners are required to engage in useful work for not more than 10 hours a day. They are usually required to work in association for 6 days of 8 hours each per week. No prisoners will be assigned to any work unless he is certified fit for that type of work by the medical officer, who may exempt a prisoner from work on medical grounds. Employment is classified in relation to the medical classification of prisoners as to their fitness for work. The Labour Allocation Board in each institution is responsible for the allocation of prisoners to work with due regard to their physical state, interest and previous vocational experience. Prisoners are employed in authorised work only. The following is the list of trades made available to prisoners:

- a) Garment-making
- b) Carpentry
- c) Metal work
- d) Fibre-glass
- e) Silkscreening

- f) Painting and book binding
- g) Shoe-making and repair
- h) Radio and television repair
- i) Construction and maintenance
- j) Maintenance-gardening
- k) Other sewing
- l) Rattan/bamboo work
- m) Laundry
- n) Panel beating
- o) Miscellaneous services

The commercial value of output of various industries for the year 1981 is at Appendix I.

Prisoners are paid for their work in accordance with an earning scheme based on the level of skill required of his work. The Prisoners Earning Scheme is shown at Appendix II. Prisoners are allowed to spend up to 75% of their earnings for approved purposes *e.g.* canteen purchases or in the form of family remittance. The balance of his earnings will be paid to him on his release. Industrial safety measures are adopted in institutions to prevent accidents and to ensure the safety of workers.

Education and Recreation

Adult prisoners are given opportunities to attend voluntary educational classes. Subjects taught include English, Chinese, mathematics and social studies. Correspondence courses and Cell Study Courses are available to prisoners who choose to study on their own following a set curriculum. In Training Centres, inmates are subject to half-day education and half-day schooling. Educational television is used as a means of teaching. Recently, 15 young offenders who took the course of Telecommunication Technician Course have successfully passed the examination of the City and Guilds of London Institute with extremely good results. In Detection Centres, remedial educational classes are organised for the inmates.

In Drug Addiction Treatment Centres, adult educational classes are held three evenings a week and inmates may attend on a voluntary basis. Hobby classes in subjects such as music and painting are also

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organised for the inmates and have proved to be popular. Prison Masters employed by the Department are responsible for teaching and organising educational programmes in penal institutions.

A variety of sports and recreational activities including ball games, athletics, sports competitions, Chinese billiards, art design, drawing, painting, chess and interest groups are available to prisoners and inmates special recreational and sport activities are organised during weekends and holidays.

After-care and Welfare

After-care is a statutory requirement for inmates of Detention Centre, Training Centre, Drug Addiction Treatment Centre and a number of young prisoners while welfare service is provided to prisoners in general during the period of their imprisonment.

After-care plays an important role in helping inmates to adjust to the institutional environment and to re-establish themselves in society after release. It commences as soon as the inmate is admitted into the institution. The after-care officer arranges for the establishment of a good relationship between the inmate, the

family and the worker himself. The offender is helped to have a better understanding of himself and his problems and to plan for his future. The improvement of severed family relationship and the arrangement of job and accommodation after release are also important aspects of the work of after-care. Self-help groups known as Never Again Association involve both the inmates and their family members and play an important role in promoting family relationship and in restoring the confidence of the inmates. Upon discharge, the inmates or young prisoners are subject to a fixed period of compulsory after-care supervision. During the period of supervision, the after-care officer maintains close contact with the supervisee through visits to home and place of work, offering assistance, advice and counselling as necessary and ensuring that the terms of the supervision order are complied with. The use of authority and intervention is sometimes required when the supervisee fails to comply with the supervision or requirement and has to be recalled back to the institution for further treatment. The table below shows the current number of discharged inmates and prisoners under supervision:

After-care Position as at 31.7.1982

	Drug addiction treatment centre	Training centre	Detention centre	Young prisoners
No. under supervision	1,378	480	490	93
Tot. no. with supervision expired	19,016	1,486	4,036	51
Tot. no. who successfully completed supervision period	12,765	972	3,817	38
Success rate (%) [*]	67.13	65.41	94.57	74.51

^{*} Success rate is defined as the percentage of supervisees who completed the supervision period without subsequent reconviction and, for those released from Drug Addiction Treatment Centres, without having been recalled for further treatment and remained drug free.

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The welfare service aims at assisting prisoners in alleviating their personal problems and grievances, particularly those problems arising from their incarceration. Prisoners are given pre-release courses to help them make adequate preparation for re-integration into the society after discharge. These courses have proved to be beneficial to the prisoners, especially to those who have served long terms of imprisonment. Voluntary social agencies like the Discharged Prisoners Aid Society also work closely with the department by providing accommodation and other forms of assistance for prisoners after release.

Toward More Effective Programmes for Released Prisoners

The present practice of compulsory supervision for discharged inmates and young prisoners provides a structured treatment relationship which the offender must abide with. This is of significant help to an offender's rehabilitation as it helps to stabilize his process of social reintegration and prevents him from possible deterioration in behaviour. The encourag-

ing results of compulsory supervision as reflected by the fairly high success rate have clearly indicated that compulsory supervision by professional workers is the right direction towards the treatment of offenders. Consequently, it would seem highly desirable and feasible for the expansion of the scheme to cover the great majority of the prisoners. Experience has shown that institutional treatment, no matter how effective it may be, must be supplemented by supportive programmes in the community. Community-based treatment programmes, therefore, is an essential part of the rehabilitative programme. The Work Release Scheme is due to commence shortly pending the completion of the Pre-release Centre and the legislation procedures. Under this scheme, selected prisoners who are within the last six months of their sentence are given the opportunity to work at ordinary jobs in the community during the day and return to the pre-release centre at night. The Community Service Order, another proposed community-based treatment programme, is also under active consideration at present.

Appendix I

Commercial Value of Output of Various Industries in 1981

Trade	1981 Commercial Value (new basis)
Garment making	\$8,173
Other sewing	—
Silkscreen	3,909
Shoe making	1,670
Printing/book binding	1,049
Panel beating	44
Radio & T.V. repair	12
Metal work	1,701
Carpentry	845
Fibreglass	3,605
Rattan/bamboo	35
Construction & maintenance	5,528
Maintenance—gardening	2,698
Laundry	18,153
Misc. services	20
Piggery	48
	\$47,490

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Appendix II

Prisoners' Earning Scheme (w.e.f. 7.6.1982)

Grade	Basic Pay	Apprentice		Skilled	
		Grade Pay	Total	Grade Pay	Total
Basic (unfit for work)	\$ 2.36	\$ -	\$ -	\$ -	\$ -
A	2.36	2.02	4.40	3.93	6.30
B	2.36	2.80	5.20	5.50	7.90
C	2.36	3.59	5.95	7.07	9.45
D	2.36	5.16	7.55	10.21	12.60
E	2.36	6.73	9.10	13.36	15.75
F	2.36	8.30	10.70	16.50	18.90

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Open Prisons in India with Special Reference to Anantapur Prisoners' Agricultural Colony

by V. Appa Rao*

Introduction

Open Air Jail or Open Air Prison, often called "Prison without Bars" is a post-independence phenomenon in India. For that matter, even in other parts of the globe, open prisons, as we understand them now, came into vogue only during 1940's. All along prisons were meant to lodge offenders to keep them out of circulation and thus protect the society from their depredations and for deterrence. Moreover, prison chiefs were rightly or wrongly worried about security and safe custody and nothing else. The concept of reformation and rehabilitation appeared on the arena very late. Every one had realised the failure of imprisonment and was looking for alternative methods of rehabilitation other than through incarceration. The celebrated poet Oscar Wilde had aptly said:

"The vilest deeds like poison weeds
Bloom well in prison-air;
It is only what is good in man
that wastes and withers there;
Pale anguish keeps the heavy gate,
And the Warder is Despair".

The wind of reformation and rehabilitation has been blowing strong throughout the length and breadth of India since Independence. Ex-President of India Mr. V.V. Giri had said that the traditional theory of retributive justice had lost its significance and every effort should be made to redeem offenders from their anti-social acts and make them useful members of the society. A humanistic approach to the social disease of crime has thus begun.

Origins of Open Prison

The first open prison perhaps was Witzwil established in Switzerland in 1891. In 1916 the Lorton Reformatory in the District of Colombia, U.S.A., was built. However these were only the beginners. They cannot be compared with the present ones, as security was the foremost consideration in those days. Hence a compromise had to be struck between security and free movement. However the real breakthrough came in 1930's in the United Kingdom and 1940's in the U.S.A. The first British open prison "New Hall Camp" was started in 1933. It had no walls, not even boundary fence. Americans too followed soon. Here we may recall the dictums of Sir Alexander Paterson, Prison Commission Member: "A man is sent to prison as a punishment and not for punishment". "You cannot train a man for freedom under conditions of captivity".

Philosophy of Open Prison

The *raison d'etre* of open jail philosophy is as follows:

- 1) To provide a more realistic social setting to learn law abiding behaviour.
- 2) To avert institutionalising effect of the closed prison.
- 3) To reverse the process of criminalisation acquired during incarceration in a closed prison.
- 4) To weaken the corrupting inmate-culture.
- 5) To strengthen staff-inmate interaction.
- 6) To promote inmate identification with the rehabilitative aims of the institution.

Indian Experiment

The post-independence era in India brought in its wake a growing realisation of the need for a change of attitudes towards the treatment of offenders. The new state governments which had at the

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helm of their affairs leaders who had personal experience of half a century jail life during their struggle for freedom, gave immediate attention to humanisation of jails. Although the rapid changes in prison administration gave the impression that the introduction of certain amenities in jails was be all and end all of treatment of offenders, but it was heartening that the post-independence period was also marked by the study of criminology and penology by the junior wings of prison administration which in due course of time provided professional leadership to counteract such wrong notions. With the advance of the knowledge of human behaviour, the part played by psycho-social environment in the development of the criminal is now being increasingly recognised. The policy of repression and vengeance which swayed the thinking of penologists and jurists until the end of the previous century is thus being gradually replaced by the policy of protection through corrective and preventive measures.

Of all the corrective experiments undertaken, it can be said with some sense of pride and achievement that the employment of prison labour in open conditions has proved to be the most successful experiment from every point of view. It is also worth mentioning here that even though the employment of prisoners in open conditions is more than a century old practice, the objectives of such employment have vastly changed. Originally it was meant to take hard work from prisoners under conditions which were humiliating and de-humanising. Now it aims at providing them with useful and meaningful work under conditions which help in restoring their dignity and self respect and giving them a sense of pride and achievement which would go a long way in their reformation and rehabilitation.

There are 33 open prisons in India of which 6 are in the State of Rajasthan, 4 in Maharashtra, 3 each in Tamil Nadu, U.P. and Bihar, 2 each in Punjab, Orissa, Madhya Pradesh, Gujrat and Andhra Pradesh, 1 each in Assam, Himachal Pradesh, Karnataka and Kerala. The sanc-

tioned capacity and the daily average population of these jails, State wise, are as follows:

State	No. of jails	Sanctioned capacity	Daily average population
Andhra Pradesh	2	385	358
Assam	1	100	73.86
Bihar	3	N.A.	N.A.
Gujrat	2	60	39
Himachal Pradesh	1	113	28
Karnataka	1	80	41.01
Kerala	1	200	117
Madhya Pradesh	2	150	32.83
Maharashtra	4	721	367
Orissa	2	367	N.A.
Punjab	2	300	145
Rajasthan	6	225	118
Tamil Nadu	3	154	96
Uttar Pradesh	3	2,138	1,425.77

The credit for starting the first open prison in India goes to Uttar Pradesh (1949). The second oldest open prison in India is in my home State Andhra Pradesh (1954). Some states in India had started some sort of open institutions even earlier, but they were disbanded or shifted when the public work on which prisoners were employed was completed.

Anantapur Open Prison

The Prisoners' Agricultural Colony, Anantapur, popularly known as Anantapur Open Prison, was inaugurated by the Ex-President of India, Dr. N. Sajeewa Reddy in the year 1965. On the day of inauguration, there were 50 prisoners. Its authorised capacity is 235 prisoners. In subsequent years the inmates' strength increased beyond 300. Now there are 92 only. On the occasion of the Silver Jubilee Cerebration of the formation of Andhra Pradesh, the Government released all those who had completed 5 years of prisonment including remand/remission, and 590 life prisoners were released from the prisons including

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54 lifers of Anantapur Open Jail. Hence the open prison strength has fallen and difficulties are being experienced to get more owing to various reasons which will be narrated at a later stage.

Location

It is at a distance of about 10 km from Anantapur town with good road connection. This colony does not give an impression that it is a jail camp. It has the appearance of a good agricultural farm.

Area

This has 1,427 acres of land of which 615 acres are dry cum wet and the remaining is rain-fed. Thungabhadra High Level Canal distributary No.17 passes through this land. Water is available for 8 months in an year *i.e.* from June to February. Prisoners have sunk 8 wells without any expenditure to the Government. They cultivate vegetables and other crops even when canal water is not available.

Accommodation

It originally started with one block. Two more have been added and one more is under construction. Each block has bath and toilet facilities. It accommodates 80 prisoners. The buildings are well constructed with spacious front halls. Each inmate is provided with a bed-cot, mattress, bed-sheet, and pillow. The building was electrified 4 years after construction, *i.e.* in 1969. Round the clock water facility has been made available for all the blocks.

Special Amenities to Inmates

- 1) Inmates working in this colony get 5 days remission for good work and 3 days remission for scrupulously following prison rules, compared to 5 days given to prisoners in closed prisons.
- 2) They get extra diet on all days with non-vegetarian food on Sundays. There is a canteen attached to the Colony, where the inmates can buy cigarettes, tea, coffee, biscuits, etc., from their personal cash up to Rs.40/- per month.
- 3) Three soaps are provided for month.
- 4) About 1 kg of hair oil and body massage

oil is provided every month.

- 5) Two pairs of extra clothing are given.
- 6) Furlough and parole are liberally given, and
- 7) 14 days home leave is allowed every year.

Education and Recreation

One full-time teacher is appointed to impart adult education to the illiterate ones. Coaching is given to learn Hindi for willing inmates. There is a small library in the premises. Regularly books are borrowed from the local district library and distributed to the inmates. Newspapers are provided. Radio is provided with amplifiers in each block. There are facilities for indoor and outdoor games like carroms, chess, volleyball, etc. The inmates are encouraged to participate in group singing, music, drama etc. Documentary films are screened regularly. On national festival days and Prisoners' Welfare Day (October 2) competitions are held among the prisoners in sports and games and prizes are distributed.

Grading of Inmates

There are no grades among the inmates and all are treated alike. There is no supervision of one convict over the other.

Wages

Inmates are not paid any wages. But Government has agreed in principle for such payment and a beginning has been made in Central Prison, Hyderabad as an experiment.

Work Programmes

Inmates are employed in the following work programmes: Agriculture, gardening, dairy farm, brick manufacture, sheep breeding, sinking of wells, deepening of existing wells, excavation of field channels, cultivation by tractors, etc. The inmates work from 6-30 a.m. to 10-30 a.m. and from 1 p.m. to 5 p.m. with 2½ hours rest during noon. These timings change depending upon the season.

There is a welfare officer, who guides the prisoners and looks after their welfare.

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A qualified doctor residing in the camp treats the sick prisoners.

Eligibility to Open Prison

There is no direct committal of prisoners to the open prisons but they are selected from closed prisons. They should have the following qualifications.

- 1) Casual and star class.
- 2) Residents of Andhra Pradesh.
- 3) Good physical and mental health.
- 4) Age 21 to 55 years.
- 5) Good conduct and emotional stability.
- 6) Good family ties.
- 7) Should have undergone some period of imprisonment in a closed prison and shall not have ordinarily more than 5 years to serve.
- 8) Should be willing to work in open prisons.
- 9) Should not be a habitual offender.
- 10) Should not be a political agitator or a notorious and dangerous prisoner.

Selection

Deputy Inspector General, Superintendent, Doctor, Jailor and Welfare Officer of the closed prison select the prisoners from the closed prisons and send the list to the Inspector General for approval. After approval, they are transferred to the closed prison nearest to the open prison where the Superintendent of the open prison interviews them and selects them. He gives them the necessary orientation to open prison life.

Discipline of Inmates

There is no compound wall or even barbed wire fence around the campus. Inmates are allowed to go to Anantapur, the District Headquarters Town, for selling vegetables and bringing grocery articles. One warden accompanies them. Inmates work under minimum physical supervision. Batches of prisoners watch the crops during night, and irrigate fields without any watch over them. However, all must return to barracks by 5 P.M. and stay indoors. Inmates are also encouraged to participate in discussions and offer sugges-

tions for the common programmes and activities. There has never been any problem of indiscipline since inception. So far during the last 17 years of its existence, 24 prisoners escaped, out of whom 18 returned or apprehended and 6 are still absconding. No systematic study about recidivism has been made but by and large there are not many recidivists.

Land under Cultivation

About 700 acres have been brought under cultivation, out of which groundnut is grown in about 200 acres, jawar and horsegram 100 acres each, cotton 50 acres, castor 30 acres, orchards 15 acres, vegetables 20 acres etc. There is a small dairy farm to provide milk to the inmates. There is also a sheep breeding farm. Sheep are used for providing mutton to inmates.

Production Particulars (1981-82)

	(Rs.)
Farm produce	1,93,437-67
Misc. farm produce	69,715-00
Sheep	24,473-42
Manure	41,740-00
Manufacture of baskets	610-00
	3,29,976-09

The annual recurring expenditure on this open prison is about 8 lakhs.

Crime-Wise Break-Up of the Inmates

- 1) Murder (302 I.P.C.) 68
(all lifers)
- 2) Rash and negligent act resulting in death (304) IPC. 18
- 3) Grievous hurt (326 IPC.) 6

Offences and Punishments

Any of the following acts on the part of a prisoner will constitute an offence.

- 1) Going out of the demarcated area without permission,
- 2) Refusal to take due care of prison property,
- 3) Destroying or damaging implements,
- 4) Refusal to perform duties,
- 5) Negligence in work, and
- 6) Derogatory behaviour.

For the above offences, the following

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punishments are inflicted.

- 1) Warning,
- 2) Imposition of fine,
- 3) Forfeiture of remission,
- 4) Stoppage of facilities up to one month, and
- 5) Return to closed prison.

A prisoner from open prison can be returned to a closed prison on medical grounds or at his request or as a measure of punishment. He would not lose any remission if he is returned on medical grounds. He shall forfeit 50%, if he returns on his request. If he is sent back on punishment, the entire remission can be forfeited depending upon the gravity of the offence.

After Care

The cases of all prisoners who need assistance after release are referred to Discharged Prisoners' Aid Society, Hyderabad, well in advance of their needs and plans, to enable the society to decide the assistance. The Welfare Officer of the Open Prison deals with all such cases.

Prison Staff

There is one superintendent, assisted by one deputy, 2 jailors, 3 deputy jailors, 2 chief head warders, 7 head warders and 33 warders. A welfare officer, a medical officer, a pharmacist, 2 male nurses, one teacher, one agricultural officer, one carpentry instructor, 4 tractor drivers, one mechanic, one fitter, one motor cycle orderly and 9 office staff are provided.

Amenities to Staff

Family quarters have been provided to 13 prison staff. Twenty-two improvised quarters are constructed by prison labour for the warders. The staff get special pay and camp allowance. Jail vehicles transport the children of the staff to the schools located in the town. The staff bear proportionate fuel cost. Warders get free meal during day like in other closed prisons. A van and a motor cycle are supplied for the use of the staff.

Future Plans

There is a proposal to have a full-fledged

sheep breeding centre at a cost of about one lakh rupees. 2) A gober-gas plant costing Rs.12,000/- has been sanctioned. 3) A Carpentry Unit costing about Rs. 83,000/- has been sanctioned. 4) Under Drought Prone Area Programme, land is being reclaimed in different blocks for which the prisoners provide the labour. Inputs like seeds, fertilizers etc. are provided by the District Collector.

Difficulties

As per section 57 I.P.C., life term means 20 years imprisonment for calculation purposes. Several states were releasing prisoners from 7th year onwards. Section 433(A) Cr.P.C., which has been added has dealt a death blow to the lifers. As per this, a person convicted after 18-12-1978 for life imprisonment, cannot be released earlier than 14 years of actual imprisonment. Lifers now interpret that life imprisonment is virtual entombment for 14 long years in the prison. Remission system which is expected to function as an incentive for good behaviour, self discipline and reformation have no meaning to them. This feeling has killed all their initiative and hope. They have no interest in prison programmes such as work, vocational training, education etc. They are simmering with discontent and harbour revolting tendencies towards every one. These feelings may explode into violent prison riots, if not remedied early.

There were two reasons for bringing forth this amendment. 1) It enables Judges to give a substantial life term in lieu of death sentence for capital offences. In this sense, this amendment is a pre-abolitionist measure which is welcome. 2) The amendment tries to take care of many an aberration noticed in the exercise of clemency and remission powers by the Executive which some times releases persons sentenced for life in lieu of death sentence even before they have served 8 to 10 years.

However this amendment sacrificed reformation and rehabilitation of lifers to a great extent. We cannot say that lifers should undergo correctional treatment for 14 years. It has its own limits. It is the

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experience of correctional administrators that the peak point of improvement in the thought processes and patterns of behaviour of a lifer can be achieved in about 5 to 7 years in a prison setup. After the peak point has been reached then supportive therapy has to be extended to the inmate. One can say without any hesitation that since the advent of freedom such a retributive measure was not introduced in our criminal justice system. Hundreds of lifers throughout India in one voice say that they are not interested in going to open prisons. This has resulted in the fall of strength of open prison population. Some way out has to be found out to the situation created by 433-A Cr.P.C.

Assessment of Open Prisons

The open prisons have proved quite successful as there is noticeable improvement in the health, work habits and general conduct of the inmates. The prisoners are able to adjust themselves to their surroundings. By and large they have all settled down as peaceful and law-abiding citizens. The success of open prison can be judged from the negligible incidence of escapes, recidivism and cost of the operation. Thus the objectives of an open prison in giving offenders an experience that will so help them to change their attitudes and behaviour as to affect their social, moral and economic rehabilitation have been achieved to a great extent. Open prison involves trust and an appeal to the human side of the offender. It enhances his self-esteem and develops in him a sense of social responsibility.

Suggestions

1) Follow up of all released prisoners

should be taken up in all the open prisons in India.

2) Several Central State Farms which have vast fertile lands, excellent farm machinery and equipment and are losing heavily can be easily converted into open prisons. With the devotion and hardwork of the inmates they can be transformed into ideal farms.

3) Common man is blissfully ignorant about the existence of open jails in India. Steps may be taken to give wide publicity to the good work turned out by the open prisons through press, radio and T.V., which might go a long way in bridging the gap between the criminal and the community.

4) Excursions of school children and college students to open prisons may be arranged to influence their impressionable minds about the reformation and rehabilitation.

5) All the open prison staff should be given specialised training and orientation.

6) More amenities to the staff should be provided to bring out the best in them.

7) Only selected staff should be posted to open prisons.

8) A portion of the prison earnings should be given to the inmates as wages and staff as bonus.

9) Each 20 acres block of land may be cultivated exclusively by say 5 members to promote competitive spirit and better results.

10) More entertainment facilities like one movie every month and T.V. may be provided.

11) The states which do not have open prisons should immediately start them especially West Bengal, Haryana and Jammu and Kashmir.

Prison Administration in Pakistan

by Mian Shaukat Mehmood*

Brief History of Correctional Efforts

After the independence in 1947, we inherited a time old British Prison System governed by the Prisons Act of 1894, this system was designed for the colonial requirements of the foreign rulers. A Jail Reforms Committee was appointed to recommend improvements in the management of jails. This committee advocated drastic reforms in the food, clothing and treatment of prisoners in addition to many other aspects of prison conditions. The years from 1950 to 1958 can be called an era of jail reforms in Pakistan.

In 1968 with the rising standards in the national life another Jail Reforms Committee was constituted which was headed by a Judge of High Court and included prominent citizens, social workers as its members. The committee had vast study and examined opinions of all sections of the society to finalize over 2,000 recommendations, most of which have been implemented.

Management of prisons, probation and parole is the responsibility of provincial governments in Pakistan. In 1972, however, the Central Government set up a Prisons Division in the federal secretariate to co-ordinate between four provinces to achieve uniformity of approach to problems regarding prisons and parole, etc. The federal government also called a "Jail Reforms Conference" in 1972, which was attended by experts and prominent persons from related fields in all over the country. The conference among other recommendations also recommended that "As a first step Standard Minimum Rules, adopted at the Geneva Convention in 1954, should be implemented immediately".

The recommendations of this confer-

ence, along with the recommendations of Jail Reforms Committee of 1958, were mostly compiled in the form of a Common Jail Manual for all the four provincial governments of Pakistan, which is known as "Pakistan Prison Rules" and are now in practice in all the country. The draft of these rules was discussed in the joint meetings of heads of prisons departments of all the provinces. These rules cover almost all the "Standard Minimum Rules" except a few, which could not be implemented due to resource constraints. In 1972 the Federal Government also set up a Central Prison Staff Training Institute to meet the training requirements of all levels of prison staff of all the prisons in the country.

A special committee consisting of six secretaries to government in Punjab, the biggest province, was constituted to look into prison conditions in 1981. The prisons departments pleaded for more resources sometimes quoting "Standard Minimum Rules". The committee agreed in many cases and had a great regard for these rules.

Prison Population and Prison Staff

Pakistan has an area of 796,099 square kilometers with an approximate population of 85 million people. The country has 16 central jails and 50 district jails. The total prison population is about 34,000 inmates against available accommodation for 28,000. The jails in the central part are heavily overcrowded. The numbers of female and juvenile prisoners are about 600 and 700 respectively, which show that women and boys have lesser percentage in crime. The staff of jails is as given in Table 1.

Recently more staff has been sanctioned both at officers (supervisory level) and warden (basic level). The ratio of wardens is now one warden for 8-9 prisoners, in addition to higher supervisory staff.

* Deputy Inspector General of Prisons-Punjab, Pakistan

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Table 1

	Central prison (semi grade)	District prison
Superintendent	1	1
Deputy superintendent	1	1
Assistant superintendents	6	3
Chief head warden	1	1
Wardens	190	150
Medical officers	2	1
Teachers	4	2
Experts in vocational training—according to number and nature of industries		

situation is stable. But the crime of violence is increasing. Murder, attempted murder and assault causing injuries are mostly committed in rural areas where 70% of total population lives. The reasons are mostly false notion of vanity, honour and land disputes. Such crime is committed on sudden provocation generally regardless of consequences specially in illiterate society. Fortunately there is no much of organized crime. Drug abuse is under control but there are areas where hashish, opium, etc. is produced which is smuggled out to foreign markets. Separate agencies exist to counter such attempts. We are fortunate that recidivists or habitual criminals are only 3% of a total convicts.

Comparative Study of Existing Practices and Future Programmes

Crime Situation in General

The crime figures in Table 2 would give a general picture of crime situation in Pakistan:

It will be seen that generally the crime

Food

The standard of food has been revised from time to time by increasing the caloric value and platability. It is now felt that raising further standard of food may serve

Table 2

Offences	1980	1979	Difference
Murder	4,221	3,735	+ 486
Attempted murder	7,593	7,024	+ 569
Kidnapping/abduction	1,012/2,154	1,174/2,254	-162/-100
Child lifting	62	82	- 20
Rape	839	777	+ 62
Riot	2,005	1,951	+ 54
Hurt	13,336	12,199	+ 1,137
Assault on public servants	963	1,109	- 146
Fatal accident	3,491	3,357	+ 134
Non fatal accident	7,584	8,030	- 446
Dacoity	70	110	- 40
Robbery	530	517	+ 13
Burglary	8,677	8,764	- 87
Cattle theft	5,094	5,659	- 565
Other theft	15,864	15,763	+ 101
Illegal arms	20,881	14,830	+ 6,051
Miscellaneous	28,067	27,741	+ 326

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as incentive for crime, as present standard of food in prisons is in accordance with the general standard outside prison walls by every common man.

Clothing

Striped clothing and traditional prison garb were considered derogatory to the human self-respect and were abolished and replaced by a civilian type of dress which is not distinct from the dress worn by majority of public. In winter prisoners are allowed to supplement warm clothing of their choice from their own resources. Bedding is not adequate, but we have a programme to improve the quality of blankets in accordance with the standard for soldiers in the Army.

Accommodation

Almost 60% jail buildings were nearly a century old, with mud walls, but under a phased programme started in 1972-73 new building with modern amenities are replacing old structures. Still at some places the buildings are old and unhygienic. Jails in central parts are overcrowded mostly by large number of under trial prisoners, the authorities have decided to grant liberal bails, impose fines instead of sentences, and apply system of suspended sentences and paroles to reduce overcrowding. On the other hand new and additional accommodation is planned. In certain prisons 2-3 persons are confined in one cell against Standard Minimum Rules. It is hoped that in the next five years, the accommodation problem will be solved. In the province of Punjab 90 million rupees have been spent on construction of new buildings and 150 million rupees schemes are under process. In extreme hot days the overcrowding causes inhuman conditions.

Vocational Training

Vocational training is provided to prisoners enabling them for professional adjustment in society after release. Hence the trades taught to prisoners are conventional handicrafts, carpets manufacturing, carpentry, etc. but now with the industrialization and shifting of population

from rural areas to big industrial cities, it was considered essential to train the prisoners accordingly for better rehabilitation when restored to society. Consequently modern machinized industries were started, i.e. transistor radio and T.V. assembling, ceramics, rubber, foam and sports goods industries.

The only drawback in this arrangement is that we could not switch over to industrial machines and sophisticated mechanism immediately due to a financial reason and we had to contact a private sector to install these industries in jails and hire our labour, which is against the Standard Minimum Rules. However I find no ill effects in this system. The prisoners earn good profits for the government, but they have no share in their earnings, which is again not in conformity with Standard Minimum Rules.

Education

Education has a vital role in character building. We have made it compulsory for every illiterate prisoner to learn at least to read and write before his release from prison, which invariably proves good for his re-socialization and rehabilitation. The prisoners are encouraged and assisted to take up university examinations. The following figures pertaining to one province of Pakistan show the number of prisoners qualifying university and other examinations in 1981, only.

Matric	69
F.A.	30
B.A.	19
M.A.	2
ADEEB	10
Total	130

Aftercare

There are no regular active agencies for this purpose. Prisoners Aid Societies under the chairmanship of local Deputy Commissioners with members from local public exist, but their performance is poor.

Probation and Parole

There is a separate agency under the

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Home Department, for the purpose of probation and parole. We are conscious to find alternatives to imprisonment in conventional jails, probation and parole, but there is need to enhance the scope of these systems. There are remand homes for destitutes and women in big cities run on voluntary basis.

Conclusion

In Pakistan we firmly believe in the benefits of correctional treatment programmes, we have implemented the "Standard Minimum Rules" to a large extent. Only a few of these, however, have to be implemented as soon as financial and socio-

economic conditions permit. There is a phased programme in progress to construct modern buildings for prisoners. The standard of food, clothing and medical care for prisoners correspond with the general standards in the public. There is a growing desire to find out alternatives to conventional imprisonment and to strengthen the already existing system of probation and parole. The old and traditional industries are being replaced with mechanized industries. Seen in this context, future prospectuses for better and modern treatment programmes for prisoners are hopefully good, although political instability, resources and other factors peculiar to developing nations may cause delay.

PART 3: GROUP WORKSHOPS

WORKSHOP I: Juvenile Delinquency and Juvenile Justice System

Summary Report of the Rapporteur

Chairman: Mr. Mohammad Salam
Rapporteur: Mr. Tadashi Watanabe
Advisors: Mr. Masaharu Hino
Mr. Keizō Hagihara

Titles of the Papers Presented

1. Juvenile Justice System in Bangladesh
by Mr. Mohammad Salam (Bangladesh)
2. System and Programmes to Aid Minors
by Miss Gina Norry Portugal Hidalgo (Peru)
3. Institutional Treatment Programmes and Services for Juvenile Offenders
by Mrs. Florcelia E. Rosas (Philippines)
4. Contemporary Juvenile Delinquency in Japan
by Mr. Takashi Aoki (Japan)
5. Some Problems of Junior High School Students' Delinquency and Their Treatment
by Mr. Sadakazu Kasuga (Japan)
6. Juvenile Classification Homes in Japan
by Mr. Tadashi Watanabe (Japan)

Introduction

The group consisted of two correctional officers, one police officer, one family court probation officer, one legal counselor, and one social case worker. The group members are of different professions and coming from different countries. However, all of them are directly or indirectly involved in one way or other in the juvenile justice system working with the common goal of prevention of juvenile delinquency and their treatment.

The papers focused mainly on the issues relating to juvenile justice system, the recent trends of juvenile delinquency and the treatment for juvenile offenders in their respective countries.

Juvenile Justice System in Bangladesh

The first paper was presented by Mr. Salam on Juvenile Justice System in Bangladesh. Mr. Salam's paper was devoted to the detailed juvenile justice system. Before the presentation, he introduced the problem of juvenile delinquency in Bangladesh.

Juvenile delinquency in Bangladesh is mainly an urban phenomenon. The incidence of juvenile delinquency in rural areas is comparatively very low. Cities have grown enormously without concomitant growth of industrialization. Large number of people from rural areas have migrated to cities for better life but general lack of secondary industries to provide employment to these rural migrants causes financial hardship to them. The rapid growth of urban society and a large number of social problems contribute to increase of certain type of crime and delinquency.

Statistics available for the period between 1972 and 1980 indicate that there have been sharp rise in juvenile delinquency (age between 12 and 21) in Bangladesh. In 1972, 208 such offenders were convicted which represented 6% of the total number of convicts. In 1975, 2,173 juveniles were convicted which represented 14% of the total number of convicts. In 1979, 3,555 juveniles were convicted which represented 17% of the total number of convicts. The percentage increased in the successive years. The cause of the increase in the percentage of juvenile delinquency is almost the same as that of other developing countries. Decreasing

GROUP WORKSHOP I

social control, rising aspirations, lack of opportunity and consequent frustration, exposure to conflicting ideas and values, lure of easy money, etc. have led to much increase in the incidence of juvenile delinquency. Destitute children, who are generally called 'the street urchins', are also sometimes involved in criminal practice for the above reasons. Some of these children, victim of circumstances, are sometimes exploited by the criminals and anti-social elements.

In 1974, the Children Act-1974 was passed repealing all previous enactments like the Bengal Children Act-1922 and the Bengal Borstal School Act-1928. It may be mentioned that first law dealing with the juvenile delinquents was passed in the year 1850 titled as the Apprentices Act-1850. This act was also subsequently repealed. In further attempt to combat increasing problems of juvenile delinquency, the Government has established the institution for correctional services under the Department of Social Welfare comprising of one Juvenile Court, one Remand Home and one Juvenile Institute for custody, protection, trial, corrective treatment, reformation and ultimate rehabilitation of the juvenile and youthful offenders (June 1978). This is the only such institution in the country. Three more institutions are being set up in the country during the current five-year plan 1981-85.

Juvenile Court

This court is exclusively meant for dealing with juveniles or youthful offenders under 16 years of age. The provision of this court aims at separate arrangement for trying and prescribing treatment most appropriate to an individual child favouring his reformation, well-being and ultimate rehabilitation in his own society. The trying Magistrate of the Court has social work background.

Probation Officers

Probation officers assist the juvenile court in studying the antecedents of children and they have a very useful function in diagnosis of the problems of the child.

There utmost efforts are to help the juvenile offenders under their care to reform themselves and to become self-supporting and responsible members of the society. Magistrate of the juvenile court makes a general assessment of the case and reaches a conclusion whether the particular defended child deserves to be placed on probation or to be committed to the certified institute. He also considers study of the child's psycho-socio-economic background, the social environment he lived and grew up and the circumstances which led him to the commission of the offence under consideration. The child is then placed on probation for specific period of time under the supervision of a probation officer for his reformation and ultimate rehabilitation.

Police

As per law, it is the duty of a police officer, arresting a child under the age of 16, to inform the probation officer of such arrest, in order to enable the said probation officer to proceed forthwith in obtaining information regarding circumstances likely to assist the court in making its order. They are also expected to handle juveniles with sympathy and understanding of their problems. The Children Rules, 1976, provides that the hearing of all cases and proceeding shall be conducted in as simple a manner as possible without observing any formality and care shall be taken to ensure that the child against whom the case or proceedings has been instituted feels home like atmosphere during the hearing. Children, as a rule, are not handcuffed.

Remand Home

Remand home was established for the purpose of detention, diagnosis and classification of children committed to custody by any court or police. This home not only offers physical security, clean environment and healthy living, but also provides opportunities for observing the child and to study him individually, his family and the social background, his psycho-socio-economic conditions, abilities and aptitudes, etc. by the probation

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officer. Such report has a great value in the treatment programme to be prescribed by the juvenile court.

Training Institute for Juvenile Delinquents

This institution provides long-term treatment and training of child with a view to correcting and rehabilitating him. The institute, besides providing good physical care, has adequate arrangements for case-work and treatment programming, literacy training and general education, industrial and craft training, moral education, religious teachings, recreational activities, etc. The case work unit of the training institute deals with the offenders in respect of their emotional and psychological stress and problems, immediately after the commitment of the child. The initial work starts with classification of children according to age, sex, average intelligence, antecedent, level of formal education, trade, aptitude, deviation of commitment, etc. The case worker then starts working on the case through social case work and group work method. While dealing with the client, the worker keeps close touch with him and accordingly, day to day report in respect of his behaviour and improvement is also recorded in the respective case file. The treatment terms consist of social workers, house parents, teachers, warders who work together with the residents in group situation. A special type of treatment is also provided to the children who exhibit assaultive or aggressive behaviour. Weekly conference and other extra-curricular activities aiming at developing fellow feeling, sense of responsibility and co-operation are also undertaken. In executing the planned treatment procedure for a particular child, the case worker applies the skills and techniques of counselling and guidance and strengthens his treatment plan on the basis of his behaviour and manner manifested in his group situations and interactions. Vocational training in this institute includes automobile repairs, television and radio repair, tinsmithy and welding, carpentry and tailoring. On successful completion of training the children can easily find employment after their

release.

Measures for the Care and Protection of Destitute and Neglected Children

Under Sec. 32 of Children Act, a child can be brought before a juvenile court, who—

- a) has no home, settled place of abode or visible means of subsistence or no parents or guardian exercising regular and proper guardianship; or
- b) is found begging or is found doing for a consideration any act under circumstances contrary to the well-being of the child; or
- c) is found destitute and his parents or other guardian is under imprisonment; or
- d) is under the care of a parent or guardian who habitually neglects or cruelly illtreats the child; or
- e) is generally found in the company of any reputed criminal or prostitute not being his parent or guardian; or
- f) is residing in or frequenting a house used by a prostitute for the purpose of prostitution and is not the child of that prostitute; or
- g) is otherwise likely fall into bad association or to be exposed to moral danger or to enter upon a life of crime.

If the court is satisfied on inquiry that such person is a child described above, may order him to be sent to a certified institute or approved home or may order him to be committed to the care of a relative or other fit person willing to undertake such care until such child attains the age of 18 years or for any shorter period.

At the end, Mr. Salam also suggested some measures to be adopted/taken to solve the existing problems. Group members discussed this subject in detail and agreed to the following which need immediate attention.

Bangladesh, like other emerging countries of the world, is also striving hard for having a sound juvenile justice system. The existing institution is not considered enough for reformation of growing number of juveniles. Act/Rules are also required

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to be ammended.

- a) Opening of New Institution: As discussed earlier there is only one institution for treatment of juveniles. However, three more institutions are being established during the current second five-year plan (1981-85) (one for girls).
- b) Extensive Use of Probation: The development of probation services in Bangladesh is still in the initial stage and the need for the extensive use of probation by the court is considered absolutely necessary. At present there are only 23 probation officers in the country. The number is required to be increased. Employment of volunteer probation officers (VPOs), as in the case of Japan, may also be considered.
- c) Introduction of Parole Service: There is no parole service. Release of youthful and juvenile offenders on parole may be considered immediately.
- d) Strengthening of Aftercare Service: The release of a juvenile is determined by the term of commitment, individual conduct in the institution and social factors including home environment. Aftercare services are virtually an extension of the services rendered in the institution and serve as a stepping stone for ultimate rehabilitation of the discharged children. This service may be further strengthened.
- e) Family Welfare Services to be Strengthened: It is observed that lack of parental control, incompetent parents, broken homes and earning mothers often contribute to juvenile delinquency. Disruption of traditional family system also contributes to the increase of juvenile delinquency. Therefore, improvement of family life has always been considered as one of the most effective ways of preventing juveniles delinquency. The programme of social education to parents to improve their competency in recognizing systems of

maladjustment and to supervise the activities of their children. Other voluntary community organizations should be strengthened and more voluntary social welfare organizations and agencies should also be established.

- f) Children Act-1974 to be Amended: The Children Act-1974 needs amendment so as to include within its provisions the cases of young offenders in the age range 16-21. In the amended and expanded form, it may be redesignated as the "Children and Youthful Offenders Act". Alternatively, a separate Act on similar lines can be enacted and promulgated for the young persons who are delinquent. Under the amended Act separate institutions for reformation and rehabilitation of the young persons as mentioned above are to be set up in the country.

System and Programmes to Aid Minors

Miss Portugal from Peru presented her paper concerning problems of juvenile delinquency and the juvenile justice system of Peru. In Peru, the most common problems amongst minors living under irregular conditions are the following:

- The complete physical neglect which most of these minors suffer.
- The morale dangers they are exposed to.
- Thefts which they are tempted to commit.
- Escapes from their homes.
- Prostitution.
- Sexual offences.
- Physical attacks.
- Homicides.
- Drugs.

National Institute of Family Welfare under the Ministry of Justice looks after the above problems. There are special institutions for minors in all over the country, which are listed below:

Institutes for minors	6
Homes for minors	12
Half-way homes	2

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Probation 2

According to recent statistics, following number of minors were treated in the above institutions:

1978 4,674
1979 4,574
1980 4,898

Further, following numbers of juveniles were released on probation:

1978 400
1979 294
1980 524
1981 700

About 65% of the juveniles were involved in theft and the next was the sexual offence.

System

In Peru, there are different types of services and institutions geared to alleviate the problems of these juveniles living under especially adverse conditions. Some of these treatment programmes are as follows:

- a) Institutes for Minors: These are closed centres of re-educational nature designed to accommodate youngsters from 14 to 17 years of age. The purpose of their internment in these centres is to treat the inmates, reform them and rehabilitate them back into society.
- b) Homes for Minors: These are homes which provide care for minors from 8 to 13 years of age. They offer diagnosis and treatment to the youngsters facing problems. These are semi-open institutions which mean that the children staying there can go out of these homes as long as they abide by the rules and regulations governing these homes.
- c) Half-way Homes: These are institutions which are closer to regular jails but rules are not quite as strict as normal prisons. These are meant for the juveniles between the age of 14 and 17. In these homes teenagers are observed, evaluated and treated accordingly.
- d) Watched Liberty (Probation): This is a new service which is intended to deal with minors of ages between

12 and 17 years, with primary conduct problems. For this reason they are not permanently confined in a jail or in a similar institution, although most of them are between 15 and 17 years old.

These numbers clearly tell us that they are in the middle of their adolescence, and thus are plagued with the numerous difficulties and problems which all youngsters normally face at that stage of development. When youngsters are treated under this programme they are placed under supervision of a tutor, who is responsible for guiding and leading the child. This is a most important period for minor since he requires to be helped to shape his personality in the best possible way. Most of these minors are of the male sex (93.4%) while only 6.6% of them are girls. The girls with serious problems are actually very small in number, however, they are sometimes very difficult to be reformed.

Another important consideration taken into account in tutoring and re-educational programmes being conducted for these youngsters is their good educational background. Only 1.5% of the youngsters are illiterate and 62.3% are studying in high school and therefore, this facilitates appropriate treatment to them during their stay in the institution.

It is also very noteworthy that 50% of these youngsters had to leave school due to financial reason. It is therefore considered necessary to help them financially to get education in school. It has been noticed after studying current statistics that some of these minors commit crime again even after being treated in the institution. This is due to their inability to find a job and their need to survive. However, a solution to this problem is to impart job oriented vocational training to them. Their employment in factories can be enforced through a system of apprenticeship in which they could be trained as apprentices and guided professionally for their permanent rehabilitation. During this training they can also be helped to acquire work habits.

It is also essential that services like

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psychology, social work, technical evaluation, etc. be organized more effectively in the centres dealing with the juveniles delinquents. These will be helpful in reeducating the child in the best possible way. The number of courts dealing with children cases in Lima needs to be increased because the existing number (3) is not considered enough to cope up with the requirements of increasing delinquency.

Institutional Treatment Programmes and Services for Juvenile Offenders

The general picture of institutional treatment for juvenile offenders in the Philippines was given by Mrs. Rosas.

Social problems like crime and delinquency are characteristics of the inevitable changes in society. In the Philippines, tradition and values are being threatened by the development and technological progress. Criminality and delinquency become a major concern of the government and community. Greatly affected by rapid change are our young people, especially the juvenile offender.

Institutional treatment programmes and services for juvenile offenders would not serve its purpose meaningfully without first understanding the juvenile offender. Delinquency has many meanings such as: legal delinquents (those committing anti-social act as defined by law), detected delinquents (those exhibiting anti-social behaviour), agency delinquents (those detected who reach an agency), alleged delinquents (those apprehended, brought to court) and adjudged delinquents (those found guilty).

In the Philippines, the juvenile offender is one who commits an anti-social act against the law and who is 9 years old but below 18 years old at the time of the commission of the offence. The juvenile who is considered minor is covered by existing law under the Presidential Decree 603 known as the Child and Youth Welfare Code, signed by the President of the Republic of the Philippines on December 10, 1974. This law provides full protec-

tion of the rights of children and youth, to enhance their meaningful participating in national development irrespective of their social and economic status in life. Based on this decree as amended P.D. 1179, Article 192, suspension of sentence and commitment of juvenile offenders states: "If after the hearing the evidence in the proper proceedings, the court shall find that the juvenile offender has committed the acts charged against him, the court shall determine the impossible penalty, any civil liability chargeable against him. However, instead of pronouncing of judgment of conviction, the court shall suspend all further proceedings and shall commit such minor to the custody or care of Ministry of Social Services and Development, or to any training institution operated by the Government, or duly licenced agency or any other responsible person until he shall have reached 21 years of age, or for a shorter period the court may deem proper, after considering the requests and recommendation of MSSD or responsible person under whose care he has been committed." As such, the MSSD is mandated under the code to provide comprehensive services that will create an atmosphere conducive to child and youth development, particularly the disadvantage youth. The MSSD therefore put up ten rehabilitation centres: one is National Training School for boys and one for girls in Metro-Manila and the rest are eight Youth Homes in different regions to serve all juvenile offenders throughout the archipelago.

A juvenile offender is referred by court for training and rehabilitation in the institution. Certain personality characteristics which are observed among the juvenile are as follows:

- a) Maladjustment to new social milieu.
- b) Poor social concept.
- c) Poor interpersonal relationship and/or socially withdrawn.
- d) Feeling of distrust and poor value structure.
- e) Low frustration tolerance, evasive and tend to be rebellious at times.
- f) Lack of interest in education either

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- in academics or vocational training.
- g) Poor parent-child relationship.
- h) Low aspiration in life and has feeling of distress due to family conflict.
- i) Fear of returning to community once discharged due to feeling of rejection.

Treatment Programmes and Services

1. Reception Orientation

The juvenile offender receives thorough information about institutional life and its restriction, possibilities and privileges. The social worker gives professional advice on matters affecting him and extends every effort to make him at ease during initial interview. At the Reception Cottage, he is placed for a period of not more than two weeks, a psychologist gives test to determine intelligence, proper school placement, degree of maturity, social attitudes, and other facts relevant in planning a treatment programme for the juvenile offender. A complete medical examination is given not only to rule out infectious diseases but to identify his strength and weaknesses and any handicap that may be treated. The social worker conducts social investigation and formulates a diagnostic treatment programme. Juvenile's behaviour is observed during the period of his stay in the Reception Cottage. When the complete report is drawn up, a case conference is held and a programme is outlined before assignment to a cottage, classes, work and so on.

2. Social Services

The social worker helps the juvenile realize his problem and plan with him an effective method to solve his problem. She guides him in all therapeutic activities such as: group work, individual counselling or casework, social, cultural, spiritual, physical and recreational activities and others which can modify self-concepts, feeling of distress, poor inter-personal relationship and poor attitudes in community, home and society in general.

Family dialogue, individual or group counselling with the parents are conducted,

to help the parent master how to handle difficult problems particularly chronic problems of delinquent youth. Lectures, open forum, and discussion about the roles and responsibilities of parents are also undertaken.

3. Psychological Services

The psychologist studies prognostic signs to evaluate the intelligence, personality, needs, attitudes, feelings and self-concept, reviews the social history, and makes recommendation which may reduce frustrations in the juvenile's life. He extends guidance and counselling to help the juvenile find satisfaction on his life, to ease his tensions and to develop good value structure.

4. Other Services

Other services includes home living, education, medical, spiritual and practical skills programmes which have also greater impact in the development of the juvenile under care. The objective is to enhance his social, physical, mental, emotional and moral values so that he could readily adopt the social norms and accept restriction of society. Practical skills training like welding, carpentry, tailoring, hograising, and others provides the juvenile with the marketable skills so that he could gainfully be employed upon his return to the community.

Aftercare Services

The institution coordinates with the social worker in the field for follow-up supervision of released juveniles in the community. The aftercare services are extended to ensure that the juvenile is adjusting fairly well, to divert his attention into constructive activities so that he will not go astray, to help him find suitable job, to encourage them to live independently and to earn a living in case his parents are economically handicapped. The MSSD youth programme provides youth with the opportunity to join existing youth group and avail the services such as: (1) Programmes for economic self sufficiency, (2) Programmes for social concern and

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community responsibility and (3) Programmes for youth with special needs.

Problems Faced within the Institution in Handling Juveniles

1. Juveniles violate the rules and regulation of the institution like smoking, drinking liquor, truancy in school, loitering outside the centre and others. These problems are displayed due to homesickness, negative feelings toward other groups or rebellious feeling against strict staff. Seemingly, juveniles who violate the rules are those who are still in the process of adjustment and whose training periods are still inadequate.

2. Problem of runaway: some factors contributing to this are the difficulty of the juvenile to understand why parents failed to visit him regularly as expected, the fear from other group, or homesickness not necessarily for his parents but for a clique or gang outside of the centre, or sometimes the influence of other juveniles who assured him of fancy living. Other reason is problem to cope up to institutional life and responsibility entrusted to him.

3. Problem to contact the parents and to locate their whereabouts because of incorrect address. Juveniles who stow away in still childhood find hard to give exact information and this can cause the delay in discharge planning.

4. Problem of finding suitable guardian for juveniles ready for release. Parents are neither capable nor could be contacted after several attempts.

The group discussed the problems presented by Mrs. Rosas and unanimously agreed to the following countermeasures and/or recommendations:

1. The use of intensive guided group therapy by group specialists or psychologists trained in this method should be more frequently used, to explore the juvenile's inner feelings and to help him ventilate his problems with other members. Individual counselling shall be conducted as often as possible to juveniles who have difficulty to relate and still in the adjustment period.

2. Frequent educational tour, summer or holiday vacation, home visits, community involvement or participation should be developed so that he would not feel isolated from the outside world.

3. Further support from agencies of both Government and non-Government, mass media, and community participation are needed to locate parents or relatives.

4. Stronger support from other voluntary organizations, clubs, religious and benevolent citizens are called for to find suitable employment and home for juveniles whose parents are either diseased or have no good reputations in the community.

Contemporary Juvenile Delinquency and Their Background in Japan

In his paper, Mr. Aoki of Japan dealt extensively with causes of contemporary juvenile delinquency, especially from viewpoint of social pathology. Firstly, he presented that the current characteristic aspects of juvenile delinquency in Japan are (1) violence in home and (2) violence in school. In Japan, the number of juveniles who commit violence in their home and school has been increasing in the recent years and those incidences have been recognized by the public as one of the most serious social problems.

He also mentioned that the following factors may be considered as the backgrounds of contemporary juvenile delinquency.

1. Disruption of the traditional family system: Before World War II, the Civil Code was promulgated and provided for the extended family system, in which both paternal rights and right of primogeniture were institutionalized. However, after World War II, traditional family system was changed into the present system, which is based on democracy under the suggestion of the Allied Forces.

2. Rapid increase of the nuclear family: The concept of nuclear family has increased rapidly within a short time, and presently this trend appears to be a major problem. During the period of high eco-

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conomic growth (from 1955 to 1970), a reduction of one member in every household had occurred (from 4.68 to 3.69). Furthermore, since 1970 the birth rate has also been decreasing year by year. Family planning has become very popular and most couples want to have one or two children. In the course of such a drastic change of family structure, conventional parent-child relationship also changed drastically. Therefore those phenomena such as disruption of families and broken families can be seen particularly high in the urban homes.

3. Population concentration in urbanized areas: Advanced industrialization has been accompanied by a population shift toward the large cities and remarkable population decline in the rural areas. Inhabitants in such urbanized areas are forced to live in small houses because of high cost of housing. In addition, Japan is facing a variety of social problems such as traffic jams and accidents, lack of environmental preservation and pollution. Deprivation of natural environment and play grounds, etc. for children poses many problems relating to healthy rearing of children.

4. Increasing number of divorce rate: The divorce rate of Japan is not so high as that of U.S.A. and other European countries. However, recently the divorce rate has been increasing which also affect the proper upbringing of the children.

5. Examination hell: In 1980 in Japan the percentage of children continuing from elementary school to middle school (compulsory education) was 100%: the percentage continuing on to high school was 94.2% and the percentage of those continuing on to junior college or university was 37.4%. This is also due to financial reasons as, because of rising prosperity, more and more families are able to afford such higher education for their children. However, those who lack in ability to follow curriculum in school may drop out of school. These trends create a social gap between themselves and their schoolmates who continue in schools which in turn produces a sense of alienation,

inferiority, and frustration conducive to delinquency. A research shows that a significant number of juvenile delinquents, in fact, either had poor school records or had been dropped out from the school.

The overall situation was discussed in details by participants and it was observed that following points are main reasons for the recent increasing trend of juvenile delinquency.

- a) The weakening of the family ties results in improper upbringing of the children.
- b) The school is not conducting education considering the ability of the average students. The present standard is considered very high, which causes quite a few dropouts and lack of interest by the students.
- c) The lessening of a social feeling among neighbours and the worsening of the social environment of child-life.

Finally, the members discussed the ways and means to prevent the juvenile delinquency in Japan and agreed to the following recommendations.

- a) Improvement of social, economic and cultural environments conducive to proper upbringing of the children in a healthy environment.
- b) Motivational teaching, adequate guidance and assistance by school counsellor, teachers in the school, the social welfare agencies and the community members in general.
- c) Group training of the parents regarding child-care, child-psychology, etc. This would enable them to understand their children more and as a result they will be able to guide them properly.

Some Problems of Junior High School Students' Delinquency and Their Treatment

Mr. Kasuga explained some problems of delinquency among junior high school students and their treatment. Generally speaking, in Japan, the age of juvenile delinquents is becoming younger and younger

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and the number of offences committed by junior or senior high school students is increasing year by year. The increase in offences committed by students is closely connected with eager expectation of higher education which is one of the most notable national characteristics. People usually believe that future social and economic status will be decided by their school career. Therefore, parents like to give their children higher education as far as possible. Almost 94% of junior high school graduates go on to senior high school and about 37% of senior high school graduates go on to junior colleges or universities. As a result, there is a considerable competition even among primary school pupils because every student wants to enter a school with good reputation. Students have an inclination to believe that their school records decide their value as human being. According to Mr. Kasuga, almost all of the delinquent students, whom he, a family court probation officer, deals with at the family court, have very poor school records, in other words they are not able to adopt to usual school life. They also have a feeling of "dropping behind" out of the ranks, just because they can not expect to enter senior high school or continue the study. They believe that every teacher attends only those students who make a good record and ignores those who have bad records. Moreover, they also consider that teachers always suspect them of causing trouble. Therefore they have dissatisfaction and antipathy against teacher's daily attitude. The increase in the violence case by junior high school students attracts social attention nowadays. These vandalistic behaviours are caused by this tendency. Mr. Kasuga introduced a recent newspaper article concerning a unique treatment of juvenile delinquents who had been committed on Akagi Primary Training School, for committing acts of violence against their teachers in school. Each juvenile made a puppet of himself and displayed his activities in school against the teacher. Their comments after presenting the play interested the participants very much. One of the boys said with tears in his eyes that

he had wanted the teachers to listen to him, not ignore him as they had. He had expected the teachers to give him a helping hand before he had become a total dropout.

Mr. Kasuga pointed out some problems in treatment of them. Even delinquent students who usually resist to teachers' guidance and commit some mischievous behaviours in schools, are obedient to the family court probation officer's interview. The officer can not select any specific treatment measure before interviewing these delinquent students several times. The officer usually continues inquiry with advising the juvenile and parents. But it is difficult to settle in a short time the problems which he has at present, and the juvenile offends again the same act in school. The officer can not have any expectation of probationary supervision since parents and teachers, who should play important roles in probationary supervision, have lost their leadership at all. In these cases the juvenile is placed in the Juvenile Detention and Classification Home with judge's decision. The officer has to report the conclusion concerning a treatment plan to the judge within four weeks according to the Juvenile Law. The officer conducts interviews with the juvenile frequently, has a case-conference with a classification specialist and discusses the treatment plan with teachers. During his stay there he usually shows obedient attitude, reconsiders his past behaviour and as a result he wishes to go back to school and correct himself.

But the school authority usually says that juvenile's obedient attitude at the Detention Home is peculiar one under a special circumstance and it will not be an ordinary attitude in school in future. And the school authority wants to send him to an institution because he is very troublesome for many other students who study hard. Since junior high school education is compulsory, it is basically advisable to guide delinquent students in the school. But surely putting him back to school is not desirable when he exceeds the limit of school education and that is neither good for himself nor for other students. This

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point of view creates a discussional focus in considering juvenile's treatment plan. Tentative probation system is very useful in this regard. In his case the officer continues interviewing with the juvenile and parents as well while getting touch with school.

The violence cases by junior high school students show a tendency of increasing in number and have been becoming evil in nature year by year in Japan. In order to cope with these tendencies a new treatment system was introduced in primary training school. It is the method in which the school cooperates with the training school curriculum without cutting off the relationship between them. School teachers visit the training school to give them lessons once a week and the superintendent of the training school puts the juveniles back to school two months after they are committed in training school but in reality they have been released from the institution on so called out-of-institution treatment. This programme was tried in only one training school at the moment. All delinquent students in reported nine cases could graduate from junior high school through this treatment programme. It is only on a trial and error process, success of it depending on parents' enthusiasm, schools' understanding and their cooperation with the institutes.

Although the educational situation in the respective countries differs and this kind of trouble does not exist in developing countries, all participants expressed concern and understanding on the situation in Japan and voiced the necessity for a proper guidance suited to his ability and needs. It was agreed by the participants that it was important to have a dialogue and to establish a strong bond of understanding between the students and teachers in order to prevent cases of violence in school.

Juvenile Classification Homes in Japan

The general picture of the juvenile classification home in Japan was given by Mr. Watanabe. The juvenile classification

home is an institution established at the time of the reorganization of the juvenile justice and correctional system in 1949. There are 52 such homes, in the same localities where family courts are situated. They are administered by the Ministry of Justice. Juvenile classification homes conduct pre-hearing investigation and classification concerning juveniles referred to them by family courts. For this purpose, the classification detains juveniles for a period not exceeding four weeks. During this period, the behaviour in various settings is observed and the classification, using scientific methods of medicine, psychiatry, psychology, sociology and pedagogy, is carried out, while the investigation of social environment is carried by mainly family court probation officers. The results of classification, together with those of medical examinations, behavioural observation and analysis of case history and life environment are examined at the classification conference of the home, in which a recommendation for the disposition of the case by the family court is formulated. The results of classification, together with the recommendation regarding the treatment of the juvenile, are reported to the family court. The data gathered and assessed by the juvenile classification home are not only helpful to the family court, but also to the juvenile training school in case the juvenile is committed to training school. They are filed in the Juvenile Record, which is sent to the juvenile training school and probation office along with other concerned documents. In the treatment of juveniles, emphasis is placed on securing a peaceful and natural environment to prepare them for hearing in the family court.

According to Mr. Watanabe, the number of newly admitted juveniles has been continuously increasing since 1975, and this trend has reflected the phenomenon of increasing juvenile delinquency in Japan.

The juvenile classification home may render clinical services to any outside people and agents upon request. Psychological services provided to the other agencies and outside people include classification of

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juveniles under probation, re-classification of inmate in the juvenile training school, diagnosis and therapy for pre-delinquent juveniles, personality assessment of new students in junior or senior high school and so on. The role of the juvenile classification home to cope with the problem of juvenile delinquency in the community is of great importance.

After the brief description of the juvenile classification home in Japan, Mr. Watanabe discussed about the following problems and countermeasures:

1. Overcrowding: Since 1975, the number of annual admissions has been continuously increasing. As a result since 1980, overcrowding phenomenon has been occurring in some institutions (Tokyo, Yokohama, Urawa and Niigata) in Tokyo Regional Correction Headquarters. The Correction Bureau in the Ministry of Justice is planning to increase the number of authorized accommodation in the existing homes. Another solution recommended for easing out the overcrowding problem is speedy disposal of the case by family court.

2. An excessive demand for psychological services: The juvenile delinquency has been increasing in the past, and further increase is expected, whereas an increase of staff is not expected under the Government policy of overall reduction of officials. As one of the proper countermeasures, Computer-Aided Classification System was developed last year under the auspices of the Ministry of Justice for screening the case which requires detailed classification.

3. Training of clinical psychologist: In the juvenile classification home, the main task of clinical psychologists is the psychological diagnosis and classification. This is mainly due to the shortage of specialists and very short period of stay of juveniles at these homes. However, considering the increasing demand for psychological

services from various agencies and outside people, well-trained counsellors and therapists are indispensable. Clinical psychologists should be trained in the subject of counselling and psychotherapy to a much greater extent.

The group members suggested the relationship between family courts and juvenile classification home should be improved and that personnel of family court and juvenile classification should hold general and case conference more often in order to solve any problems and to promote good understanding between them. Members of the group were of the opinion that other agencies of the juvenile justice system should coordinate their activities with the classification home for smooth functioning.

Finally, regarding the psychological services in the classification of juveniles, Mr. Watanabe emphasized the following issues:

1. It is of vital importance to establish good co-operation and co-ordination between psychological staff and other staff such as medical staff and dormitory masters, because psychologists alone can not be effective without the co-operation from the other staff. Psychologists are not only to help juveniles but also to take part in the planning of treatment in general and to advise other staff on psychological matters.

2. One of the questions which has been raised frequently is whether the person who conducts those kinds of therapeutic treatment should be completely divorced from authoritarian attitude, or not. This point of view is not considered realistic and somewhat deceptive. It should be considered that vested authority itself is not bad, if utilized properly, but if misused, the ultimate objective of classification may not be achieved.

WORKSHOP II: Correctional System and Performance

Summary Report of the Rapporteur

Chairman: Mr. Oveti Laladidi
Rapporteur: Mr. Mian Shaukat Mehmood
Advisor: Mr. Toichi Fujiwara

Titles of the Papers Presented

1. Public Participation in the Treatment of Prisoners
by Mr. Mian Shaukat Mehmood (Pakistan)
2. Malaysian Correctional Institutions: Overcrowding Problems
by Mr. Mohd. Jaffar Bin Yaacob (Malaysia)
3. The Progressive Stage System in Fiji
by Mr. Oveti Laladidi (Fiji)
4. Problem of Overcrowding in Chilean Penitentiary System
by Mr. Victor Jorge Diaz Navarrete (Chile)
5. Recruitment and Training of Personnel in Japan
by Mr. Tetsumi Masuda (Japan)
6. Trends in Population of Unconvicted Prisoners in Japan
by Mr. Yoichiro Yamato (Japan)

Introduction

The group was mainly composed of officers from the correctional services except one participant from Japanese judicial system. Every member of the group presented his paper before the discussions on the problems. All the participants took active part in the deliberations and suggested various solutions based on their experience and knowledge. Special attention was, however, paid to the local socio-economic conditions of countries related to discussion in order to ensure the workability of suggestions for improvement. If the presentation did not directly touch the specific problem area, the problems emerging out of comprehensive discussion were earmarked to engage the

careful attention of the group. The striking feature of the discussions was that in the course of deliberations there was a cordial and sometimes humorous atmosphere full of mutual understandings.

Public Participation in the Treatment of Prisoners

Mr. Mian of Pakistan stated all the developing countries have numerous problems in almost all sectors of life. In the prevention of crime and treatment of offenders, difficulties are found in having a progressive and effective system. In the present world, public participation to meet the national problems has great value. For rehabilitation of prisoners, public cooperation is all the more important as the prisoners are to be integrated into the society as law-abiding citizens. Unfortunately the conditions in the community of Pakistan are not yet so favourable as to launch a modern community-based treatment programme. The prisoners or the convicts do not attract a positive response from the general public, which is helpful for their re-integration into the society. And probation and parole are in practice to a limited extent.

There are two other areas, where programmes are being carried out with cooperation of the public, *i.e.*, Prisoners Aid Societies and Non-Official Visitors, but the results are not satisfactory.

Prisoners Aid Societies

The societies are organized in almost all districts, the Commissioner is the chairman, the local Superintendent usually acts as secretary, members are nominated from the community. The task of the society is

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defined as follows:

- a) aftercare of released prisoners
- b) to find jobs for released prisoners
- c) to provide shelter to homeless released prisoners
- d) to provide basic amenities, books, additional food, and legal aid to poor prisoners
- e) to arrange waiting rooms for prison visitors.

It has, however, been observed that these societies do not function effectively due to lack of interest of members from the community.

Non-Official Visitors

The Home Department in each province nominates respectable citizens from amongst the business class, retired civil servants, lawyers, educationists, etc., for a specified period for the prisons in their areas. They are required to visit the prisons frequently and investigate points for improvement in addition to attending to the grievances of inmates. The experience shows that the desired objectives are not achieved by the inactive attitude of persons nominated by the Government, as Non-Official Visitors.

The group members discussed the problems in depth and a very interesting discussion started comparing similar situations. It was revealed that, in Japan, Volunteer Probation Officers are working effectively who are chosen from doctors, lawyers, businessmen and other segments of the society. There was a unanimous agreement on the following points in seeking methods to attract maximum public response for rehabilitation of prisoners:

- 1) The local prison officers should personally inform the key men in the local community of the importance of cooperation required from the community. These key persons should educate the community members with their influence.

- 2) Maximum use of mass media *i.e.* T.V. radio and news papers be made at national as well as local level emphasizing the importance of the issue.

- 3) Spirit of competition for good work among aid societies be encouraged.

- 4) Incentives like medals, awards and recognition at national level of prominent good workers be organized.

- 5) Periodical literature be published indicating successful experiences of prison officers and social workers.

Malaysian Correctional Institutions: Overcrowding Problems

The prison population in Malaysia now is indicating a marked increase as a result of the population growth and an increase of criminal activities in the country. The prison population trend has been upward since the year 1970 and thereafter. As of 31st December 1981, there were about 11,166 prisoners in the prisons, of which 8,117 (72.7%) were convicted prisoners and 3,049 (27.3%) were unconvicted prisoners. The major offences committed by convicted prisoners were: drugs 2,450 (30.2%), theft and housebreaking 2,066 (25.5%), and others 3,601 (44.3%).

Owing to the growing inflow of prisoners into prison, the number of inmates has exceeded the maximum capacity of most prisons causing overcrowding in the prison cells along with a deficiency of staff and a resulting impairment of correctional programmes. The overall staff-inmate ratio at present is 1:10. According to regulations in normal conditions the accommodational capacity of a cell is not more than three prisoners but now due to the increase in prison population, one cell accommodates six prisoners. The situation of overcrowding of prisoners in the respective institutions is shown in the appendix.

With regard to the overcrowded situation, necessary measures which have been taken to ease its ill-effects and at the same time to help keep pace with correctional development are as follows:

- 1) Building new institutions including open prisons, *e.g.* a modern prison complex embodying the latest ideas in prison architecture and correctional management will be established in Central Prison of Kayang Selanger. It will comprise of prisons properly including modern industries, medical prisons, psychiatric prisons, psy-

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chological prisons, Prison Officer Training Centre, etc. and is expected to be completed by the year 1983.

2) Construction of new dormitories, workshops, new building of cells, improve and renovate existing prison buildings, together with building of staff quarters.

3) Transferring prisoners from heavily populated prisons to another institutions which has less population or to a newly completed institutions.

4) Annual recruitment of additional staff especially in such profession as technical, administrative, educational etc. In the coming years when new institutions have been constructed and are functioning, it is envisaged that psychiatrists, doctors, psychologists and sociologists will be employed to further assist in the diagnosis and treatment of inmates.

5) As for training, the present idea is to begin work in new fields, for example, in animal husbandry and agriculture on a large scale basis as part of its diversification programmes. A shift from closed urban correctional institutions to open borstal forms is earmarked as a good example in the Henry Gurney School for juveniles. Currently a pioneer project of a cattle breeding scheme is carried out at the detention centre in order to gain basic and practical experiences in the field before the actual project is implemented at the new prison in Palrang State.

6) Incorporating plans and strategies e.g., building halfway houses, setting up counselling officers' offices in major cities, etc. And also putting up a recommendation to Ministry of Home Affairs regarding the possibility of introducing a parole system and probation officers in the correctional administrative mechanism.

7) To expedite conviction and sentence of remand prisoners, the administrative officer should make a constant contact with the respective courts. Also the magistrate should come to prison for monitoring remand prisoners to smoothen the administrative system of the institution.

8) The Malaysian Government has earmarked about 300 million dollars in the Fourth Malaysian Development Plan to

Correctional Seminars for its new projects and maintenance expenditure at the first instance.

All members of the group carefully considered all aspects of overcrowding problem in Malaysian prisons, where at present 11,116 inmates occupy the place meant for 3,436 prisoners. At some places 4 to 6 inmates are to be confined in one cell, obviously this would hamper modern correctional programmes and demand more staff. The staff-inmate ratio has thus risen to 1:10 which was much less before the problem of overcrowding occurred. Other allied ill-effects could also cause adverse effects.

The participants, in discussion, found that the overcrowding was not due to a large number of remand prisoners as usually seen in other countries, because trials were speedy and the conviction rate was high. To alleviate the overcrowding caused by convicted prisoners, the following solutions were considered to be appropriate:

- a) Construction of new buildings, renovation of old buildings for which adequate plans already exist with Malaysian authorities.
- b) Introduction of parole system and other alternatives to imprisonment. It was revealed that introduction of parole system is under consideration.
- c) Expansion of open prisons
- d) Introduction of special remission by authorizing superintendents and heads of correctional services to award special remission of 30 days to 60 days in the case of deserving and well-behaved prisoners.
- e) Close cooperation among components of criminal justice system i.e., police, judiciary and prisons for mutual understanding of each other's problems and possible changes in sentencing policy.
- f) Transfer of prisoners from overcrowded prisons to less overcrowded prisons.

The Progressive Stage System in Fiji

The obvious aim of the Progressive

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Stage System is to provide an incentive to prisoners to get, by cooperation, good conduct and industry, more favourable treatment, as they progress through their sentences. It is unlikely that the system does, in fact, achieve this aim.

The Progressive System is a complex one, having four stages. Progression (and regression) is strictly governed by a prisoner's conduct and industry. The minimum time span within which a prisoner can achieve the Special Stage is two and half years so that only those serving relatively long sentences have the chance of attaining that desirable situation. Each stage of the system entitles a prisoner to an increasing range of privileges and amenities including stage gratuity, type of employment, letters, visits and recreation. The differences between one stage and the next are marginal.

The authorities feel that the present Progressive Stage System achieves very little. It is time consuming to administer, difficult to apply fairly and because of time span requirements and the comparatively minor intermediate rewards, it fails motivating prisoners. It is important that prisoner be encouraged to earn rather than just be given amenities and privileges and that consistently good conduct and industry should be recognized and rewarded. Such items as letters and visits, however, are too important to be tied to a system of progression whilst gratuity should relate more immediately to the effort and skill applied to work.

Stage Gratuities

Stage gratuities payable to prisoners at the various levels of the progression system are set out in the Second Schedule of the Prisons Regulations. Amount payable through the four stages ranges from nil to a maximum of 60 ¢ per month. The stage gratuity was intended to be the main incentive factor in the Progressive Stage System. However, that is no longer the case because the gratuity scale has failed to keep abreast of the rate of inflation. An earnings scheme for prisoners which exist in some overseas prisons system would

hardly be appropriate for Fiji at this time, given the economic and employment difficulties facing the free community.

Letters and Visits

The prisoners should be encouraged to keep in touch with their families and friends by writing to them as often as regulations permit. Unfortunately the regulations in this regard are restrictive and complicated by the effects of the Progressive Stage System.

Letters and visits should not be used as incentive for the purposes of the Progressive Stage System. It may be expected that frequent contact and communication by a prisoner with his friends and relatives will influence him towards good behaviours, or at worst, modify poor behaviour for the better. It is certain that prisoners regard visits from relatives and friends as the most highly valued privilege they receive. Visits are also the best means of assisting a prisoner in retaining his essential links with the family and the community at large.

Amenities and Privileges

Apart from gratuities, letters and visits, the Progressive Stage System sets out varying scales of entitlement for convicted prisoners. These include library access and usage, participation in classes, entertainments, handicrafts, games and various recreational activities.

In reality there is a paucity of the above amenities. Once again, the effect of the Progressive Stage System has been restrictive.

From the above discussion, it can be safely concluded:

- 1) That the scope for writing letters by prisoners be enhanced.
- 2) That prisoners' visits be increased in frequency and extended in length.
- 3) That the gratuities scale be recalculated to achieve parity with current values.
- 4) That prisoners' general amenities and privileges be improved.

After the presentation of participant from Fiji, other participants joined the discussions. It was a unanimous view that the

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system of stages will be more effective if the amount of gratuity is increased in view of inflation, as the rising cost of living has tremendously minimized the value of this incentive. The participants also felt that facilities like cinema, library and visits to outside may be reinforced. The proposal to abolish the letters, visits, etc. from the list of earned privileges and give such ordinary amenities to all inmates, was found most feasible and appropriate for the purpose of correctional and rehabilitative effort. The participants also agreed that to make the stage system more effective and meaningful 5 to 20 days may be added in the progressive stages as additional remission for prisoner.

It was also noticed that out of 2,100 prisoners, this system worked only in the case of 357 prisoners. Its scope could be enlarged by making it applicable to those with slightly shorter sentences.

All the group members were in complete agreement regarding liberalizing certain basic privileges to all the prisoners and streamlining the stage system by adding new dimensions to existing incentives, so as to make them more attractive for prisoners.

Problem of Overcrowding in Chilean Penitentiary System

Nature and Objectives of Prison Services in Chile

Prison service in Chile is public institution that has the following objectives:

A. General Objectives

To accept, to watch over and to readapt people who are under arrest or deprived of their freedom by the competent authorities' resolution and also to apply the other functions that the law points out.

B. Specific Objectives:

1) Prison service has to direct all penal institutions in the country, applying all penitentiary policies provided for by law and also watching over their interior security.

2) To carry out all resolutions that were

given by the competent authority and related to the acceptance and release of people.

3) To receive and put the inmates in custody by the order of a competent court in accordance with Penal Procedure Code.

4) To watch over inmates under the following points:

- a. While inmates are in penal buildings.
- b. During the authorized terms by the tribunals' or by the competent administrative authorities' order. They are under surveillance during the terms.
- c. To watch over people who were released from prison in pursuance of specific conditions which law has determined.

5) To readapt people under arrest in order to eliminate their dangerousness and to ensure their re-integration to the society.

6) To assist persons who are out of prison in the conditions that the rules point out.

7) To preserve the interior security of buildings where the Ministry of Justice, the Supreme Court and all tribunals of justice generally function depending on decisions by Supreme Law of the President of the Republic. But the law is carried out in such a fashion that it does not infringe the police function.

Population in Chile Prisons

Prison service in Chile has penal buildings throughout the country, with a total of 16,100 inmates, having a variety of more than 40 crimes, according to the Chilean Legislation.

The population of inmates classified according to their legal status in the 113 penal institutions is as follows:

Total	Legal status
1,961	Pre-trial
7,614	Under trial
6,625	Convicted
16,100	Total

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Prison service in Chile also has non-institutional treatment programmes in order to carry out a penalty, that is to say, in a legal restriction on a convicted person outside of prison.

The most important non-institutional principal systems are:

1. *Probation*: The Decree by Law No. 321 on Probation which is from March 1925 and the Decree No. 2442 which established it as a test measure for individual who is set free for the rest of the sentence. This benefit is given to the individuals who are rehabilitated for a social life.

After the release, the control of the released depends on the behaviour tribunal and/or the respective inmates guardianship.

2. *Conditional Remission*: Decree by Law No. 7821; it creates the conditional remission and was implemented in August 1944. The text was modified by Law No. 2621, April 1979. The conditional remission of guilt results when the tribunals which imposed the sentence interrupt its execution. This is a period for observation of the individual in the free society which lasts for at least one to five years applying only to restrictive penalties which are not more than three years.

This is a period for the observation and restrictive vigilance, which are done by the guardian of the inmates. It regulates the conduct of the individuals who are in this system.

3. *Pardon*: It is a benefit that is given by the President of the Republic in accordance with the discretionary attribution. The President of the Republic makes possible the remission, exchange or reduction of the penalty.

4. *Pardon by Law No. 3482*: Pardon cancels the remaining penalty for a condemned person. They are controlled by the Inmates Guardianship that corresponds to the area. This pardon was given to approximately 900 subjects in 1980.

5. *Decree by Law No. 409*: This Decree by Law No. 409 from August 1932 permits the expungement of the previous criminal records.

Penal Population Resume

Probation	1,338
Conditional Remission	18,286
Decree by Law No. 409	9,171
Others	894
Total	29,714

After the presentation of participant from Chile, the group started the discussion. Two problems were identified *i.e.* a) overcrowding, b) non-segregation of various classes of prisoners.

The population in prison was 16,100 against a capacity for 13,115. The conviction rate is very high and none of remands has any problems. Some buildings are very old. The toilet and sewage systems are out of order. Unhealthy and unsanitary conditions existed. The participants agreed that in country like Chile it was not possible to transfer prisoners from overcrowded prisons to less crowded prisons due to long distances. However, liberal remissions, new buildings and open prisons could be helpful in such situation. Alternatives like parole, probation could also be reinforced.

Regarding non-segregation, the participants found the problem was very serious. Except women and children, all other classes of prisoners including convicts, remands were confined together. Especially the segregation of convicted from unconvicted prisoner was most important. Under the existing conditions there was no solution of the problem except to seek a grant to allocate funds for new buildings.

Recruitment and Training of Personnel in Japan

Mr. Tetsumi Masuda from Japan stated that 16,880 persons including all categories of staff are engaged in carrying out correctional programmes in Japan. The recruitment is made at national level competition, with fixed physical as well as academic standards. Recently candidates with higher qualification in education have been attracted to apply for such competitive examination. Prison officers (guards) are

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recruited through examination conducted by National Personnel Authority every year at 56 places in Japan. The lowest age limit to apply for prison service is 18 years.

Training is the most important in the Japanese correctional service which aims at improving not only the professional skills, qualities of character for humane and scientific approach for corrections, but also physical fitness, mental alertness for efficient discharge of duties in prisons. There is complete and sound net work of training institutions all over the country which have modern equipment and well-trained instructors. The Training Institute for Correctional Personnel (TICP) in Tokyo has a variety of courses designed for various types and levels of staff and is serving the most useful purpose. The institute is located near UNAFEI building in Fuchu City and is headed by a Director, with 1 Deputy Director, 12 Professors, 6 part-time Professors and other staff.

The prison staff in Japan are full-time professional staff except in the case of a very few doctors at certain institutions. The requirements of U.N. Standard Minimum Rules are mostly met in this area. The Japanese authorities believe that for successful correctional programme, the devoted, trained, and capable staff are very important. This is why the pay structure of correctional personnel is relatively more favourable, when compared with other classes of public services, obviously this is due to the complicated arduous nature of work assigned to correctional staff.

Coming to problem areas connected with staff and training, Mr. Masuda said that in recent years the number of young staff is growing rapidly while more experienced and higher age group is dwindling sharply. Obviously this situation is not conducive to better performance of prison system. At this stage other members of the group agreed with Mr. Masuda and stated that during their visits to various prisons in Japan, some wardens have also expressed similar views. The participants appreciated Mr. Masuda's presentation for its logical look at the problem. In such circumstances the treatment programmes are also likely

to be affected, as the prisoners normally do not evince the same amount of attention and respect to very young staff as compared old staff. Moreover the old and seasoned staff have entirely different approach to inmates as compared with newly recruited staff with boyish and young looks.

Discussing the solutions, the group members agreed that more intensive training for staff will surely reduce the problem. It was also agreed that policy for posting of staff should keep in view the proportion and ratio between young and old staff. It was also considered that officers with good health and alert mind may be retained for few years after retirement to make good use of their lifelong experience, as rehabilitation of offenders is highly important and difficult for which this exception can be made reasonable in the case of correctional staff.

Trends in Population of Unconvicted Prisoners in Japan

1. The problem of overcrowding in the penal institutions was pointed out by many countries of Asia and the Pacific region, and also it is mentioned that this overcrowding is chiefly due to the large number of remand prisoners.

In Japan, although the problem appears in certain prisons, but overall there is no problem of overcrowding. This is due to the fact that the number of unconvicted prisoners is very small. The White Paper on Crime in Japan of 1981 states that during the past seven years, the average daily population of unconvicted prisoners was approximately 8,000, *i.e.* this is 16% of the total inmates.

2. There are mainly three reasons for a limited number of remands:

1) Among non-traffic cases dealt with by public prosecutors in 1980, only 20.1% of the offenders had to be arrested, and 16.1% of suspects were detained prior to prosecution. Furthermore, the rate of prosecution was 87.8% in total, and among these prosecuted cases, formal trial pro-

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cedures were instituted in only 6.3% and remaining cases were disposed of by a summary procedure.

Public prosecutors always select cases considering whether suspects should be detained or not, and whether prosecution should be instituted or not. Such action checks the increase in the number of unconvicted prisoners.

2) Secondly, the judge's role may not be overlooked. Regarding unconvicted prisoners in the stage of formal trial, there is an institution of bail. The judge orders detention of defendants only in selected necessary cases. Consequently it reduces the number of remands in detention.

3) Thirdly in Japan speedy trial is guaranteed by the Constitution of Japan. In 1981, 61.4% of district court cases were disposed of within 3 months after the institution of prosecution, 86.8% within 6 months, and 94.8% within 1 year.

As a result of this speedy trial and active utilization of release on bail, the period of detention is necessarily shortened. Speedy trial is a result of combined efforts by all concerned.

3. The number of unconvicted prisoners is related closely with the effectiveness and efficiency of the criminal justice administration.

It can be safely concluded that overcrowding due to under trial prisoners is not the problem of only correctional services and that it also reflects the efficiency or inefficiency of other allied

agencies.

The group members started an indepth discussion of Japanese system, and it was noted that prosecution, courts, and the police are working very effectively to keep the crime rate low and conviction rate high. However, from the discussion some problem areas were marked. For instance, it was observed that after the arrest some suspects spend relatively long time in the custody of the police. Some overseas participants felt that this time may be reduced to the minimum, and the arrested persons should be transferred from police jail to detention houses as soon as possible. Similarly some overseas participants felt that the suspect in detention houses should have no interference by investigators in their defence preparations, visits and other matters.

In this connection, Japanese participants explained that it is a judge's discretion whether to put a suspect in police jail or in detention house during investigation period, and that when defence preparations are deemed to be necessary, investigators provide the defence counsel with opportunities of interviewing with the suspect, taking the rights of suspects into consideration. In addition, Japanese participants explained that the conditions of custody in detention house is not always better than those in police jail in view of speedy criminal investigation and convenience on the part of the suspects. Overseas participants acknowledged the Japanese situations.

WORKSHOP III: Treatment of Special Categories of Offenders

Summary Report of the Rapporteur

Chairman: *Mr. Masayuki Ikegami*
Rapporteur: *Mr. Loh Siang Piow*
@ Loh Chan Pew
Advisor: *Mr. Yasuo Hagiwara (Haji)*

Titles of Papers Presented

1. Some Problems in Treatment of Mentally Disturbed Offenders
by Mr. Masayuki Ikegami (Japan)
2. Some Issues Relating to the Stimulant Drug in Japan
by Mr. Shigeru Ohta (Japan)
3. Shifting the Climax
by Mr. Rudy Tjitrosomo (Indonesia)
4. Sexual Perversion in Childhood and Adolescence
by Miss Sana Francis Jazrawi (Iraq)
5. Reformatory Training Centre in Singapore
by Mr. Loh Siang Piow @ Loh Chan Pew (Singapore)
6. Managing High-risk and Long-term Prisoners in a Maximum Security Institution
by Mr. Bhagat Ish Kumar (Hong Kong)

Introduction

The group consists of three correctional officers, two public prosecutors and one psychologist. The group discussed problems on treatment of mentally disturbed offenders, stimulant drugs in Japan, sexual perversion in Iraq, the correctional set-up in Hong Kong and Indonesia, and the reformatory training centre in Singapore.

The happy blend of individual personalities in the groups with their rich experiences and legal expertise greatly contributed to the wholesome and most illuminating discussions of the problems presented.

Some Problems in Treatment of Mentally Disturbed Offenders

The group began its session with the

paper on "Some Problems in Treatment of Mentally Disturbed Offenders" by Mr. Ikegami from Japan. Mr. Ikegami explained that some serious offences were committed disproportionately by mentally disturbed persons. 12.4% of homicides and 20.4% of arsons were committed by them. In Japan, the public prosecutor is empowered to decide nonprosecution depending upon the fact that the suspect was insane at the time of his offence. In case the suspect under such condition is prosecuted and found insane in a court, the court acquits the accused and releases him accordingly.

Under the Mental Health Law of Japan, when a public prosecutor decides nonprosecution or gets acquittal in a court by reason of mental disorder, he is obliged to notify a competent prefectural governor of the said disposition or acquittal. The governor, if he deems necessary, may seek two or more psychiatrists to conduct mental examination of the non-prosecuted or acquitted offender. Only if all of them have the same opinion that there is a danger for him to hurt himself or others unless he is hospitalized, the governor is empowered to hospitalize him by compulsory measures. There is no limitation of a period for the hospitalization.

Mr. Ikegami stated that there are some problems in the compulsory hospitalization for mentally disturbed offenders. The system does not work very well in terms of prevention of crime and protection of human rights. Firstly, the rate of compulsory hospitalization is very low; *i.e.*, during 1981, the Tokyo District Public Prosecutors' Office made reports of 106 mentally disturbed suspects to the Tokyo Metropolitan Governor, out of

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whom only 58 suspects were compulsorily hospitalized and 30 were hospitalized with their relative's consent. Eighteen suspects were released without any medical treatment. Secondly, the duration of compulsory hospitalization is relatively short; *i.e.*, according to a survey, 51.7% of the hospitalized offenders left hospitals in a period less than six months after admission. Thirdly, there are no provisions in the Mental Health Law regarding the protection of human rights of mentally disturbed offenders in the procedure of compulsory hospitalization. Fourthly, there is no aftercare system for them.

Mr. Ikegami stressed the point that, to remedy the situations, a proposed counter-measure was made by the Ministry of Justice which adopted the security measures. Under this, the criminal court may commit mentally ill defendants to a special mental institution for medical treatment when they are acquitted because of their insanity or their punishment is reduced because of their weak-mindedness and when they are recognized to be in danger of committing further crimes in future. The same shall apply for the non-prosecuted suspect on the request by the public prosecutor. Mr. Ikegami said the Japan Federation of Bar Association and the Japan Association of Psychiatrists have expressed a total disagreement to the proposal; *i.e.*, on 20th February, 1982, the Japan Federation of Bar Association released the counter proposals against the Draft Code, which proposed the repletion of medical care system. This proposal was rejected by the Ministry of Justice.

Mr. Ikegami's opinion is that the present system of hospitalization is not sufficient since offenders are not treated separately from ordinary mental patients in a hospital and since there are some doubts on protection of human rights of those who are on compulsory hospitalization. Hence, the new medical care institution and a system to prevent further crime is urgently needed and that these new systems should be under the control of the judiciary.

Regarding treatment for mentally disturbed persons, Mr. Bhagat said in Hong

Kong ordinary mentally disordered persons will be referred to a mental hospital. As for mentally disordered offenders, before sentencing, the judge will remand them in the remand prison for 14 days. Two or more psychiatric reports will be called for in order to determine whether the offender is fit for plea. If the offender is found guilty but unfit for imprisonment, the court then refers the offender to the Psychiatric Centre for an indefinite period.

After the lengthy discussion, the group shared the same view with Mr. Cohen and Mr. Haji that an offender who committed serious offence and was acquitted on the ground of schizophrenia will pose danger to the society; *i.e.*, since a mentally disordered offender is exempted from criminal responsibility, no criminal justice agency has authority to supervise him after release from a hospital. A measure should be taken to empower the court to order this offender to be treated in a protective institution up to certain periods. The term of protective treatment can be extended by the court if deems necessary. The group stressed the importance of aftercare service which should be provided to the mentally disorder offenders after release from the mental hospital.

Some Issues Relating to the Stimulant Drug in Japan

Mr. Ohta of Japan firstly pointed out the serious increasing tendency of the stimulant drug offences in Japan and introduced the high non-prosecution rate of such offenders who abused the drugs adding some actual cases. Then, he explained the current treatment of such drug offenders in correctional institutions. The main points of his presentation are as follows:

Among cases treated in the Mental Examination Office of the Osaka Public Prosecutors' Office from January 1977 to December 1979, there have been 63 crimes which were committed mainly because of the mental defects such as hallucinations caused by the

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stimulant drug. The kind of such crimes are murder, attempted murder, causing death through bodily injury, arson, robbery, etc. Out of these, 29 cases (46%) were not prosecuted mainly because of insanity of the suspects owing to stimulant drug abuse. This non-prosecution rate is much higher than other crimes which have no influence of stimulant drug.

Mr. Ohta related to one example:

A is a 36-year-old jobless man. He was a drug habitual. On 10th August 1977 in Osaka City, he was spured by hallucination which led him to the police station and suddenly shot a policeman from behind. The policeman was seriously injured. Such a case, the suspect was not prosecuted because he was deemed as insane based on the psychiatrist report. The psychiatrist report is as follow:

"He had a habit of committing theft in his childhood. His I.Q. is normal. However he has been addicted to stimulant drug since 1976 and was very much influenced by the drug which caused the disorder of daily life. At that time, he was suffering from schizophrenia, in which his main symptoms of illness were illusion to be watched by others and hallucinative hearing. In the chronic progress of his illness, his persecution mania was strengthened and at last he got the illusion that 'I am pressed by the policeman' and finally he committed this crime."

However in this case, the suspect was not hospitalized compulsorily. The reason was that when he was released by a public prosecutor, his condition of illness was fairly recovered as he was off for drug since undergoing detention. He was hospitalized into a mental hospital by his family consent. As this hospitalization was not compulsory, he was discharged from the hospital three times and recommitted. His total hospitalization was only 48 days despite his serious crime.

In Japan there is no special institution for the drug offenders and they are all committed into ordinary prisons. However, the Ministry of Justice recently has begun

to carry out effective treatment programmes for stimulant drug offenders in correctional institutions. Some institutions which have been appointed for propulsion of planning the treatment for stimulant drug offenders are trying to establish the most effective plan. The stages are consisted of counselling, orientation, lectures and other items relating to ill effect of stimulant drugs.

However, such plans are still on a trial and error period. It is yet to be adopted by all the institutions all over Japan.

After his presentation, the following discussions took place. In Japan stimulant drug offenders are not given compulsory treatment in an institution. Iraq and Indonesia do not face any drug problem. As for Singapore and Hong Kong, institutional treatment for drug offenders are compulsory. Mr. Loh stated that Singapore exercises the severe punishment towards drug offenders; the mandatory death penalty is applied to anyone who is convicted for trafficking morphine in the quantity of more than 30 grammes or heroin of any amount exceeding 15 grammes; as to the drug abusers, the first known offenders are sent to drug rehabilitation centres and the relapsed offenders are sent to prison. In Hong Kong, the court is empowered to order a drug offender convicted of an offence punishable with imprisonment to be sent to an addiction centre. Mr. Bhagat explained that before a detention order is made, the court is required to remand the offender into a drug addiction centre for two weeks for a suitability report by the prisons authorities. In Hong Kong, an inmate after admission will receive treatment for withdrawal symptoms if necessary. He is also enrolled in an induction course to assist him in adjusting to the demands of the treatment programme. An inmate is assigned to an aftercare officer who will establish rapport, give him individual counselling, seek on the inmate's behalf reconciliation with his family, plan arrangements for post-release employment and accommodation and give other necessary helps. At the completion of the induction course, the inmate is directed and

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encouraged to undertake a particular work task based on his previous experience, skill if any, and aptitude for the job. For the first time drug offenders will remain in the centre for the specific period of 4 months to 12 months. After release from the centre, a drug addict is required to under one-year compulsory supervision.

Mr. Loh said, in Singapore under the Misuse of Drugs Act 1979, a drug abuser may be detained in a drug rehabilitation centre (DRC) for a period of 6 months to 3 years subject to 6 monthly review by a review committee. The review committee is vested with the authority to select DRC inmates for the day release scheme and discharge him from the centre. Upon his discharge, he has to undergo a compulsory 2 years' supervision. In addition to the 5-stage treatment programme in the DRCs, the day release scheme was introduced in September 1979. Under this scheme a DRC inmate, prior to his eventual discharge, may be selected to work in a factory, firm or place of work under normal working condition. DRC inmates on day release have to spend their night in day release scheme camps. They have to give a urine sample for testing every evening when they return to the camps. They are eligible to go on home leave on weekends and public holidays. Inmates who breach the conditions of the DRS are recalled to the DRC. The objective of this scheme is to bridge a gap between the conforced discipline in a DRC and the discipline-free environment outside thus to create a sense of self-reliance and self-discipline in the inmates.

Mr. Ohta mentioned that the total inmates population in Japan is approximately 50,000 of which stimulant drug offenders are approximately 10,000. The number in Japan is much bigger than in Hong Kong and Singapore. To his knowledge stimulant drug addicts are not serious physical dependence but only mentally dependence. As such, a special treatment centre for these drugs addicts is very essential. The group were of the opinion that it is very costly and causes a financial

burden on the government to build a special treatment centre in all prefecture in Japan and therefore that all penal institutions should set a block for only treating drug offenders in which different training programmes should be introduced.

Shifting the Climax

Mr. Tjitrosomo introduced the correctional setup in Indonesia which reflects in full the treatment of offenders and which aims to achieve the objective of Indonesia's correctional system. It has four stages in terms of custodial procedure. For the maximum security, a prisoner is required to serve no less than one-third of his sentence. Next, the prisoner is to remain at the medium security stage until he has served one-half of his sentence, and at the minimum security stage until two-thirds of his sentence before he is eligible to enter into the fourth stage for his release on parole. This custody procedure is strictly enforced. No prisoner is eligible for his release on parole until he will have actually served nine months of his sentence. The progression from one security stage into another does not hinge upon the time schedule alone. It is also influenced by the prisoner's amenability to the treatment programmes and the disposition issued by the head of the institution who bases his decision on the counsel of treatment and guidance (DPP). The DPP as a correctional mechanism holds periodical and special sessions to look into matters which affect the smooth conduct of the treatment programmes, and to gauge the progress of each prisoner. The counsel is empowered to conduct dialogues with prisoners, and make adjustment in the treatment process to suit prisoners' progress or retrogression. In practice there is a little chance for a prisoner to retrograde because he can always address himself to his advisor who is a member of the correctional staff whose task is to guide and supervise one or several prisoners all the way till their release. For the duration of the maximum and medium security, all prisoners are strictly required to remain within the walls

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of the institution. Prisoners in the minimum security prison can obtain permission to leave the institution without escort for legitimate purposes. There are four cases which prisoners and youthful offenders are allowed to be outside the institution. First, when granted the 48 hours' furlough for qualified prisoners without escort, normally for such purposes as taking part in the yearly religious festival or attending special family occasions. Second, when granted the pre-release treatment (PRT) leave, the duration of which equals that of the last remission, not exceeding six months. The granting of the PRT leave is a prerogative of the DPP, and only offenders sentenced to more than one year imprisonment are eligible. Third, when granted a compassionate leave; a prisoner remains under escort during his absence from the institution. The duration of a compassionate leave varies according to its logical necessity, and lastly, when a youthful offender is placed under the care of foster parents. At present there are open institutions to train prisoners of rural origin to become more efficient farmers, better cattle raisers, and skilled estate workers. Work release programmes have also been going on to allow prisoners in the minimum security to be outside the institution in the day-time. They can work independently and earn a living. A halfway house has also been introduced in several big cities. Even prisoners in the maximum security should not be barred from the assimilation scheme in order to stem the irredeemable effects of isolation as early as possible. Prisoners in the minimum security are encouraged to show interest in the assimilation scheme so that they can be made eligible for participation in work-release programmes. The integration scheme is designed for prisoners who have reached the fourth stage in the correctional process. They are the parolees who live and work in the community under supervision until the date of their unconditional release. Assimilation starts early in the Pemasyarakatan but not until the prisoners have satisfactorily completed the admission and orientation procedures, during which

the new prisoners should be understood that they are in the institution not for punishment or retribution but for treatment. The burden of this task rests upon each member of the correctional staff. The Pemasyarakatan correctional process is a system of treatment of offenders. It does admit of security measures but then they are applied only in support of the smooth conduct of the treatment programmes. It has shifted the climax of judicial process from retribution within the prison walls to the prisoner's healthy reintegration into the community.

Mr. Tjitrosomo stated that due to the high requirements for the grant of parole only a small portion of the prison population become eligible.

At the free discussion time, when asked any shortage of parole officers in Indonesia, Mr. Tjitrosomo said that they had a recruitment exercise every year so that they do not face any difficulty in the shortage of staff.

Concerning the processing of parole, Professor Hagiwara (Haji) quoted the example of Okinawa island which has its own parole board for avoiding delay of parole decision-making since the island is located far from the main island. As such the group consensus was that Indonesia should set up parole board systems in different islands and in each province in order to speed up the processing of cases.

Sexual Perversion in Childhood and Adolescence

Miss Jazrawi's paper dealt with psychosexual development of young people and the unusual sexual practice.

According to her, biologically every child go through a harmonious progressive changes which occur during the adolescence stage and this biological stage accompanies a sexual behaviour and sexual fantasies, which may colour the general behaviour of young people. Deviating from norms of society, psychosexuality might develop as to be considered as the abnormal sexual deviation in the young which needs special attention in terms of preven-

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tion, education, and management.

The extent to which some activities have been regarded as deviant, it is violation of norms of behaviour accepted by community, which bring the young into conflict with the law. Delinquency may be the prepared outlet for adolescents. The principle disturbance is likely to be found in their family relationships. Children in a low social class from large families with an experience of separation might be the case, but a combination of adverse social factors is probably more important. Poor educational attainment may put the child in a greater risk. A high delinquency rate neighbourhood may be an important factor, but sometimes within areas of high delinquency rate certain schools have better records than others.

A role of a counsellor is important in the area of counselling for parents of pre-delinquent children and in the area of coping with reactive illnesses occurring in the parents when prevention has failed. Counselling should involve emphasis on the importance of consistency in parental care with the maintenance of an accepting warm attitude to the child. Rejection and inconsistent care by parents are the family factors most likely to be associated with later conviction.

Miss Jazrawi mentioned common forms of deviant sexuality as follows:

1. Prostitution;
2. Exhibitionism;
3. Homosexuality;
4. Pedophilia;
5. Fetishism;
6. Transvestism;
7. Transsexualism;
8. Sadomasochism;
9. Voyeurism.

She related a case study. "S" is a homosexual boy and his sexual perversion brought him into conflict with law and society. Through investigation it was revealed that his early history of sexual deviation came from bad relationship between his parents. Family had conflicts and disharmony with the weak and affectionless father and the dominating over-protective mother.

Regarding the treatment of this boy, Miss Jazrawi was of following opinion; since he had severely abnormal personality and little ego-strength on which to build, to help him to find social satisfactions will make his life more rewarding, and to support him psychologically and to give other means of general psychiatric treatment with the aids of medicine if necessary are primarily concerned with improving personal and social adjustment. Behaviour therapy can be adopted for treatment of homosexuality as a learned pattern of sexual behaviour. He was well motivated for treatment by behaviour therapy to develop more socially acceptable forms of sexual satisfaction and to ease the emotional crisis which caused his abnormal sex activity. Group psychotherapy has proven especially helpful here, because many sexual deviants are socially isolated and reproach themselves bitterly for their behaviour of which they are ashamed but which they are unable to control. In a group session they will realize that other people have to contend with similar problem and this fact fortifies their self-respect.

During the free discussions, Mr. Ohta was interested in knowing whether there was a high absenteeism rate in Iraq school. Miss Jazrawi commented that truancy is not regarded as problematic in her country. In Hong Kong, Iraq and Singapore most youngsters are truants from elementary grades, whereas in Japan, the situation is somewhat different in that high schools students are more susceptible to pre-delinquency, e.g. skipping school. According to the consensus of the group, there are many factors which can be considered as criminogenic, especially in regard to juveniles. For instance, the majority of group members emphasized that the environment as well as the family play an extremely important role in socializing the youngster, whereby weakening informal controls can easily lead a youngster astray.

As to this particular case, Professor Hagiwara (Haji) inquired as to whether or not the youngster had a record of sexual misconduct in the past. Miss Jazrawi's

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comment was that the information was not known. In addition, the sentence given was two years imprisonment. According to the group, the punishment was extremely harsh. Upon admission to the institution, Mr. Loh was interested in whether or not the centre had a special unit for segregation in which the offence was atypical and associations with other youngsters may pose to be problematic. Miss Jazrawi replied that there were no special provisions as such, and that the juvenile was treated normally without different treatment. Thereupon, the group consensus was that deviance of this nature required intensive counselling as well as isolation from others for the offence.

Reformatory Training Centre in Singapore

In his paper Mr. Loh stated that the function of the reformatory training centre is to reform and rehabilitate offenders in an "open" institution which is necessary for the successful implementation of the training programme for the young persons of this age group. The training programme of the centre is intensive and comprehensive. Besides enabling the trainee to adhere to disciplinary rules and regulation, they are also extended the facilities to improve themselves in their vocational and educational needs.

In Singapore, the reformatory training centre has its activities programme spread out in various fields. The training processes in the field of vocational activities are implemented by means of various job-placements in the workshops. Traditional industries include tailoring, mattress-making, barbering, administrative block orderlies, earning scheme officer's assistant, store-keeper assistant, typist, laundry services, cooks and maintenance workers. New industries include electronic components and assembly of bicycle parts. The VITB scheme was recently introduced in May 1982.

Mr. Loh mentioned that the educational programme is to provide coaching for basic knowledge in English, Mandarin and

national languages for those trainees who are illiterate. Trainees with higher educational certification are encouraged to further their studies with and provided the teachers attached to the centre and to prepare for examinations conducted by the Ministry of Education.

We are recognizing the importance and social significance of recreation and cultural activities as a factor in human living. Track and field meets are held annually, television concerts, and similar cultural shows are organized periodically. Extramural activities like painting and gardening are encouraged to develop trainees' talent. The religious needs of the inmates by way of services, counselling and teachings are never overlooked, welfare programmes are constantly planned for them while in or even out of the centre, as when under supervision.

During the free discussions, Mr. Loh brought the attention to members of the group that the primary responsibility of the housemaster is, in general, to take care of the trainees' welfare, which includes activities such as advice concerning personal problems, group counselling, and recreational activities. All in all, the trainees slowly begin to develop a very good rapport with the housemaster because, in essence, the role that he performs is more or less that of a surrogate parent.

On the other hand, the uniformed officers are also acting as substitute parental figures, but their chief tasks differ. While the housemaster is primarily responsible for instilling values in the trainees, the uniformed officer is charged with the task of making sure that the trainees are well-disciplined, and will take any necessary measures to discipline the trainees accordingly. Apparently, both staff officials are endeavouring to rehabilitate the trainees, but since their functions differ, the trainees may view one with antagonism; namely the uniformed officer. Hence, in order for both types of staff officials to better appreciate their roles, the group suggested that it would be extremely beneficial for the two to switch positions, so that they could become more aware

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of the overlapping responsibilities, as well as the differences in their jobs. In addition, the trainees would neither develop an exclusive attachment to the housemaster, nor would he resent the uniformed officer's job. The group hoped that by demonstrating the different tasks inherent to each, both the uniformed officers and the housemasters would be able to work more harmoniously because too frequently, the trainees view their jobs as separate, whereas in reality both jobs are concerned with the trainees rehabilitation.

Managing High-Risk and Long-Term Prisoners in a Maximum Security Institution

In his paper Mr. Bhagat pointed out that the primary function of a maximum security institution is to keep high-risk and long-term prisoners in safe custody and under proper management and control. In view of the specific characteristics of high-risk prisoners, every one working in the correctional field is well aware of the problems and difficulties associated with the handling of such prisoners. His paper introduces the experience of management of the Stanley Prison, a maximum security prison under the administration of the Correctional Services Department, Hong Kong. The principal punishment inflicted on high-risk prisoners is the deprivation of freedom and autonomy over a lengthy period of time.

Some prisoners tend to seek attention from other prisoners and the authority. Some would like to maintain their *status quo* in the criminal world by presenting aggressive approaches. Some may just be doing their time while others may seek satisfaction from violating centre regulations. It is apparent that in order to effectively handle these long-term prisoners, the staff and the institutional management must be well aware of the specific characteristic of this category of prisoners, their feelings, as well as the problems that individual prisoners face. Based on such information, a comprehensive programme is devised for the

proper handling and management of such long-term prisoners.

In view of the characteristics of the long-term prisoners, it is of utmost importance that the highest possible security measure must be enforced to prevent them from escape and to protect the safety of other prisoners.

Adequate security and firm discipline are considered the "prerequisite" for the implementation of rehabilitation or counselling programmes. Only when security, order and discipline are guaranteed, then rehabilitation projects can be implemented and are meaningful.

In Hong Kong the programme involves different professionals and in fact employs a multi-disciplinary team work approach. Different professionals work together in a team each performing his own specific role. The main skeleton of the staff, however, is the divisional staff—the correctional officers, who are responsible for the maintenance of order and discipline and for the supervision and control of the prisoners. The ultimate goal of the institution is achieved through the joint effort of all the different sections under the overall management and co-ordination of the Head of the Institution.

Description of Stanley Prison

Stanley Prison has a total accommodation of 1,605 prisoners and a hospital with 73 beds. A senior superintendent in charge is responsible for the over all management. He is assisted by deputy superintendent, a psychologist, qualified instructors, school masters, welfare officers and medical officers. There are different types of industrial work provided. In addition recreation programmes operate for prisoners in the evening under the supervision of qualified staff.

Psychological Services

The service provides initial assessment and follow-up counselling for prisoners. The psychologist also organizes groups and acts as a resource person for other staff involved in counselling programmes.

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Disciplinary Offence

It must be stressed in order to maintain good discipline and order in prison, any undesirable or subversive activities of prisoners must be stopped and every prisoner should be able to serve his sentence without the fear of his fellow prisoners. Disciplinary action is taken against prisoners who deliberately breach the rules and regulations.

A prisoner is not considered problematic until he has been proved to have committed a disciplinary offence. It is this type of problematic prisoners that become a major concern of contemporary penal administration and the supervision of whom, therefore, requires special and unique management strategy.

Segregation Unit

The segregation unit in each penal institution is established for the purpose of enabling correctional staff to forestall serious trouble by isolating certain prisoners from the prison community. It is operated mainly as an instrument of management and control. As it is undesirable to segregate prisoners for long periods, their cases are reviewed monthly. A prisoner is transferred back to his normal association as soon as he ceases to be problematic.

Security

All prisoners placed in Stanley Prison pose a high security risk, they hence receive treatment according to the category afforded on admission. Category given will indicate the amount of security required for each prisoner during his term of imprisonment.

Remission of Sentence

Mr. Bhagat said Section 69 of the Prison Rules, Cap. 234 Laws of Hong Kong, permits every convicted prisoner sentenced to imprisonment for a period over one month, by special industry and conduct, to earn remission not exceeding one-third of a sentence of imprisonment, provided that the remission so earned does not reduce the period of imprisonment to less than one month. It is an incentive for

good institutional behaviour as remission is not an automatic entitlement but has to be earned through good work and conduct. The Superintendent may order the forfeiture of remission as a form of punishment in dealing with disciplinary offences committed by prisoners.

Prisoners under Death Sentence

Prison Rules 216 to 221, Cap. 234, Laws of Hong Kong, apply to prisoners under sentence of death. According to P.R. 217, prisoners under sentence of death shall:

- a) be confined in a separate cell apart from all other prisoners;
- b) be kept under constant supervision by day and by night;
- c) not be subject to rules regarding labour.

H Block of Stanley Prison is therefore specially set aside to accommodate prisoners under sentence of death (condemned prisoner) with the routine and procedures gear to fulfill the requirements of the above rules.

Review of Sentences

The incentives for good institutional behaviour is further evident in the provision of review of sentences by the Governor of Hong Kong.

Section 69A of the Prison Rules, Cap. 234, Laws of Hong Kong, specifies the type of prisoners and the period for review:

Types of Prisoners	Period for Review
1. Imprisoned for a term exceeding 6 years (other than imprisoned for life)—	after 4 years and every 2 years thereafter.
2. Imprisoned for life—	after 4 years and every 2 years thereafter.
3. Detained during Her Majesty's Pleasure—	after 2 years and every 2 years thereafter.

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4. Under 21 at the date of conviction of the offence for which imprisoned—after 1 year and every year thereafter until 21 years of age is attained and thereafter every 2 years.

Education

Education is provided for prisoners in Stanley Prison on a voluntary basis. Prisoners who wish to seek an opportunity for self-improvement may enrol either for cell study courses arranged by the School Masters of Stanley Prison or for evening adult education classes run by the Education Department or for correspondence courses offered by the local and overseas correspondence schools. A large number of prisoners are engaged in studies in one or another form of study.

Upon request, arrangement can be made for prisoners to sit for the public examinations such as Pitman Examination, Hong Kong Certificate of Education Examination and General Certificate of Education Examination.

Welfare

During his induction period, and throughout his imprisonment, a prisoner may seek the assistance of the Welfare Officer (who is a correctional officer specially trained and qualified in welfare work), in solving his personal or family problems.

Discharge

A "pre-release" briefing is arranged for each prisoner two months prior to his discharge. The briefing includes informa-

tion on various community resources including government welfare services and voluntary agencies from which a discharged prisoner may seek help and advice. The aim of the briefing is to help the prisoner due for discharge to make better preparation in facing his future problems.

The group were generally of the view that in view of the characteristics of high-risk prisoners, everyone working in the correctional field is well aware of the problems and difficulties associated with the handling of such prisoners. The group consensus was that in managing high-risk and long-term prisoners in a maximum security institution the following conditions should be strictly adhered:

- a) Adequate knowledge of what is required by the Prison Disciplinary Code
- b) Correct attitude in the supervision of inmates
- c) Close observation of those who exert evil influences upon other prisoners as well as isolating them from the normal group when necessary.
- e) Encouragement and motivation of inmates in all aspects of the training programme
- e) Effective leadership
- f) Full consideration of legitimate complaints or need
- g) Strict control of contrabands
- h) Prompt and decisive action when the occasion demands it
- i) Proper control of personnel who perform supervisory function ensuring that these personnel have the knowledge, experience and attitude demanded by their role.

WORKSHOP IV: Correctional Treatment Programmes for Prisoners

Summary Report of the Rapporteur

Chairman: Mr. Hiroto Yamazaki
Rapporteur: Mr. Fung Kwan-yuet
Advisors: Mr. Thomas G.P. Garner, C.B.E., J.P.
Mr. Hachitaro Ikeda

Titles of the Papers Presented

1. Prison Work and Vocational Training in Hong Kong
by Mr. Fung Kwan-yuet (Hong Kong)
2. Correctional Training Programmes in Korea
by Mr. Myung Bae, Kim (the Republic of Korea)
3. The Prison Welfare Services—Individualized Rehabilitation Programmes for Prisoners
by Mr. Chew Sin Poon (Singapore)
4. Vocational Training for Offenders in Thailand
by Mr. Boonsoothi Thanusiri (Thailand)
5. Gangsters Group in Japan: "YAKUZA"
by Mr. Hiroto Yamazaki (Japan)

Introduction

The aims of this workshop were to share the knowledge and experience of successful programmes of some countries of the region, and to try and solve some individual and common problems in treatment programmes through learning of the practical experience of the members.

Prison Work and Vocational Training in Hong Kong

Mr. Fung Kwa-yuet delivered his presentation as follows: Prison industries has the following objectives: (a) training prisoners to cultivate good work habits and under similar conditions and tempo as outside industry, (b) training prisoners to attain a higher level of trade skills for better career prospects. The daily routine

of the prison must be planned according to the trends of outside industrial development, to enable plans for training skills and the cultivation of good work habits to be in phase with outside industry. Industries should be detached from any legal liabilities so that the rehabilitative programmes and prison routine will not be affected or influenced by any commercial contractual obligations. Prison work, must also be of a vocational training nature particularly for young offenders and prisoners serving long sentences.

Many organizational structures for prison industries had been examined by the Correctional Services Department such as; contracting prison labour to private industry, joint ventures with private enterprises, manufacturing under licence, etc., but none were considered to be suitable, because such structures put a legal liability on government without any guarantee that it will act as rehabilitative training for prisoners for prison work is essential part of the prison routine. The Correctional Services Department therefore decided to industrialize the work in prisons by bringing in outside industrial managers and other professionals (who also received training as correctional officers) to plan and manage prison industries to closely parallel as far as possible that of outside industry. The main thrust commenced in 1978 and marketing strategy has been directed to the supplying to government markets in order to avoid possible complications.

Prison industries of the Correctional Services Department in Hong Kong is headed by a general manager, who is responsible to the commissioner for the

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management of resources and all policy matters relating to prison work. Staff supporting him comprise of a commercial manager, a production manager both at superintendent level, a production services manager and a vocational training manager at chief officer level. The commercial manager is responsible for the planning of future capital investment, and for obtaining work for prisoners. This carries the dual purpose of training in trade skills and in better employment prospects for discharge. The production manager is responsible for organizing production under conditions and tempo as similar as possible to outside industry, also for ensuring accuracy in quality and quantity requirements. Supporting him are several institutional industrial managers who are responsible for supervising the industrial specialists in trades such as garment making, woodwork, fiber glass, shoe making, etc., all at the principal officer and officer level. Trade instructors are the front line managers responsible for output and quality. This industrial management structure is geared to achieve all the objectives of prison work and in addition to save government money.

Prisoners are trained on jobs where the maximum employment opportunity lies. Capital investment on the various types of prison work corresponds with employment prospects. The relevant United Nations Standard Minimum Rules related to prison work are fully implemented.

Due to the fact that the allowance for elderly people under the social welfare system is not available for unemployed released prisoners below the age of 70, it is difficult for discharged prisoners aged 55 or over to get work at the ordinary skill level. Accordingly for these prisoners, industrial work has been emphasizing the attainment of skills at trade master level as employment opportunity at this level is less dependent on age.

To sum up the planning of prison work in Hong Kong has been as follows: The Correctional Services Department has brought in industrial and marketing professionals from outside industry as correc-

tional personnel to plan and manage the work for prisoners in order to improve correctional work programmes, and also as a secondary target. To achieve savings in Government expenditure by placing prisoners in gainful employment.

Rehabilitation programmes for young offenders emphasize the cultivation of good work habits accompanied by academic training to supplement the loss of opportunity for education while in custody. All young offenders in training centres are required to undertake domestic services in institutions to attend classes for academic instruction on subjects relative to their level of attainment, and to undergo vocational training with emphasis career outlets after release in respect of employment opportunities and the furtherance of technical and industrial training studies.

Courses are designed to accommodate the period of custody (6 months to 36 months), and to cater to differences in the level of training and academic attainment on admission (from primary school to senior high school). Recently there has been an increase in admission of young offenders who were secondary school dropouts. Vocational training has therefore emphasized courses of a relatively higher academic and professional level.

The levels of training at the operative and craftsman level are in parallel with the newly established Statutory Apprenticeship Scheme under the Hong Kong Vocational Training Council, and at the craftsman level under the Technical Education and Industrial Training Department. Courses in car repair, air-conditioning and refrigeration at the craftsman level are also organized; however there are no examination authorities for these two courses, but there are excellent employment opportunities. Courses at the technical level include radio and T.V. repairs, telecommunication, mechanical engineering and welding, organized examinations of the City and Guilds of London, and the Lloyds Registrar of Shipping welders' certificate. A data processing course is organized at senior high school leaving certificate level. Bookkeeping, accounting,

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and typewriting courses are also organized for the examinations of the London Chamber of Commerce and Industry. Inmates have responded very well to these courses. Examination records have shown a high percentage of passes with excellent ratings.

Correctional Training Programmes in the Republic of Korea

Mr. Kim Myung Bae presented his paper in detail which is summarized as follows:

Background

During the Korean War, the correctional services in the Republic of Korea lost many of its staff and there was most damage to the facilities. Improvement to treatment programmes and the welfare of prisoners had been emphasized since the War.

Correctional Training

The correctional training programmes carry the following objectives: to change the attitude and behaviour of offenders; to inculcate in them the sense of belonging to the society; and to equip them with trade skills for employment after release. Accordingly, training programmes have emphasized academic training, living guidance and vocational training.

Academic courses comprise the following:

- 1) Elementary schooling—Illiteracy in the Republic of Korea is defined as failing to complete elementary school. Elementary school is compulsory regardless of age for illiterate prisoners;
- 2) Middle and high school courses are on a voluntary basis for those who are academically eligible;
- 3) In juvenile centres, correspondence high school courses are organized for those who have passed a special test conducted by the Ministry of Education and those who have attended junior high school. The medium of the correspondence course is radio and T.V. The course involves 280 days radio and T.V. programmes and

for 26 days to attend school on Sundays. For those who have completed the course and passed the final examination, a high school certificate will be given by the Ministry of Education. At present, there are 160 boys in the first grade and 30 in the second grade of this correspondence course.

- 4) In formal classes are also conducted for National Authorized Examinations which are mainly entrance examinations for middle, high school and college.

The living guidance training comprises the following:

- 1) "Saemaul Spirit" training—This is a 43-hour training course designed to instill into offenders a spirit of co-operation. Attendance is mandatory on at least three occasions during imprisonment. Subjects such as national history, patriotism and individual responsibility for the well being of the country, along with examples of successes of the Saemaul Movement are taught;
- 2) Pre-release counselling and guidance—Within one month of release, prisoners are informed of the current socio-economic situation and employment channels; and
- 3) Religious services are extensively used to help bring about a change in the personality, life style and behaviour of prisoners.

Vocational Training

The main objective of vocational training is to equip inmates with trade skills for employment after release. There are three levels of training, namely, the basic, the intermediate and the advanced; There are 33 trades to accommodate prisoners' and inmates' interests, aptitude, and abilities. These trades include carpentry, printing, tailoring, electronics, welding, milling, plastering, brick laying, etc. Vocational training can eventually lead to the acquisition of a technician license. Many inmates have responded well to the training programmes and won prizes in

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nationwide skill contests. Skillful manpower is produced in correctional institution through vocational training.

Major Problems

Due to an increasing trend of reconviction involving ex-prisoners, doubt has been casted on the efficiency of current programmes particularly in the following areas.

- 1) prisoners' response towards training programmes;
- 2) quality of the training programmes;
- 3) effectiveness of religious programmes in treatment; and
- 4) co-ordination of skills and knowledge in the training conducted by correctional services and outside industry.

Generally speaking, offenders can be described as lazy, and unattentive to vocational and moral training. In this respect, it has been suggested that continuing and repeated training with improved facilities be emphasized; and that incentive schemes such as remission and bonus should be introduced for those who have responded positively towards the training programme.

Due to a shortage of qualified staff, volunteers with inconsistent standards are used for the implementation of training programmes resulting in sub-standard training. It is essential to be recruit fully qualified instructors.

Inmates who have no firm previous belief are likely to be influenced by any religious service. The current situation involving competition between missionary services causes emotional confusion to inmates instead of achieving its purpose of emotional stability. It was suggested that the management of religious activities inside the correctional services be improved or strengthened. Due to the recent industrialization in the Republic of Korea, the socio-economic situation has become an industrial one just like in the United States and Japan. This would suggest a need for psychological services for the benefit of the prisoners and correctional programmes.

It was reported that due to a shortage of instructors and industrial plant and

machinery this had caused vocational training to lag behind outside industry. Appropriate measures should therefore be taken. New trades such as ceramic arts, interior decoration, etc. should be introduced and co-operation with the Scientific Information Centre should be maintained and improved.

It is understood that a correctional services staff training college will be established in the near future. It was suggested that in the interest of all correctional personnel this project be expedited.

Prison Welfare Service — Individualized Rehabilitative Programmes in Singapore

Mr. Chew Sin Poon presented his paper outlined as follows:

A scheme consisting of an institutional rehabilitation programme operated by the Prisons Department of the Ministry of Home Affairs in conjunction with an individualized programme conducted by the Prison Welfare Service of the Rehabilitative Services Branch of the Ministry of Social Affairs was introduced in October 1981. The institutional rehabilitation programmes are run by the living unit officers of the Prisons Department while the prison welfare officers of the prison welfare service work with prisoners in the individualized rehabilitation programme. Institutional and individual rehabilitation begins simultaneously so soon as prisoners are admitted.

The institutional rehabilitation programme provides four main services; work, education, recreational, and religious services.

The individualized rehabilitative programmes provide two stages of services to prisoners; namely 1) in prison and 2) after discharge from prison. In the prison system the prison welfare officers are members of a team comprising medical officers, psychiatrists, psychologists, social service officers, education officers, religious instructors, workshop supervisors and prison officers. The main functions of the prison welfare officers within the prison are to

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help prisoners to overcome and, or alleviate personal and family problems arising from incarceration; to adjust to institutional life and to respond to the rehabilitation programme; and to make plans for his re-integration. After release, the aftercare services are provided by prison welfare officers.

At present, prison welfare services are provided to the following categories of prisoners:

- 1) Reformative Trainees, Corrective Trainees and Preventive Detainees— These classes of prisoners are subject to parole and aftercare under schedule of the prisoners of schedule "C" and "D" of the Criminal Procedure Code;
- 2) First and second offenders who have been convicted of scheduled offences and sentenced to a term of imprisonment of one year or more. The scheduled offences include Penal Code; The Corrosive and Explosives Substances and Offensive Weapon Acts, and the Vandalism Act.

Aftercare for first and second offenders is one a non-statutory basis. The success of this form of non-statutory aftercare depends on the willingness of discharged prisoners and their co-operation towards counselling, and assistance provided by the welfare officers. It has been suggested that aftercare should be on a statutory basis because those who do not volunteer are in reality are the ones who need the service the most.

The average caseload of a prison welfare officer is currently 60. The problem at present lies in the lack of continuity in follow-up due to a high wastage rate of prison welfare officers. This problem was discussed at length, and consideration was given to a suggestion of forming prison welfare officers into teams of two. It was also noted that a problem exists in relation to time spent waiting for 9 prisoners to be produced for interview. It was considered that this minor problem could be overcome by better co-operation between those concerned.

Progress in implementing programmes

depends on the recruitment and training of suitable persons to be prison welfare officers. These programmes which have been in operation for 14 months, are bound to throw up teething troubles in the early stages. However such problem including that of wastage which must be tackled positively. Aside from this it would appear that these programmes show much promise for the future.

Vocational Training for Offenders in Thailand

Mr. Boonsootthi Thanusiri presented his paper in detail. The following is a summary:

The objectives of vocational training of the correctional services in Thailand are to train prisoners to attain a higher level of trade skills for employment after release, to cultivate in them a habit of doing useful work and to maintain discipline and order in the prison.

The allocation of government funds is insufficient to fully implement vocational training. To meet this need, capital is obtained by means of a loan from the Department of Corrections. The products from vocational training will be marketed to the private sector. Of the net profit 50% is paid to prisoners, 15% shared among staff and 35% kept for circulating capital for the raw material required for vocational training, or as settlement against a loan. This self-financing process operates with government approval, and is unique among the participating countries in the 61st International Training Course.

Vocational training work under community services orders covers farming, forestry, and other community work. Institutional vocational work include agriculture, wickerwork, weaving with handlooms, knitting, motor mechanics, tailoring, printing and work such as hairdressing, road and building maintenance and repairs, etc.

The criteria for eligibility for prisoners for vocational training are as follows:

- 1) prisoners sentenced to longer than six months;
- 2) medically and mentally fit; and

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- 3) have the intelligence and capacity for training.

Vocational training and prison work programmes are organized under the following criteria:

- 1) pre-admission skills and knowledge of prisoners act as a base for work assignment;
- 2) trades and types of work are organized according to the locality where facilities and the raw materials are economically available; and
- 3) vocational training and prison work should lead to a good work habit and to acquiring skills for better employment prospects.

Regional vocational training centres have been established with the purpose of concentrating and imparting skills to prisoners so that prisoners can benefit to a greater extent despite a shortage of industrial staff instructors. Agricultural development centres have also been established with the proposes of giving professional agriculture knowledge to prisoners, the carrying out of research, and of turning barren land into fertile land. Prison shops and exhibitions have also been organized to sell prison products. Skill training for low capital businesses such as wood carving, rattan furniture making, silversmithing, etc. is emphasized so that prisoners may if they wish start a family business after release. Farming and animal husbandry as vocational training subjects were also emphasized.

It was noted that the following problems existed: Work in some prisons bears no relation to employment prospects in their localities; sometimes raw material requirements for vocational training can not be obtained because of insufficient capital; there is unnecessary competition between institutions caused by overproduction of the same kind of goods, this generates a low return on investment; selling prices occasionally are below the cost of materials; some prison products are below proper market standard due to unskilled workmanship and a lack of instructors; the high manufacturing and material cost for some items ties up capital

for too long; and corruption.

It was suggested that the problem of lack of employment in some localities for certain types of vocational training could be reduced by allowing prisoners to learn more than one trade; that the problem of having insufficient funds for raw materials can be reduced by better management in cash flow; that the problem of unnecessary competition between institutions can be solved by the regionalization of management for production quantity, patterns and designs; that the problem of producing substandard goods can be reduced by putting emphasis on management production techniques instead of relying on prisoners' individual skills; that the problem of tying up capital by high production cost can be reduced through overseas marketing; and that more stringent measures should be introduced to minimize corruption.

In general, the maximum utilization of resources in vocational training is contributing to success in Thailand, despite unfavourable conditions recently developed through change in the socio-economic situation; cities like Bangkok, Chantabury, etc., are overpopulated beyond their planned social facilities.

Gangster Groups in Japan: "Yakuza"

Mr. Hiroto Yamazaki presented his paper in great detail.

In summary: "Yakuza" is a collective term for organizations, or groups whose main business is crime. It is not a criminal offence to be a member of "Yakuza". It has been in existence for a long time, adapting itself to changes in society. At the end of 1981, the police acknowledged the fact that there were 2,452 "Yakuza" groups with an active membership of 103,263 throughout Japan.

Current "Yakuza" groups have three different origins, namely the "Bakuto" or the gamblers groups, the "Tekiya" or the street stallmen groups and "Guren-tai" or the racketeers groups. "Bakuto" and "Tekiya" originated in the middle of the Edo era, 18th century and have a strong

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feudal rank system. "Gurentai" originated from the chaos of World War II and has no traditional organization and no feudal rank system. After the War, these three origins had mixed up in the course of socio-economic changes, and their organizations, activities and territories had become so similar that they were generally called "Bōryoku-dan" or "Yakuza" in the late 1950s.

At present each "Yakuza" group has its own membership, territory and origin. A "Yakuza" group has its own boss, office-bearers and members. Often the boss of one "Yakuza" group has a "blood brotherhood" relation with the boss of another group, and a "Godfather" relation with the boss of one or more groups. Such a structure forms a big "Yakuza" group.

Tattoo and cutting off a finger are the particular customs in "Yakuza" society. "Yakuza" has strict rules of its own and brutal punishment such as lynching, cutting off fingers or expulsion is inflicted to offenders who infringe the rules.

More than 90% of "Yakuza" members have criminal records. In 1981, 8% of Penal Code offenders were "Yakuza" members. In the same year, the number of "Yakuza" members arrested under the Nerve Stimulant Control Law amounted to 10,935 or approximately 50% of the total stimulant drug offenders.

Organized crimes committed by "Yakuza" have been normally the traditional ones such as smuggling stimulants, gambling, and illegal activities in horse

racing, etc. Crimes accompanying organized crimes are assault, injury, homicide, etc., resulting from conflict between "Yakuza" groups. In recent years, it has been noted that the "Yakuza" has committed intellectual crimes such as fraud by the misuse of insurance systems, extortion, etc., and that the "Yakuza" has extended activities internationally in the smuggling of dangerous drugs and firearms.

At the end of 1980, 11,123 prisoners were "Yakuza" members which accounted for 26.6% of the total prison population. Most of them were classified as Class B prisoners (high criminal tendency), under Class B treatment programmes which emphasize re-education and living-guidance. "Yakuza" members all less likely to have parole and probation in 1980, only 4.5% of the total parolees and 4.7% of those under probation were "Yakuza" members. Rehabilitation for such prisoners can not be successfully achieved unless their ties with the "Yakuza" groups are severed. The fact, however, is that "Yakuza" members after serving a sentence for a crime committed for the benefit of a group will get recognition and promotion in rank, it is also not illegal to be a "Yakuza" member, so there is little incentive for prisoners to sever their relationship with the "Yakuza" after release. While the freedom of allowing people to belong to a society is respected without reservation, it was pointed out during the discussion that "crime is the price you pay for that freedom".

WORKSHOP V: Community-Based Treatment and Others

Summary Report of the Rapporteur

Chairlady: Miss Masako Saeki
Rapporteur: Mr. Mitsuru Itaya
Advisors: Mr. Yoshio Noda
Mr. Seiji Kurata

Titles of the Papers Presented

1. Open Prisons in India with Special Reference to Anantapur Prisoners' Agricultural Colony
by Mr. V. Appa Rao (India)
2. Improvement of Correctional Programmes in Nepal
by Mr. Revati Raj Kafle (Nepal)
3. Probation Services in Papua New Guinea
by Mr. Twain Pongi (Papua New Guinea)
4. Classification of Prisoners in Sri Lanka
by Mr. Jeoffrey Gunasekera (Sri Lanka)
5. Utilization of Halfway-house in Community-based Treatment of Offenders
by Mr. Mitsuru Itaya (Japan)
6. The System of the Volunteer Probation Officer in the Community-based Treatment of Offenders in Japan
by Miss Masako Saeki (Japan)

Introduction

The group consisted of one police officer, two correctional officers, two probation officers and one social welfare officer. These participants with different professions and coming from different countries presented their respective papers, titles and contents of which varied very much, but most of the discussions were related to prison administration and improvement of community-based treatment.

Open Prisons in India with Special Reference to Anantapur Prisoners' Agricultural Colony

The first paper for the group workshop was presented by Mr. V. Appa Rao of India. He traced the origin of open prisons

in different countries. Open Air Prison, often called "Prison without Bars," is a post-Independence phenomenon in India. In other parts of the globe, open prisons in the modern sense came into vogue during the 40's. All along, prisons were meant to lodge offenders to keep them out of circulation and thus protect the society from their deprivations and for deterrence. The concept of reformation and rehabilitation appeared on the arena very late. The first British open prison New Hall Camp was started in 1936. It had no walls, not even boundary fence. Americans too followed soon.

Mr. Appa Rao elucidated the *raison d'être* of open prison philosophy which is as follows:

- 1) To provide a more realistic social setting to learn law-abiding behaviour;
- 2) To avoid institutionalizing effect of the closed prison;
- 3) To reverse the process of criminalization acquired during incarceration in a closed prison;
- 4) To weaken the corrupting inmate-culture;
- 5) To strengthen staff-inmate interaction; and
- 6) To promote inmate identification with the rehabilitative aims of the institution.

During the freedom struggle in India, in the first half of this century, hundreds and thousands of prominent leaders were jailed by the alien government. Half a century of prison life taught them enough lessons and soon after Indian Independence, some of these leaders who became chief ministers and prime minister, brought about myriad prison reforms. Open prison

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is one such. The first open prison in India was started in Uttar Pradesh State in 1949. The second open prison was started in Andhra Pradesh State in 1954. Now there are 33 open prisons in India with a sanctioned capacity of over 5,000 inmates. Of all the corrective experiments undertaken in India, it can be said with some sense of pride and achievement that the employment of prison labour in open conditions has proved to be the most successful experiment from every point of view.

Mr. Appa Rao had vividly analyzed the origin and growth of Anantapur Prisoners' Agricultural Colony which was inaugurated in 1965 by the ex-president of India Dr. N. Sanjiva Reddy. Its authorized capacity is 235 inmates. The location of the colony is very ideal and does not give the impression of a prison. It looks like a good agricultural farm. It has 1,427 acres of land, where they grow various crops like groundnuts, jawar, horsegram, cotton, castor, orchards and vegetables. During 1981-82, the colony earned about Rs.3,29,976. The annual recurring expenditure on this colony is about Rs.8,00,000.

The colony has 3 dormitories each accommodating 80 inmates with bath and toilet facilities. The buildings are very spacious. Each inmate is provided with a bed-cot, mattress, bed-sheet and pillow. The blocks are electrified and have round-the-clock running water facilities. There is no compound wall around the colony. There is a 4 feet high green fence to prevent stray cattle from getting into the colony. There are no sentries and no firearms.

Inmates are selected after careful processing of their cases. There is no direct committal of prisoners to the open prisons. They are selected from closed prisons. Inmates should have: casual and star class, residents of Andhra Pradesh State, good physical and mental health, age between 21 and 55 years, good conduct and emotional stability, good family ties, willingness to work in open prisons, should not be a habitual prisoner or political agitator or dangerous prisoner and

should have undergone some period of imprisonment in a closed prison and should not have more than 5 years to serve. Selection is done by a committee consisting of Deputy Inspector General of prisons, Superintendent of the prison, Doctors, Jailor and Welfare Officer, Inspector General of prisons approves the list. Then they are transferred to the closed prison nearest to the open prison where the Superintendent of the open prison gives necessary orientation.

Inmates in open prison work under minimum physical supervision. They go to work in agricultural fields by themselves and if necessary stay overnight to watch the crops in the fields and irrigate the fields. They go to the District Headquarters Town Anantapur for selling vegetables in the market or bringing grocery articles. However, they are to return by 5 p.m. and stay in the colony. During 17 years of this colony's existence, only 24 prisoners escaped, out of whom 18 returned or apprehended and 6 are still absconding. By and large there are not many recidivists. Open prison offences are: going out of the colony without permission; refusal to take due care of prison property; negligence in work; and derogatory behaviour. For these offences, the punishments are: warning; fine; forfeiture of remission; and return to closed prison, etc.

Mr. Appa Rao further explained the special amenities given to inmates. They are: 1) 8 days remission per month compared to 5 days remission of closed prisons; 2) extra diet; 3) extra clothing and toilet items like soaps, oil, etc; 4) liberal parole and furlough; and 5) educational, recreational and medical facilities.

Crime-Wise Break-Up shows that about 70% of the inmates are sentenced for life-imprisonment for committing murders and the rest 30% are concerned in bodily offences like grievous hurts, rash and negligent acts resulting in death. Lifers in general are found to be very well behaved in prisons.

Mr. Gunasekera, the participant from Sri Lanka, explained the open prisons in

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his country. They are almost identical with those of India. But the open prisons have very limited acreage and semi-trained staff.

The participants from Nepal, Papua New Guinea and Japan, Mr. Kafle, Mr. Pongi and Miss Saeki respectively, stated that they had no open prisons in their countries. Advisors Mr. Kurata and Mr. Noda explained that in Japan the open treatment method had been introduced in institutions like Ichihara, Kakogawa prisons and Saijo branch prison and Kitsuregawa Agricultural School, etc.

In view of the great success of open prisons in some countries, the group recommends their adoption in other countries also.

Improvement of Correctional Programmes in Nepal

The second paper for the group workshop was presented by Mr. Kafle from Nepal. He stated that before the advent of democracy in Nepal, the condition of prisons was not satisfactory. But after democratization, the conditions of prisons are being improved. New Prison Act was brought into the Statute Book in 1963 and Prison Regulations in 1964. These laws and rules are based on the UN Standard Minimum Rules for the Treatment of Offenders. But due to limited economic resources all the goals have not yet been achieved.

Nepal is a developing country. It has given priority to the basic needs of the people. So most of the budget is utilized for the developmental programmes. Correctional programme has received the least priority.

Correctional programmes have not achieved the desired goals. Hence a high level Prison Reformation Committee was formed in 1972 to study the conditions of prisons in the country and suggest effective remedial measures. The committee presented its interim report in 1973 and final report in 1974. His Majesty's Government is implementing the suggestions presented by the committee.

Mr. Kafle pointed out the main obstacles in the correctional programmes in his country which are as follows;

(1) The government could not provide prison work to many prisoners. According to the Prison Law, the prison administration is to provide work to the prisoners. But it has not been fully implemented in many prisons. Most of the prisons are very old and outdated. There is insufficient space to establish workshops. In the new prisons small scale industries such as handloom, carpentry, matting, bamboo work and handicraft industries have been established. But in most of the old prisons, prisoners have nothing to do. It seems to be a hindrance for the improvement of correctional programmes for better rehabilitation. His Majesty's Government has chalked out a ten-year housing plan. According to this plan, more prisons are to be constructed to solve this problem and to provide work to every convicted prisoner.

(2) There is no separate correctional service in Nepal. Among the prison personnel, custodial staff belong to police service, medical staff belong to general health service and other administrative staff to general civil service. Teachers for adult literacy programmes and instructors for technical training programmes come from the Departments of Education and Small Scale Industries. Most of the personnel do not want to be posted in the prison service, because the job in the prison is difficult and there are no extra-facilities. Besides this, the prison officials are not well trained in their respective jobs. There is no separate training institute for correctional personnel. There is one Administrative Staff College in the country, where civil staff are trained. Custodial staff are trained in the police training centres and medical staff in the medical institute.

(3) The status of correctional officers is not so high compared to the other departmental officers of developmental activities. So, well qualified

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persons do not prefer prison jobs.

(4) In many parts of the country there are no transport facilities. Many prisons are situated in remote hilly areas. In the plain Terai area and in those districts where transport and communication facilities are good, the prisons are overcrowded. There is one separate prison in Kathmandu for unconvicted prisoners. In the new prisons, convicted and unconvicted are kept separately. There is no separate prison for female prisoners, but in every prison female prisoners are kept separately within the same prison compound. In many old prisons there is no separation of convicted and unconvicted, young and adult prisoners due to lack of space.

The prison problems are due to inadequate finances. His Majesty's Government has given the least priority to the correctional programme compared to other developmental activities. Due to financial problems, the government could not establish a separate department for correctional service, elevate the position of correctional personnel, and make arrangements for suitable training programmes for correctional staff. So, in the future it can be hoped that correctional programmes would get better priority compared to the present correctional programmes so that the goals set in the UN Standard Minimum Rules for the Treatment of Prisoners could be achieved.

Probation Services in Papua New Guinea

The third participant Mr. Pongi presented his paper entitled "Probation Services in PNG".

The concept of "probation services" practised in PNG is identical with that of other developed and developing countries. Probation is the second chance given by the court after conviction, with the very aim of keeping the offender's family intact, maintaining community ties, and requiring him to engage in responsible conduct by working for his own support.

The specific conditions imposed are: obedience to the instructions of the probation officer and law; keep peace and good behaviour; keep the probation officer informed in advance about change of residence; consult him about employment; and permit his visits to the house, etc.

Unlike the adult probation service which has been introduced recently (1979) as an alternative to imprisonment, the juvenile scheme (children under 16 years) had been in existence since 1963. It has been modified to suit the minors but it has a lot of limitations and thus cannot meet the current needs and situations as the Child Welfare Act, which provides probation services, was enacted 20 years ago. Although there is a draft on the Youth Court Act, the provision for probation has been overlooked and hence immediate review to reactivate the services granted to juvenile offenders should be made.

As years rolled by, the number of juvenile offenders placed on probation has been declining due to lack of knowledgeable manpower and excessive staff mobility. The Probation Act (1979) provides for probation of adult prisoners. The main reason for its introduction is to save cost for the government. Two centres/provinces (20 provinces in the country) were selected in late 1980 and probation service is being carried out as pilot projects. The juvenile service has been with the "Social Services" since its inception, with the Director of Child Welfare having to be responsible to the Minister, and 150 gazetted "Welfare Officers" and a handful of honorary welfare officers act as voluntary probation officers over children placed on probation. The adult probation service is administered by the Chief Probation Officer who is responsible to the Secretary for Justice Department and the Minister for Justice. The service has a Chief Probation Officer and a Senior Probation Officer who are assisted by 19 volunteers.

Sections 32-43 of the Child Welfare Act deal with powers of courts to make probation orders. Persons under such orders are subject to supervision of the Director.

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With the inauguration of the Probation Act, to reduce inhumanities and degradation of overcrowding, people had high hopes in the scheme. Courts had been sentencing adult offenders on either (a) bond, (b) fine or (c) imprisonment. As bond has no element of supervision or rehabilitation, the introduction of probation was welcomed. But PNG experience in the last 30 months has shown that the service is not fully utilized. Indeed PNG record shows that 44 offenders were placed on probation in 1980; 17 offenders in 1981, and only 2 offenders up to August 1982. Obviously, this is a downward trend, and unless the government steps in to remedy the difficulties hampering the efficient administration of the service, the situation would certainly become worse.

Mr. Pongi highlighted the obstacles hampering effective administration of the service, namely: ignorance of subordinate judiciary about the law and procedure; non-availability of suitable trained staff; alien character of the scheme; lack of support from the locals; and loop-holes in the Act and inadequate finances.

India, PNG, Sri Lanka and Japan have probation while Nepal has no community-based programme for offenders.

The chairlady, Miss Saeki elucidated the Japanese Probation System and said that it succeeded in her country because of active cooperation from the community.

The group unanimously recommends that there should be close cooperation and coordination amongst the criminal justice agencies which can be brought about by arranging meetings, conferences, seminars, etc., issue of "Dos" and "Don'ts" circulars, periodical inspections, stricts selection of suitable offenders and staff.

Classification of Prisoners in Sri Lanka

The fourth participant Mr. Gunasekera from Sri Lanka discussed about the problems regarding the present classification system in his country.

According to him Sri Lanka has about 15 million population and the present number of prisons is 20. In these institu-

tions there are about 12,000 prisoners, the breakdown of whom is about 7,000 remand prisoners waiting for trial and 5,000 convicted prisoners, although the authorized capacity for these 20 prisons is only about 7,000. Out of the 7,000 remand prisoners more than 30% are subsequently acquitted.

Convicted prisoners could be classified into females and males, youthful offenders, first timers, second or third timers and repeaters. There are maximum security sections for the location of high risk or dangerous prisoners and escapees in certain institutions.

Because of the serious overcrowding in the prisons, it is not practicable during daytime to avoid contact and contamination between remand and convicted prisoners, first timers and repeaters, etc.

A careful analysis of offenders imprisoned for minor offences will show that a large percentage of the inmates could be conveniently diverted to non-custodial treatment, because prisons in Sri Lanka today suffer tremendously from extremely short-term prisoners such as those sentenced to imprisonment for one or two weeks.

To carry out classification, prison officers basically need to establish the identity of the inmates and need to know the previous experience of imprisonment, if any.

However, prison officers in Sri Lanka are usually not authorized by law to take photographs and fingerprints of the inmates. These are kept by the police, but in most of the cases these are not given by the police to the prison service. Hence prison officers very often have to rely on newly admitted prisoners' account on whether he has previous experience of incarceration or not, and if he has, how many times. As such it might happen that a man under a false name is admitted and he is classified into a first timer although he has experiences of incarceration several times.

As the result of an intensive discussion the followings were recommended:

- 1) It seems that to solve the problem

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of overcrowding is urgently needed to make the present system of classification workable and to make the treatment of prisoners more effective. For this purpose, it was observed by all the participants that ways and means such as some system of diversion should be explored to decrease the number of remand prisoners, and that present practice to sentence minor offenders to short-term imprisonment should be avoided as far as possible and instead there should be a wider use of non-custodial treatment.

2) In order to make the present classification system workable, the prison service should try to have more and frequent communications with the police and other related criminal justice authorities to make them give the prison service more information on the prisoners.

In this connection the participants from Japan introduced the filing system in the Japanese prisons. In Japan a prisoner is taken his photograph and fingerprints on admission because it is not prohibited by law. The fingerprints are sent to central administrative office, *i.e.*, the Correction Bureau of the Ministry of Justice and kept there. Then an individual file is opened and detailed facts on his treatment, his reaction to it and other miscellaneous matters are recorded until the day of his release. This file is kept at the prison from which he was released. His release is notified to the Correction Bureau. If he is imprisoned again, his fingerprints are sent to the Correction Bureau and automatically his previous experience of imprisonment is made known to the prison where he is now incarcerated and his file kept at the former prison is immediately sent to the present prison, and there new records are added to the file. There is no limitation of period in which the file should be kept. It was observed by the participants from Japan that this file serves for various purposes such as classification, decision of individual treatment programme and parole.

Utilization of Halfway House in Community-Based Treatment of Offenders

Mr. Itaya of Japan presented the fifth paper for group workshop in which he discussed at first the importance of community-based treatment of offenders and its inherent problems. As the offender placed under community-based treatment lives in the community without any physical restriction, it is difficult for a supervisor to keep proper contact with him, and to prevent a further crime which may be caused by influence of bad friends. He said therefore that utilization of accommodation facilities, *i.e.*, halfway houses, must be considered as one of the counter-measures against this problem. In his paper, he touched upon especially "halfway-in-house" which is called in Japan "Rehabilitation Aid Hostel".

Mr. Itaya then explained the actual situation of halfway houses in Japan. Presently there are 104 halfway houses for adults and/or juveniles, whose total authorized capacity is 2,593. All of them are run by foundational juridical persons who obtained official approval of the Minister of Justice, and they receive reimbursement from national funds for their services, but its proportion to the total income of halfway house is only a half. So they face the shortage of funds which prevents them from employing young superior staff. Average age of all 467 staff members is about 56 years. Seven halfway houses have their own workshops (*e.g.*, bakery, toy manufacturing, car maintenance, printing and city sewerage services) to provide a job for persons who do not fit for outside employment. And there are some special halfway houses for traffic offenders and mentally disturbed offenders.

Mr. Itaya analyzed the functions of a halfway house into three: namely; 1) helping livelihood, 2) living guidance, 3) reformation and adjustment of ex-offender's environment. He said that these functions should be integrated for successful treatment in halfway houses, but the treatment programmes for the residents in most

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halfway houses have not well formulated. He introduced two experimental treatment programmes which utilize halfway house concept. The first is "Special Parole Services Programme for Long-Term Prisoners" which has been launched since 1979 for parolees serving the sentence of eight years or more. They are accommodated in halfway houses for the initial three months after their release on parole and given intensive individual as well as group counselling in addition to the guidance to ordinary social life from which they have been secluded for many years. In this case, a halfway house plays a buffer zone between prison and community. Secondly, he explained the "Give-up-drinking Society" organized in some halfway houses in order to get rid of the residents' bad drinking habits. In the meeting of the society, the members who have bitter experiences express their drinking problems and seek solutions from other members during discussions. In Japanese culture, such a mutual watch system is sometimes very effective.

Mr. Itaya lastly discussed in his paper certain problems facing the effective utilization of halfway houses. The law in Japan prescribes that in emergency cases such as injury, sickness or lack of proper temporary lodging, residence or job, a probation officer can refer a subject to a halfway house, but there is no provision to force a subject to live in a halfway house. This fact prevents from positive utilization of halfway houses in Japan. And he further pointed out frictions between halfway houses and their neighbourhood. Some halfway houses in Japan are protested by inhabitants in the community because of misconducts of halfway house residents.

In reply to a question, relating to the occupancy rate, Mr. Itaya mentioned that it is around 60% in Japan, and stressed the rate is much lower for certain houses, especially those for juveniles. There are several reasons. Firstly, those ex-offenders may leave the halfway houses earlier, since the instruction to stay in the halfway houses does not have any legally binding power. Such early leave is more frequently

exercised by juveniles because it is relatively easy for them to find jobs to live on. Secondly, due to lack of the sufficient fund available, halfway houses can accommodate them only up to 50 days in average although the law prescribes they can stay for 6 months after discharge. Thirdly, sometimes halfway houses reject to accept some troublesome ex-offenders, since they are concerned about causing troubles with residents in the community. Mr. Itaya emphasized this poses correction a dilemma because the more troublesome ex-offenders are, the greater there is a need to provide them with adequate treatment programme in halfway houses. But if they are rejected, they cannot be treated properly in other places since most of them are those who have unfavourable family situations.

Mr. Pongi of PNG pointed out the halfway house would defeat its purpose if it is used as a "welfare" measure. Mr. Itaya responded that these types of welfare are secured for every citizen without any discrimination by the other laws. Besides, the Law for Aftercare of Discharged Offenders has two objectives; one is to provide ex-offenders just released from the prison with shelters, foods, employments, etc., and the other is to provide probationers and parolees with the community-based treatment while keeping them separate from bad company.

As for staff training, Mr. Itaya said that more than 90% of the staff in charge of treatment of offenders are also appointed volunteer probation officers who received the VPO training. In addition to that, Rehabilitation Aid Hostels Associations hold seminars for the halfway house staff on both prefectural and district levels.

There are no lodging facilities similar to Japanese Rehabilitation Aid Hostels in India, Nepal, Papua New Guinea and Sri Lanka. But in Sri Lanka the District Probation Committee helps ex-offenders in obtaining employment, and Ex-prisoners' Cooperative Construction Association even supplies constructive work to them, though the efforts of the former is not so effective.

As for relations with the community, Mr. Gunasekera stated, in Sri Lanka the

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staff of the work camp go around the village once or twice a month to find out if there is any complaint against inmates among villagers, in order to keep good relations with the local residents. In India, Mr. Appa Rao mentioned there was some resistance in the community against the open prison, but at present the relations have been quite good, because of the severe classification standard in selecting those eligible for open prison treatment.

The members of this workshop exchanged views on alcoholism and its negative effects with reference to the Non-Alcoholic-Anonymous Society and its counterparts for ex-offenders in Japan. They agreed that alcoholism should be discouraged since it easily triggers deep troubles and crimes in the society.

The System of the Volunteer Probation Officer in the Community-Based Treatment of Offenders in Japan

Miss Saeki of Japan, in her paper, described that public participation in Japan refers to the community-based treatment of offenders such as probation, parole and aftercare.

In Japan, this treatment is implemented by close collaboration between the professional probation officer (PPO) and the volunteer probation officer (VPO) who supervise and assist probationers and/or parolees.

Throughout Japan there are about 46,900 VPOs who are recruited from among the ordinary citizens. The VPO should have the following qualifications as per the Volunteer Probation Officer Law:

- 1) Having confidence and recognition in the community with respect to his personality and conduct;
- 2) Having enthusiasm and devoting his time for such works;
- 3) Having financial stability; and
- 4) In good health and having energetic attitude.

Article 20 of the Offenders Rehabilitation Law prescribes as follows; "the VPO shall assist the PPO and make up for inadequacies of the latter's work. . .". The

term "inadequacies" is generally interpreted not to mean merely shortage of PPOs but, in particular, special assets that only VPOs possess. Special characteristics of VPOs are as follows:

1. "Local" Nature

As a member of the community where the offender lives, the VPO's knowledge about every facet of local life enables him to take the most suitable approach in dealing with the offender. Besides, he can obtain cooperation from the community's residents and mobilize the social resources.

2. Non-Officialism

The offender is always reluctant to approach governmental agencies. But the VPO can reduce his hostility against governmental authority because of the volunteer's non-official status. The very fact that he is working without any payment or obligation would certainly influence the offender more than the PPO.

But recently the VPO system has been facing some problems. One of them is recruitment of volunteers. After World War II, rapid economic growth resulted in voluntary work being looked down by the community people. Among all voluntary works it has been more difficult to recruit suitable persons to become VPOs. The main reasons are as follows: the VPO's work is different from ordinary social welfare activities; his work is very demanding; indeed he has to sacrifice much of his own time and sometimes his own money while engaging in voluntary work; and so forth.

As the countermeasures of this problem, Miss Saeki proposed that the recruitment of VPOs should be publicized. At present, actually VPOs look for other suitable persons as the candidates of VPOs everywhere in Japan. But in urban areas, it has been very difficult. If publicity is given, potential VPOs could be recruited because of their enthusiasm in the work, which is the most important condition in becoming a successful VPO.

The group discussed this problem. As for publicity, Miss Saeki mentioned that

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the general public have only the vague knowledge of the system of the VPO and are unaware of the problems which the system is faced up with.

Even though the probation office and its voluntary agencies such as VPO's Associations, Big Brothers and Sisters Associations, Women's Associations for Rehabilitation Aid, etc. have organized annual nation-wide crime prevention campaign for the last 32 years under the auspices of the Ministry of Justice, the focus has been placed not on the matter of recruitment of VPOs but on prevention of crime and on involving citizens in the prevention of recidivism of convicted offenders through accepting and helping them.

When Mr. Pongi was asked to comment on the concept of volunteer system in his country, he mentioned the possibility of utilizing the experiences of ex-offenders in the correctional system, adding that in PNG the juveniles who were once leaders of young gangster group give advice on rehabilitation of the other youngsters. On this point, Miss Saeki mentioned that several ex-offenders have started business ventures of their own after discharged from supervision and have been employing ex-offenders with the aim of resocializing them into the community. But there has been opposition as to whether they should in fact become VPOs.

Members of the group expressed the grave concern on the tendency or the concept of materialism which "Nothing is free; Everything costs", as was quoted by Mr. Pongi, where in the urban areas of

India, Nepal, PNG, Sri Lanka and Japan, the concept of "Doing something for nothing" or "voluntarism" is dying away because of modernization.

The group concluded that to recruit suitable persons to become VPOs, more publicity is necessary, and stressed that in rehabilitation of offenders, public participation should also be given due consideration.

Conclusion

Through all discussions, the members of this workshop had a consensus that in order to improve criminal justice system there should be more frequent and close communication and liaison among all agencies of it. The group also acknowledged that great efforts should be made to develop and improve alternatives to imprisonment in order to reduce the prison population and to solve overcrowding problems in prisons with less costs.

In addition, it was unanimously agreed that the general public have the potential to make an enormous contribution to the treatment of offenders, not only by their direct help to offenders, but also by such activities as creating environments conducive to healthy development of human society. In this regard, it was also agreed that more efforts should be made to secure public involvement in the treatment of offenders by convincing and refined publicity and public enlightenment on the urgency and necessity of such public participation.

PART 4: REPORT OF THE COURSE

Improvement of Correctional Programmes for More Effective Rehabilitation of Offenders

Summary Report of the Rapporteur

Session 1: Current Correctional System and General Trends in Population in Corrections

Chairman: Mr. Bhagat Ish Kumar
Rapporteur: Mr. Loh Siang Piow
@ Loh Chan Pew
Advisor: Mr. Keizō Hagihara

Introduction

It is the general consensus that the fundamental objective of corrections is the rehabilitation of offenders, whether such institutions are prisons, juvenile centres or other types of correctional institutions. Although developments in correctional programmes have been made within the last two decades, it is still felt that further improvements can be brought about to improve the conditions of inmates in order to encourage them to change their attitude concerning criminal activities and to reintegrate into society. Efforts were made by the participants to review and assess the current performance and programmes of corrections in their respective countries and to introduce more effective programmes for rehabilitation, in doing so particular reference to the United Nations Standard Minimum Rules was made.

Correctional System and Trends in Population

1. Bangladesh

The participant from Bangladesh briefly explained the Bangladesh correctional system, which is controlled by the Ministry of Home Affairs. The Inspector General

of Prisons is the head of the Correctional Service. In Bangladesh there are four central prisons, 15 district prisons and 39 sub-prisons. All sub-prisons are used for accommodating under-trial prisoners. There is only one juvenile institute which has three different functions; they are 1) Juvenile Court, 2) Correctional Institution having vocational training, 3) Arrangement and Educational Institute. Staff working in the three sections totalled 42 and the number of juvenile offenders 198.

Prison population at the beginning of 1980 was as follows:

convicted =	6,512
male =	6,396
female =	116
under-trial prisoner =	19,830
male =	19,367
female =	463

Since 1980 there was a slight increase in the prison population. The total number of officers and staff in the service at the beginning of 1980 was 3,587. Overcrowding is the biggest problem in Bangladesh.

2. Fiji

The participant from Fiji spoke about the prisons in his country. There are 10 prisons with total accommodation for 976 prisoners. The prison service is governed by the Fiji Prisons Act and its authority extends throughout the country. It is under the administration and direction of the Minister for Home Affairs, with the Permanent Secretary as the overall supervisor under section 82 of the Fiji Constitution.

The average daily population of prisoners is 1,234 and the staff strength 421. The prison population in Fiji mainly consists of convicted prisoners. Juvenile

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inmates are usually accommodated in institutions administered by the Social Welfare Department. Fiji has no overcrowding problem.

3. Hong Kong

The chairman, who is from Hong Kong, presented the current correctional system and general trends in population in Hong Kong.

The Hong Kong correctional service is an integral part of the Hong Kong criminal justice system. The service is responsible for the safe custody of offenders sentenced to prisons and other correctional institutions and to provide in the institution the necessary environment, facilities and services for rehabilitation. In order to meet these objectives, correctional institutions operate in accordance with specific treatment programmes designed to deal with the various classes of offenders. Prisons are classified as maximum, medium and minimum security, other correctional institutions include training centres, a detention centre for young offenders, and a drug addiction treatment centre. There is also a psychiatric centre for mentally disturbed offenders. As a treatment policy males and females, first offenders and habitual offenders, young prisoners and adult prisoners are accommodated in different institutions.

There are a total of 18 penal institutions and a staff training institute all administered from a Headquarters on Hong Kong Island. Each institution is headed by a Superintendent with the exception of two maximum security institutions where there is a Senior Superintendent in charge. All programmes are based on a multi-disciplinary team work approach.

As to the correctional personnel the chairman explained that as of 31 December 1981 the total establishment was 4,947. Total staff in post on that day was 4,291. The total number of prisoners held in the various prisons were 6,979 excluding illegal immigrants.

4. India

The participant from India explained

the present correctional system in India. He reported the statistics from 1978 to 1980: the total number of prisoners as of 31 December 1978 were 185,655 and on 31 December 1980 were 140,764 out of which the number under trial was 119,336 and 83,427, respectively. As of 31 December 1978 there were 66,319 convicted prisoners and on 31 December 1980 there were 57,337 convicted prisoners.

There are 1,200 prisons in India categorized as central prisons, district prisons, state prisons for women, special prisons, open prisons and sub-prisons. He brought to the attention of the participants the overcrowding problem in Madhya Pradesh, the Punjab, Delhi and Mizoram. He added that there was a need for the construction of more prisons.

He pointed out in addition to the overcrowding problem the following major issues facing the Indian Correctional service:

- 1) Lack of coordination amongst the various agencies dealing with correctional services,
- 2) Lack of uniformity in correctional administration in the different states of India,
- 3) Inadequate funding,
- 4) Old prison buildings,
- 5) Lack of support from the community for correctional measures,
- 6) Inadequate training for correctional personnel, and
- 7) Much of the prison legislature and prison manuals require revision.

5. Indonesia

The Government agency responsible for the implementation of the system *Pemasyarakatan* is the Director General of Corrections under the Department of Justice in the Republic of Indonesia described by the participant from Indonesia.

Within the Department of Justice the Director General of Corrections is on the same level with as three other Director Generals, namely, the Director General of Law and Regulation, the Director of Immigration, the the Director General of Ordinary Court.

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At present, the Director General has three Directors, namely, the Director of Inter-Mural Treatment who deals with the institutional or inter-mural treatment of prisoners, the Director of Extra-Mural Treatment who deals with non-institutional or extra-mural treatment including probation and parole and the newly established Director of Intra-Mural Treatment for Youthful Offenders and Juvenile Delinquents.

In Indonesia there are 365 prisons including 3 prisons for women and 9 juvenile correctional institutions, one of which is for young girls. One special house of correction treats only male offenders up to the age of 27 years.

Certified accommodation is for 70,000 inmates. The total number of inmates is around 35,000. He pointed out, however, that owing to the remote situation of some prisons the distribution of prisoners is not even.

For instance, the Juvenile Prison for Girls in Tangerang and the Juvenile Prison for Boys in Karagasen Bali are underpopulated. To illustrate, he pointed out that on one particular day in 1980, only nine girls were in the Tangerang Girls Prison whereas its capacity is for 100.

6. Iraq

The participant from Iraq reported that there are two main offices in the State Organization for Social Reform: general office for adult reform and general office for juvenile reform. As for the office of adult reform there are four prisons in Iraq. Two of them in Baghdad, namely, Abu Charib Central Prison for men and the other for woman prisoners. The third prison is in the north of Iraq in Ninevah and the fourth prison is in the south of Iraq in Basrah.

She stated that as for the office of juvenile reform, it consisted of the following: detention house in Baghdad and detention house in Ninevah.

In each of these two houses there are social workers from the social services office in the Ministry of Justice: Youth Training School and reformatory school.

In each of these two schools there are social workers and vocational training is given.

She further mentioned that the Law of the State Organization for Social Reform No. 104, of 1981 plays an essential role in the treatment of offenders which emphasizes the further enhancement of effectiveness and humaneness in the treatment of offenders.

7. The Republic of Korea

The participant from the Republic of Korea reported that there are 28 prisons, 2 young offender centres, 3 detention houses, 12 reformative houses in the Republic of Korea. The inmate population is 50,000 of which 33,000 are convicted prisoners. The staff strength is 7,000. Korea is not facing any problem of overcrowding.

8. Malaysia

The participant from Malaysia spoke on the current correctional system and general trend in Malaysia.

The Malaysian Prison Services consists of the Prisons Department of Peninsular Malaysia, Prisons Department of Sarawak and Prisons Department of Sabah.

The overall administration of the Prisons Department is vested in the Director-General of Prisons who is responsible to the Minister of Home Affairs for the supervision and management on all matters in connection with prisons for the conduct and treatment of prison staff and also for all other laws relating to prisons and prisoners.

The Director-General is assisted by two Deputy Directors, the Director of Industries, Senior Superintendent of Detention Camps, Senior Superintendent of Welfare and Aftercare Administration Officer, Research and Planning Officer, Superintendent of Development and Security Officer and Education Officer. There are a total of 31 penal institutions in Malaysia, including two training centres.

He went on to provide information on the general trends in population and personnel in the correction service in Malaysia

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which has 5,000 staff, 160 counselling officers and 30 technical staff. The inmate population as of 31 December 1981 was 11,166 of which 8,117 (73%) were convicted prisoners and 3,049 (27%) were unconvicted. Among the convicted prisoners 7,952 (98%) were male and 165 (2%) were female. Annual admission as of 31 December 1981 was 32,659 of which 17,618 (54%) were convicted and 15,041 (46%) were unconvicted. In the year 1982 daily average admission rate is on the increase, as a result there is some degree of overcrowding.

To solve the overcrowding problem he said that the service had launched a building programme:

A new central prison at Kajang in Selangor State with a capacity for 2,500 prisoners which will be completed in 1983. A remand prison at Kajang Prison has already been completed and is now functioning. An open prison with a capacity for 1,000 prisoners at Marang in Terengganu state will be able to partly function by 1983.

Finally he said although his country is facing overcrowding problems in some correctional institutions, this is not so seriously felt, because preventive measures are being taken to ease the problem. In line with institutional expansion and development, new staff will be recruited.

9. Nepal

The participant from Nepal said that the Prison Department in Nepal administered 73 prisons. The number of staff is approximately 1,200. He did not have the latest convicted and unconvicted statistics. However, he stated that there is no equal distribution of inmates within the different prisons, and currently five district prisons have no prisoners.

10. Pakistan

The participant from Pakistan stated that the objectives and functions of corrections in Pakistan are the same like other countries and need no further clarification. He then went on to say that in Pakistan there are 16 central prisons, 2 open prisons,

5 borstal schools, 50 district prisons and 4 women prisons. There are 34,000 prisoners in the various prisons of which 20,000 are remand prisoners. The number of correctional staff is 5,000. Pakistan is facing the problem of overcrowding in prisons.

11. Papua New Guinea

The participant from Papua New Guinea spoke about his country's correctional system which is headed by the Commissioner of Corrective Institutions. He is responsible to the Permanent Secretary, Head of the Justice Department. Under his charge there are 1,600 warders and 130 correctional officers and about 270 civilians.

There are a total of 23 correctional institutions and 50 to 60 rural lockups in Papua New Guinea. He said about 16,000 people in his country are in custody. However, among them there are only about 4,500 convicted prisoners. Most of convicted prisoners are serving short-sentences (less than six months) as such the Department has found difficulty in providing these prisoners with a proper training programme. There are approximately 400 long-term prisoners throughout the country who receive some forms of training such as handicraft, agriculture and light industrial training. He further reported that his country generally does not face any overcrowding problem.

12. Peru

The participant from Peru explained the setup of the correctional system in her country.

The responsibility for the penitentiary system in Peru is vested in the Ministry of Justice with civil personnel and to the Ministry of Home Affairs with the Police called *Guardia Republicana*. The objectives of the penitentiary are (a) to take care of the prisoners and rehabilitate offenders, (b) to arrest and be responsible for the safe custody of offenders awaiting trials.

The correctional institutions are classified as minimum, medium and maximum security prisons. There are 57 penal institutions in Peru.

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The total number of prisoners held in the various institutions was 16,050 of which 76.3% were convicted prisoners. Peru is facing a overcrowding problem.

13. Singapore

The correctional system and general trends in Singapore was reported by the participant from Singapore. The Singapore Prisons Department executes the penal policies of the Republic and comes under the purview of the Ministry of Home Affairs. It is also entrusted with the task of institutional treatment and rehabilitation for drug addicts. The administration of penal institutions and drug rehabilitation centres is vested in the Director of Prisons who is assisted by three Deputy Directors and two Assistant Directors, heads of penal institutions and drug rehabilitations centres as well as the various supportive units directly responsible to the Director through the three Deputy Directors for the smooth functioning of their establishments.

In 1980, the Singapore Prison Department administered 9 penal institutions, 3 drug rehabilitation centres and 4 day release scheme camps. The penal institutions were classified into maximum, medium, and minimum security.

Correctional programmes cater for:

1) Segregation of prisoners based on varying degrees of security: maximum, medium and minimum setting to meet the training requirements of the different categories of prisoners.

2) Separate facilities for the rehabilitation of female prisoners, male and female drug abusers.

3) Categorization of inmates carried out through a system of classification.

4) Specific treatment schemes for the various categories to carry out such as reformatory training, corrective training, preventive detention, detention under the criminal law act and convicted drug offenders.

5) A separate programme for the rehabilitation of drug abusers detained under the provisions of the Misuse of Drug Act, 1973.

6) The provision of activities such as

work training, education, religious guidance, welfare services and counselling, each of which forms an integral part of the rehabilitation programme.

He pointed out that with the conversion of the former Jalan Awan Drug Rehabilitation Centre into a medium security prison and the completion of Changi Prison's new block, the maximum capacity of penal institutions was increased to 3,610.

He further explained that the Singapore Prisons Department will soon be launching a Two-Tier Rehabilitation Programme for the Treatment and Training of Offenders. This programme consists of the main of six stages: i) gathering of information on the prisoner, ii) classification, iii) segregation, iv) treatment and evaluation, v) pre-release preparation, and vi) aftercare provision.

14. Sri Lanka

The participant from Sri Lanka, in speaking about his country's correctional services, said the Sri Lankan correctional services execute the penal policies within Sri Lanka. The administration of the correctional services is vested in the Commissioner of Prisons who is assisted by two Deputy Commissioners. He reported that the Prisons Department administered 10 closed prisons, 4 remand prisons, 10 work camps, 3 open prison camps, 1 training school for young offenders, and 30 lock-ups. The overall staff strength in the correctional services in 1979 was 3,603. He could not provide the latest statistics on inmates for 1981 but he stated that in 1979 there were 11,115 inmates in various institutions of which 5,179 were convicted prisoners. Overcrowding is still a problem in Sri Lanka.

At this juncture Mr. Garner, the visiting expert, made a comment to the effect that: to ease the problem of overcrowding in prisons, the courts have a vital role to play; visits to prisons by the members of the judiciary is an important factor which will enable them to see amongst other things the overcrowding problem; releasing prisoners on bail prior to trial and diverting convicted offenders to non-custodial op-

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tions can also help to reduce overcrowding.

15. Thailand

The participant from Thailand said the fundamental Correctional Law which governs their correctional system is the Penitentiary Act of B.E. 2479 (A.D. 1936). Under the provisions of this act the Department of Corrections is responsible for the control and rehabilitation of youthful and adult convicted offenders while serving their sentence in various penal institutions throughout the Kingdom. By court order the Department of Corrections is also responsible for the confinement of persons held in custody while awaiting trial. He explained that the administration of the Department of Corrections is divided according to the Royal Decree of the Administrative Organization of the Department of Corrections, Ministry of Interior of B.E. 2516 (A.D. 1973) into two main parts:

1. *The Central Administration*—The central administration is a structurally organized along functional lines as follows:

- 1.1 Office of the Secretary
- 1.2 Personnel Administration Division
- 1.3 Finance Division
- 1.4 Personality and Rehabilitation Division
- 1.5 Penology Division
- 1.6 Central Prisons
- 1.7 Special Prisons
- 1.8 Correctional Institution
- 1.9 House of Confinement
- 1.10 House of Relegation

2. *The Provincial Administration*

- 2.1 Provincial Prisons
- 2.2 District Prisons

He stated that there is a overcrowding problem in Thailand. At the end of March 1982, there were 71,561 prisoners in Thailand. However, in the year 1982 Thailand celebrated its bicentennial and to mark this auspicious occasion 19,201 prisoners were released under Royal Pardon. This helped to ease the congestion in prisons.

Some other problems are:

(1) Correction service personnel are subject to transfer to other government

services such as Custom Department, Immigration Department and as a result some staff who work in the correctional services do not remain, and it loses staff with experience.

(2) The correctional services in remote hilly areas does not have institutions in which to house prisoners, therefore the department has to rent private accommodation to house unconvicted prisoners.

16. Japan

One participant from Japan introduced the Japanese correctional system.

In Japan, correctional services are divided distinctly between two departments of the Ministry of Justice: institutional correction belongs to the Corrections Bureau while non-institutional services belong to the Rehabilitation Bureau and the agencies under its jurisdiction.

The Corrections Bureau of the Ministry of Justice is responsible for the administration of all kinds of correctional institutions for both adult and juvenile offenders. At present, there are six kinds of correctional institutions under the jurisdiction of the Corrections Bureau, totalling 304 facilities including 7 detention houses, 106 branch houses of detention, 58 main prisons, 9 branch prisons, 9 juvenile prisons, 52 juvenile classification homes, 60 juvenile training schools, and 3 women's guidance homes. Among them, the detention house detains remand prisoners while the prison is used for convicted prisoners. The juvenile training school accommodates juvenile delinquents committed by the family court, and the juvenile classification home detains juveniles awaiting adjudication by the family court. The women's guidance home is a facility for the treatment of women offenders committed of violation of the Anti-Prostitution Law.

The number of officers working in correctional institutions was totally 20,636 as of 31 December 1980; 16,874 including about 1,265 instructors and medical officers in prisons and detention houses; 3,762 in juvenile training schools and juvenile classification homes, of which more than 80% were instructors and specialists in

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charge of academic education, vocational training, counselling, classification and medical treatment. The ratio of officers to inmates is about 1:3 in prisons and detention houses, and 1:1.2 in juvenile training schools.

He stated that at present Japan is not facing any overcrowding problem. However, according to him the correctional services in Japan may face some problems in the near future because the Government has reduced the Department's budget by 5 percent.

Conclusion

From the discussion, it was evident that in developing countries in the region the first priority is economic development with consequent provision of employment opportunities for a large section of the population and uplifting the standard of living. Therefore the natural tendency of the Government of these countries is to accord less importance to the development of penal services in order to meet other commitments. As a result, correctional systems in most of these countries have not made rapid progress. The major problems which came to light were; 1) overcrowding, 2) lack of finance, and 3) shortage of trained staff.

It was generally recognized that correctional services in the region are only partially succeeding in their important function of dealing constructively with the offender. However, it should be noted that some of the failures are mainly attributable to a lack of interest and enthusiasm shown by some of the heads of the correctional services in obtaining necessary financial support and understanding. It is, therefore, necessary that their efforts should be more forceful and strategic. If correctional services are to make contributions to the society by rehabilitating the offender, they must have adequate funds and trained personnel plus facilities which provide reasonable living conditions for inmates in their custody along with sufficient work and rehabilitative treatment programmes.

Session 2: Accommodation

Chairman: Mr. Twain Pongi
Rapporteur: Mr. Mian Shaukat
Mehmood
Advisor: Mr. Toichi Fujiwara

Introduction

The quality of the accommodation provided for prisoners is of great importance for the success of correctional programmes, for living accommodation is one of the three fundamental necessities of human life *i.e.* food, shelter and clothing. Living conditions are important, for their environmental effect shapes and largely moulds the thinking levels which are ultimately reflected in human behaviour in society. It was therefore agreed by all participants that conditions of accommodation play a vital role in the reformation of prisoners.

Present Situation of Accommodation

1. Types of Accommodation

Generally there are two types of accommodation provided in the prisons of Asia and Pacific region *i.e.* individual cells and dormitories. The individual cell was well understood with one definition by all the participants. However, different views were expressed by various participants regarding the size of dormitories. In some countries like India, Pakistan, Sri Lanka, etc. the dormitories were designed to hold from 60 to 100 prisoners, whereas in some countries like Japan a dormitory would mean a big room to accommodate 8-10 prisoners. After discussion it was considered for the purpose of deliberation on this subject that all types of accommodation meant to house two or more prisoners in association may be deemed to be dormitory accommodation.

2. Ratio of Individual Cells to Dormitories

Discussion took place regarding the ratio of individual cells to dormitory accommodation in various countries of the

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region. For example, the participant from India stated that there was no cellular accommodation for ordinary prisoners. The cells were used only for the confinement of violent and insane prisoners or they could be used for disciplinary cases in order to effect segregation.

In Japan during the period of classification, 70% of the prisoners are lodged in individual cells and 30% in dormitories. After the classification period, the ratio of the prisoners in individual cells to those in dormitories is approximately 1 to 3.

There appeared to be a leaning towards increasing the number of individual cells in new prisons, so as to provide privacy for the occupant. However, one Japanese participant was of the view that dormitories are more important, as living in groups is more conducive to re-socialization.

The participant from Hong Kong said that in his country the ratio of individual cells to dormitories was about 1 to 3. He favoured small sized dormitories for security reasons.

It was reported that the Republic of Korea has 90% dormitory accommodation. Indonesia has two types of dormitories, accommodating 5 or 15 prisoners. In Singapore, dormitories house from 40 to 60 prisoners, while in the Philippines a dormitory would have 20 prisoners. In Nepal the ratio of cell to dormitory was 1 to 10. Iraq has no individual cells.

There was an interesting discussion on individual cells vs. dormitories, which ended with the unanimous view that both types of accommodation have merits and a lot depend on climatic conditions, type of institution, nature of prisoners and many other factors in the local context which determine how many and what type of accommodation *i.e.* cells or dormitories is suitable in a particular situation.

3. *Overcrowding/Standard Accommodation*

Sri Lanka reported 100% overcrowding in cells and dormitories. In Bangladesh 60%, Pakistan 30% and in Peru 10%, it was also a problem in some states of India.

Overcrowding was due largely to the number of remand prisoners in custody. In some Japanese institutions, there is 10% overcrowding but in the overall assessment overcrowding is not a problem. Similarly some countries have no overcrowding. In the remote area of Nepal there were five prisons without prisoners. In Japan, because of speedy trials, the grant of bail and efficient prosecution, the number of remand prisoners has decreased considerably.

4. *Present Prison Buildings/Plans for New Prison Buildings*

The discussion revealed that there is no country which has completely modernized its entire institutional buildings. The situation in Hong Kong and Japan was good, but it was not so good in Bangladesh, India, Pakistan, Sri Lanka and some other countries of the region. In India alone there are 23 jails, which were constructed before 1850. Thirty prison buildings have been added in the last 10 years which have modern facilities. It is similar in Bangladesh. In Sri Lanka there is a programme for the construction of new prison buildings, phased over four years subject to the availability of funds. In Pakistan a 90 million rupee scheme has been completed during the last 10 years and new projects worth 150 million rupees are under way. Malaysia has recently completed the construction of a new institution and is planning further construction of new buildings.

In some other countries the problem of buildings was not so acute, however every country expressed the need for further improvements and modernization of buildings.

Financial constraints were the chief cause for the poor condition of prison buildings. It was observed that some governments were not giving a high priority to this important social services in allocating funds for various development schemes.

5. *Sleeping Arrangements/Timing of Confinement*

In most countries including Bangladesh, Fiji, India, Indonesia, Malaysia, Nepal,

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Pakistan, Sri Lanka and Thailand, prisoners sleep on the ground or on a raised platform off the ground which is made of concrete and covered with a mat, or mattress. In Japan, prisoners sleep on wooden floors covered with a tatami mat. Korean prisons have also wooden floors. Hong Kong and Singapore provide separate beds. In Papua New Guinea prisoners sleep both on wooden beds and on the floor.

Prisoners who are admitted to hospital invariably get better sleeping arrangements in almost all countries.

In all countries prisoners are locked up for the night except in open institutions. In Japan first grade prisoners have no locks on their dormitory doors at night. Patrols and a security system of some form are practiced in all countries to supervise the prisoners at night.

6. *Lighting, Ventilation and Heating*

All participants commented on the arrangements for lighting (artificial as well as natural) to read and work, as well as ventilation and heating. No country kept prisoners constantly in darkness or cells without sufficient light. All participants agreed on the importance of light and ventilation.

In certain parts of Bangladesh, India, Pakistan and Sri Lanka, it was very hot in summer and there were no arrangements in prisons for mechanical ventilation systems. On the other hand, in the Republic of Korea and some other countries the severe cold affected some of the prisoners during winter. However, the Republic of Korea is planning to have central heating for all of its prisons. Some Japanese prisons already provide a satisfactory system in cells.

7. *Toilets, Water and Showers*

In Fiji, India, Nepal, Papua New Guinea, Sri Lanka and some other countries, there is no flush toilet system and a night soil bucket system exists. In Pakistan half of the prisons have a flushing system. It is important from a viewpoint of health and hygiene to improve toilet facilities. Similarly many countries have unsatisfactory or insufficient arrangements for showers or

baths. In considering reasons for such conditions, it was stated that financial problem was the major hurdle in improving such facilities.

It was observed during the discussion that drinking water was available to prisoners at any time. In cases where running water was not available, water was supplied in containers of various types.

Problems and Solutions

Every participant acknowledged that living conditions involving accommodation with toilets and baths are of great importance in correctional planning and most of the developing countries in the region lack the desired standards in this important area. It was also considered that in countries which have very old prison buildings, it is difficult to implement the philosophy of present-day treatment programmes.

Towards the end of the discussion, the chairman recounted the principal problems, faced by several countries in achieving basic standards within correctional institutions. During a brief exchange of views it was agreed consensually that there are two major hurdles blocking development *i.e.* (1) overcrowding, (2) financial constraints.

To overcome the problem of overcrowding, various solutions were suggested in addition to the construction of new institutions which require time and a large financial outlay.

(a) A meaningful close liaison should exist between the prisons, police and the judiciary in order to make known the conditions prevailing in prisons so that each agency can effectively harmonize and co-ordinate efforts aimed at relieving overcrowding. Policies adopted by the police and the judiciary will obviously affect the accommodation factor in prisons. Ignorance of each other's difficulties by these three important branches of law and order will make matters worse.

(b) Alternatives to imprisonment and development of community-based treatment programmes.

(c) Fines in lieu of imprisonment

(d) Earlier release through grant of re-

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- mission, parole, etc.
- (e) Speedy investigation and trial
 - (f) More liberal use of bail for remand prisoners
 - (g) Development of open or minimum security institutions.

Regarding financial difficulties which mainly relate to the economic conditions in a country, participants agreed that most correctional services are given a lower priority in development and building programmes, this applies to almost all countries in the region. The Heads of the Correctional Services should forcefully project their point of view and inform those concerned of the importance of good correctional programmes and their subsequent effects on the society. It is in the interest of every country to promote improvements in correctional services which would lead to a reduction in the recidivist rate.

Session 3: Clothing, Bedding and Food

Chairman: Mr. Sirmaal Jeoffrey
Manilal Gunasekera
Rapporteur: Mr. Chew Sin Poon
Advisor: Mr. Hachitaro Ikeda

Introduction

The third session discussed the subject of clothing, bedding and food for prisoners. All participants were invited to speak on the current practices in their respective countries with reference to the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Clothing

1. Clothing for Convicted Prisoners

In most countries, convicted prisoners are issued with prison clothing by the authorities upon admission in accordance with scales laid down. Some variations in the application of the rules among the participating countries are:

1) In Bangladesh, convicted prisoners are grouped into three divisions. Prisoners in the first division may wear their own clothing. Convicted prisoners serving simple imprisonment are also permitted to wear private clothing. (Simple imprisonment refers to short-term imprisonment, normally six months or less, without forced labour.)

2) In Chile, Nepal and Peru, convicted prisoners are allowed to wear their own clothing if so wish.

3) In some states of India, convicted prisoners are divided into three; class A, class B and class C. Prisoners in the highest class are given privilege of wearing their own clothes if so wish.

4) In Indonesia, the Republic of Korea and Japan, special clothing is issued to prisoners working in the workshops.

5) In Indonesia and the Republic of Korea, juveniles are also provided with scout uniforms.

6) In Hong Kong, there are different scales of clothing for summer and winter, also protective clothing is issued for use in some workshops.

7) In the Republic of Korea and Japan, private underwear is allowed in institutions for convicted prisoners. In police jails inmates use their own clothing.

8) In Papua New Guinea, female convicted prisoners serving sentences not exceeding six months are permitted to wear their own night attire and underwear.

9) In Pakistan, prisoners are allowed to supplement warm clothing of their choice from their own resources.

10) In the Philippines, Juvenile Training School issues sports uniform, casual wear, night wear and Sunday wear. The juvenile, however, are allowed to wear their own clothes if it is considered appropriate by the staff.

11) In Singapore, only young adult offenders undergoing reformatory training at the Reformatory Training Centre are permitted to wear their own underwear.

2. Clothing for Unconvicted Prisoners

In all countries, except for Sri Lanka, prison clothing is supplied to unconvicted

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prisoners. They are, however, allowed to receive from private sources their own clothing if they so wish. Some of the rules governing the practice are:

1) In Fiji, they must maintain themselves fully and are not allowed to do it in part.

2) In India, marks or symbols of political parties can not be exhibited on private clothing.

3) In the Republic of Korea, only clothes of a grey or white colour are permitted.

3. *Clothing for Prisoners outside the Institutions*

Whenever the prisoners are allowed to go outside the institutions for authorized purposes, such as attending court, attending functions or hospitalization, they wear their own clothing. If the prisoners are not able to provide themselves with sufficient or decent clothing, they are issued with garments which are not of the prison pattern. Generally there is no variation in this practice in most countries.

4. *Religious Beliefs*

In issuing prison clothing, the religious factor is also taken into consideration in Bangladesh. Every male Muslim convict is furnished with a long pair of trousers reaching to within four inches above the ankles instead of jungheas.

5. *Cleanliness*

With regard to the maintenance of hygiene, it was generally reported that all clothing was issued clean and in proper condition.

Clothes are either washed by the prisoners themselves individually as in the case of Bangladesh, Chile, Fiji, Indonesia, Nepal, Peru, Sri Lanka and Thailand, or washed in the prison laundry, as in the case of Hong Kong, Malaysia, Singapore and Japan.

In Bangladesh, arrangements are made for the regular washing of private clothing for Division I prisoners without charge.

Bedding

1. *Bedding for Convicted Prisoners*

Convicted prisoners are supplied with essential bedding upon admission. However, the items issued differ from country to country.

In Bangladesh, the prisoners in Divisions I and II are supplied with beds, thin mattresses, pillows, mosquito nets, etc. Division I prisoners may be provided with other bedding at their own expense. Division III prisoners, on the other hand, are issued with tatputee, cotton bedsheets and blankets.

In Fiji and Papua New Guinea, only some of the prisoners are issued with beds and mattresses.

In Hong Kong, fiberglass beds are used also double bed bunks.

In India it is stipulated that a separate bedstead or raised platform, mattress and bedsheets are provided to every prisoner. Prisoners in a higher class inevitably enjoy better bedding than those in the lower class. Class A prisoners are permitted to use their own bedding.

In Indonesia and the Philippines, some institutions provide beds and mattresses to its inmates, some issue bed boards covered with a mat, while others supply wooden beds with kappok mattress.

In Iraq, every prisoner is issued with a bedstead and mattress.

In Singapore, prisoners are given either wooden or iron beds.

In Japan, prisoners sleep on tatami mats.

In other countries like the Republic of Korea, Malaysia, Nepal, Pakistan, Sri Lanka and Thailand, prisoners are supplied with mats, mattresses and other bedding. They either sleep on the ground or on a raised platform.

2. *Bedding for Unconvicted Prisoners*

Bedding is issued to unconvicted prisoners as in the case of the convicted prisoners. However, in some countries, unconvicted prisoners are permitted to use their own bedding. These countries include Bangladesh, Fiji, India, Indonesia, Nepal,

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Papua New Guinea, Pakistan and Japan.

3. *Cleanliness*

Bedding is aired and washed regularly.

Food

1. *Food for Convicted Prisoners*

In all the participating countries, meals are served three times a day in accordance with the dietary scales laid down by the government which ensure adequate nutritional value. The head of institution and sometimes the medical officers have to ensure that the rules are complied with.

In Bangladesh, separate dietary scales are prescribed for the different divisions of prisoners. Division I diet consists of over 3,200 cal. per day and Divisions II and III diets consist of over 2,800 cal. per day. Beef is not served to Hindu prisoners.

In Fiji, there are three types of dietary scale which cater for the Fijians, the Indians and the other races. Prisoners, however, are allowed to select any of the three dietary scales on admission.

Chinese diet is served in Hong Kong. However, it can be varied by the medical officer, taking into account the lifestyle of the prisoner. No beef or pork is served to Indian prisoners. The heat value of the diet is about 3,500 cal. per day. In addition, an egg and fresh fruit is issued to every prisoner daily, a snack is also given before the prisoner returns to his cell at night. A dietician, who is in overall charge, ensures the high quality of food issued to the prisoners, he also assists in varying the menu.

In Hong Kong, each institution has catering instructors who supervise the preparation and cooking of food. Meals are issued to prisoners via a serving hatch similar to a cafeteria system. Cooking facilities are modern, and rations are delivered daily to each institution by a contractor. However, a 14 days' supply of dry rations is stored in each institution as an emergency measure.

In India, five types of diet, ranging from 2,400 to 2,800 cal. in value, are served to prisoners based on their religious beliefs

and health conditions.

In Indonesia, a meal is basically a combination of staple food and side dishes which consists of about 2,250 cal. per day.

In Iraq, no pork is served in penal institutions.

In Malaysia, there are several dietary scales to cater for the various nationalities and the prisoners' religious beliefs. For example, there are diets for Asian, European, Indian, Sikh and vegetarian prisoners.

In Nepal, prisoners are given some rice and cash if they do not want to consume prison food. They are able to cook their own food and ingredients can be purchased either in the prisons; through the staff; or through the orderlies who are appointed among convicted prisoners by the authority. The quality of the food is checked by the prison officials.

In the Philippines, the menu in the Juvenile Training School is worked out by the institution's medical officer and the nutritionist who take into consideration the special needs of the juveniles. A snack is also served daily.

In Singapore, five types of diet are served in view of the racial composition of the prisoners. Food given to inmates undergoing treatment in the drug treatment centres is equivalent to the food served in the public hospitals.

In the Republic of Korea, Pakistan, Papua New Guinea, Sri Lanka and Thailand, the standard of food in prison is in accordance with the general standard of the community.

In Japan, food given in the Child Education and Training Home is required to have as much variety as possible and should contain the necessary nutrition for the sound growth of the children. Meals provided in the prisons are basically a combination of staple food and side dishes. Staple food, which consists of 65% rice and 35% barley, is supplied to prisoners on a five-grade basis according to their age, sex, and work assignment. The heat value of the food varies from 2,500 cal. for the fifth grade to 3,200 cal. for the first grade. Samples of the food are kept for 48 hours after serving. In the police jail, food sup-

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plied is similar to that served in the prison. A Food Supply Committee consisting of selected inmates is formed in every prison. Its main function is to collect feedback from the inmates regarding changes in the menu.

In all countries, extra food or special dishes are prepared for sick prisoners, pregnant women, nursing mothers, etc. on the recommendation of the medical officers. Generally, the food supplied is wholesome in quality, prepared and cooked in clean receptacles.

2. Food for Unconvicted Prisoners

Unconvicted prisoners in all countries are allowed to have their own food sent in with the approval of the head of the institution. Generally, they must be able to afford three meals a day if they choose not to take prison food.

Drinking Water

Prisoners in all countries are provided with adequate drinking water which is accessible to them at all times.

Conclusion

The participant from India felt that using prisoners as cooks is far from satisfactory as they are not trained for the job. He suggested that qualified persons should be employed by the prison department.

One participant from Hong Kong stated that cooking itself is a trade and prisoners could be trained as cooks. He added that in Hong Kong the catering instructors are diploma holders and some of the prisoners who have worked under them are engaged in the job in a similar capacity after their release.

With regard to class distinction in prisons in which prisoners in the higher class enjoy better facilities, Mr. Thomas G.P. Garner, Commissioner of Correctional Services, Hong Kong, and the Visiting Expert of the 61st International Training Course, pointed out that everybody is the same before the law and there should not be any distinction in prison. With regard to

the differences in items of clothing and bedding issued to prisoners in different countries, he commented that it is not appropriate to compare the items issued, without first taking into consideration the climatic conditions prevailing in individual countries.

From the deliberations it was apparent that in general the United Nations Standard Minimum Rules for the Treatment of Prisoners on the matters of clothing, bedding and food are adhered to. Generally, the standards in prisons are in accordance with the general standards of the public in the respective countries, in line with the rising living standard in individual countries, the standards would be revised from time to time with a view to improvement.

Session 4: Medical Services

Chairman: Mr. Tadashi Watanabe
Rapporteur: Mrs. Florcelia E. Rosas
Advisor: Mr. Hidetsugu Kato

Introduction

The session commenced with the chairman briefly describing the meaning of medical services in the correctional service. It was stated that medical services for adult prisoners and juvenile offenders must include the promotion of health, prevention of disease and disability, the cure or mitigation of disease and the rehabilitation of the patient.

Current Practices of Medical Services

The current practices of medical services in the countries of the Asian and Pacific region were focused on in order to make an assessment within the context of the UN Standard Minimum Rules for the Treatment of Prisoners. It was stated that in most countries, a qualified medical officer is assigned to every prison assisted by trained nursing staff. Medical services

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are organized in close co-operation with the Ministry of Health in the respective countries.

In Malaysia, a seconded doctor from the Government General Hospital is assigned to every prison who visits the prison hospital twice a week and is assisted by a full-time Health Hospital Assistant.

However, it was pointed out by participants from Fiji, Papua New Guinea and Thailand that they do not have a full-time doctor in all their prisons and for those without they rely on the public hospitals to attend to major emergency cases. An appointed doctor regularly visits each prison either three times a week or as the need arises. Some minor medical cases are dealt with by staff who have some basic training in health services, major cases are referred to outside health agencies.

In India, one unique feature is that sometimes the superintendent of a prison is a doctor, therefore regular medical observation and treatment is readily available. In Singapore, one participant pointed out that they have close coordination with the different hospitals, and medical services are available at any time.

Most of the participants stated that it is the practice of their departments that in the case of a serious medical problem, immediate referral to the nearest hospital is undertaken.

In Indonesia, they have a special place designated for sick prisoners and for those needing dental service. It is equipped with medical equipment, pharmaceutical supplies, and a sufficient number of paramedics.

In the Philippines, the medical specialists extend free-service to prisoners who need specialized treatment.

The matter regarding the frequency of medical examinations was highlighted and most participants said that the prisoners are examined by medical officers to determine their state of health or to evaluate whether he or she can undertake work which is enforced by the correctional authorities. Should a prisoner suffer from a serious illness, immediate transfer or referral to an outside hospital is arranged.

Individual medical case findings involving psychiatric, internal vital organs including ears, eyes, nose, throat, etc. are referred to medical specialists, for diagnoses and treatment.

In Hong Kong, it is worth mentioning that a prisoner requiring treatment in a general hospital can be easily accommodated by means of custodial wards which provide security within the hospital. The participants from India and Sri Lanka pointed out that a security risk was created when prisoners with different medical complaints were referred to outside hospitals due to a shortage of staff. In Hong Kong administrative arrangements exist for the medical officer to recommend to the Governor of Hong Kong the release from the prison of a sick prisoner whose medical condition is such that he may not survive his full sentence. A number of such cases have been approved.

The issue of food poisoning and contagious diseases was referred to. One participant pointed out that the risk of food poisoning could be greatly reduced if food is first tasted by the staff before it is served to the prisoner, also, if medical officers inspect the food served and check that it is a balanced diet. For prisoners with a contagious disease, the medical officer will immediately segregate him from others to avoid any contamination. In some countries with full-time medical officers, there is a ruling that all prisoners will be seen by a medical officer on admission. In Japan, for example, the classification unit has a role to play in this whereby all prisoners needing medical service are classified and separated from normal prisoners on admission.

As for daily visits by the medical officer to prisoners undergoing punishment (UN Standard Minimum Rule 32) the authorities in some prisons which have no full-time medical officer have some difficulties in complying with this rule. However, the deficiency is to some extent met by the visit of a qualified nurse who performs her duties under the supervision of a medical officer.

It was pointed out that prisoners under

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separate confinement, and punishment by close confinement shall be regularly visited by the doctor who shall advise the superintendent or director of the prison if he considers termination of the punishment necessary on the grounds of physical or mental health.

The group agreed that the duties of medical officers should include the following:

(1) Subject to the administrative control of the superintendent, the medical officer shall be responsible for the health of all prisoners.

(2) He should medically examine all prisoners on admission and prior to discharge.

(3) He should examine regularly the prisoners in separate confinement and ascertain that every prisoner is in good physical and mental health.

(4) He should regularly inspect and advise the superintendent about the observance of the rules concerning physical, mental, social, and the emotional development of prisoners. This includes the necessity for a balanced diet.

The pre-natal and post-natal care and treatment of pregnant female prisoners is also important. However, in Peru, where there are no medical facilities for such special needs, referral to outside hospital is made on the very rare occasions when this is necessary. In Japan, special diets are served to women prisoners who are nursing mothers. In India, pregnant female prisoners are generally transferred to women prisons where facilities are available, they are allowed to have her infant with them for up to three or four years, they are however usually advised to place the infant with grandparents or relatives. In like manner in Fiji, Indonesia, the Republic of Korea, Malaysia, Papua New Guinea, the Philippines, Sri Lanka and Thailand, pre-natal and post-natal care and treatment is provided by either referral to the public hospitals or maternal and child health clinics. Arrangements can be made to place the infant either with parents, relatives or in some countries in an infant home or a child welfare institution.

On qualification and recruitment of

medical officers to work in prisons, the participants from Hong Kong, the Republic of Korea, Pakistan, the Philippines, Singapore, and some other countries adhere to the policy that the doctor in the prison must have the same qualifications required by the Health Department or Ministry of Health. Noteworthy is that in Japan's Correctional Services in order to get medical staff, Correctional Medicine Scholarships have been awarded since 1961. Medical students who wish to become doctors in the correctional services may get a loan of some 29,000 yen a month for four years.

In Japan an Assistant Nurses' Training Institute has been attached to a medical prison in order to meet the need for assistant nurses in prisons.

Regarding the treatment of insane and mentally abnormal prisoners, it was stated that the law in most countries provides for cases where a person is charged with a criminal offence and who is mentally abnormal at the time of the commission of the offense so it is not punished by law, instead he or she is referred for psychiatric treatment.

One participant from Hong Kong disclosed that prisoners who are mentally ill are treated in a psychiatric hospital which is under the control of the correctional services. In Japan, mentally ill prisoners categorized by the classification unit are transferred to a medical prison. The participants from Malaysia, Nepal, Singapore and other countries disclosed that they have coordination with outside hospitals, so referral of sick prisoners was easy.

With regard to the problem of a shortage of medical staff in the correctional services, the following alternatives were proposed as countermeasures.

- 1) to provide scholarships for medical students who wish to work in the correctional services
- 2) to increase training of para-medics
- 3) to improve public relations with outside hospitals, to provide or extend medical services to prisoners
- 4) to secure government support for advanced training for medical offices

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so that their field of specializations is widened. restraint.

Conclusion

Concerning the UN Standard Minimum Rules, the participant from the Republic of Korea discreetly pointed out that only developed countries could afford to comply with them 100 percent, although most countries have been trying to meet the UN Standard Minimum Rules at least in part by utilizing the community resources through coordination and collaboration with hospitals outside the prison.

The session ended with a consensus that every prisoner is entitled to good medical services at all times.

Session 5: Discipline and Punishment; Instruments of Restraint

Chairman: Mr. Shigeru Ohta
Rapporteur: Mr. Voolta Appa Rao
Advisor: Mr. Seiji Kurata

Introduction

Discipline is the cornerstone of all correctional work. Discipline does not warrant regimentation or blind adherence to harsh, repressive measures. The main emphasis should be on the re-education of the offender in terms of his interests, attitude and motivation. The tone of discipline should be adjusted to the requirement of each inmate. Punishment should be balanced in relation to the gravity of the offence. As inmate discipline largely depends upon staff discipline and morale, the staff should set a very high standard.

The position prevailing in the various countries of Asia and the Pacific region was discussed at length by the overseas and Japanese participants. Seemingly all countries have codified laws, rules and defined procedures governing discipline, punishment and the use of instruments of

Current Practices

1. Bangladesh

The participant from Bangladesh pointed out that the prison offences and punishments in his country were contained in Sections 45 and 46 of the Prison Act and Rules 704 to 734 of the Jail Code. Prison offences include: use of criminal force, use of bad language, disorderly behaviour, damage to prison property, etc. The Deputy Inspector General of Prisons or Superintendent of Jails adjudicates and decides on each case. If he feels that it was due to ignorance that the offence was committed, the prisoner is let off with a warning without it being recorded in the punishment register. If he comes to the conclusion that it is a willful offence, he punishes the prisoner and records it in the punishment register as per the Jail Code. The recent jail commission and some legal experts have opined that the prisoner should be given adequate opportunity to consult a lawyer and have free legal aid. They also feel that prison offences should be investigated by independent agencies and tried by independent judges and not by prison officials.

Article 35(5) of the Constitution of Bangladesh prohibits torture or cruel, inhuman or degrading punishment or treatment. Instruments of restraint like handcuff and rope are used to ensure safe custody in transit and to prevent a prisoner from injuring himself or others or damaging property.

2. Chile

In Chile punishment can include compensation for damage to prison property, forfeiture of all benefits up to three months, warning, prohibition of visitors up to one month and close confinement for a month without a bed during the day. Punishments are imposed by the director of the jail. Shackles are used as a precaution against escapes when other means to control him fail. The Director of the Prison has the authority to order the use of

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shackles. An attempt to escape or escape from prison is not an offence.

3. *Fiji*

The participant from Fiji said that Subsidiary Legislation lists out 24 prison offences. They include mutiny, encouragement to mutiny, assault on prison staff or other prisoners, escape, quarrel, making baseless complaints, disobedience of orders, absence without permission from place of work or cell, etc.

Rule 125 of the Legislation lays down the procedure of adjudication for prison offences. First the prisoner is presented with the charge followed by the recording of the statements of witnesses, cross-examination and examination of defence witnesses. No documentary evidence is used unless the prisoner is given access to it. The evidence need not be taken down in full but the substance shall be recorded in writing and read over to the defendant. Offences are reported and investigated within a day. The Commissioner can impose the following punishments: forfeiture of remission up to three months, deprivation of earnings up to three months, forfeiture of privileges up to three months, cellular confinement up to one month, reduced diet for 14 days and solitary confinement up to 14 days. Senior officers are able to impose lesser punishments than the Commissioner but the latter has the power to review all punishments given by the former.

4. *Hong Kong*

The participant from Hong Kong drew our attention to Rules 57-63 of the Prison Ordinance, Chapter 234, Laws of Hong Kong. Rule 61 which stipulates that a prisoner shall be guilty of an offence against Prison Rules if he uses bad language, commits an assault, damages prison property, possesses contraband, escapes or attempts to escape, mutinies, makes false allegation, leaves cell or place of work without authority, etc. For the above offences, the Superintendent is empowered to inflict one or several types of punishments, namely, separate confinement up to

28 days, forfeiture of remission up to one month (If he considers that his power of award is not sufficient, the case can be referred to the Commissioner, who can award forfeiture of remission up to six months.), forfeiture of privileges up to three months, deprivation of whole or part of his earnings and deduction of the value if property is damaged. An undertrial prisoner can be punished by forfeiting his remission in advance because from the moment his plea in court is taken all time he spends in prison even while undergoing trial will eventually be counted against the sentence if awarded. The prisoner is given the facility of an interpreter if required and told about his offence and is given an opportunity to present his defence. The prisoner hears the charge and statements of witnesses and examines them and presents his defence witnesses. He may appeal to the Commissioner against any award by the Superintendent within a period of 48 hours.

Doctor's concurrence is required to keep the prisoner in close confinement and the doctor visits him daily and gives his advice on continuation or otherwise.

Rule 67 of the Prison Ordinance deals with instruments of restraint. Handcuffs and straight jackets may be used. Handcuffs are used to ensure safe custody during a journey except by sea. A straight jacket is used to prevent a prisoner from injuring himself or others or damaging property or creating a disturbance. It can only be used on the order of the Superintendent with the approval of a Justice of the Peace and the concurrence of the medical officer of the prison.

5. *India*

The Prison Manuals of the various state governments contain rules about discipline, punishment and instruments of restraint. The prison offences cover endangering the security of a prison, disobedience of an order, abetment to commit prison offences, making false and malicious complaints, quarrelling, assault on staff or inmates, mutiny, escape, smuggling, theft, refusal to eat food, neglect of work, sending messages

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surreptitiously, etc. Each prison has a discipline board consisting of the Superintendent, and one or two other prison officials who inquire and award punishments. Minor offences can be disposed of via orderly room inquiries. In major offences, statements of witnesses are recorded, they are cross-examined and the defence witnesses are heard. No prisoner can be punished unless he has been given the charge sheet and an opportunity to present his defence. No prisoner shall be punished twice for the same offence. The types of punishments are: forfeiture of remission up to 30 days, stoppage of recreational activities up to 30 days, stoppage of canteen facilities up to three months, warning, cellular confinement up to seven days, etc. Superintendents can order the imposition of above punishments. The doctor visits the prisoners undergoing cellular confinement.

The instruments of restraint are covered under the rules. The instruments in use are handcuff and arresting rope. They are used to prevent escape during transit. They are not used as a measure of punishment. Superintendent of the prison can order their use; they are removed when the prisoner is produced before a judicial or administrative authority.

6. *Indonesia*

The participant from Indonesia explained 11 types of offences like riot, destruction of property, escape, fighting, blackmail, gambling, smuggling illegal goods, instigation, etc. For these offences, the following punishments may be inflicted: warning, annulment of remission, forfeiture of privileges, solitary confinement up to eight days, etc. After the new correctional system *Pemasyarakatan* was implemented in 1964, dietary punishment, whipping, lashing, flogging were discontinued as such punishments are considered inhuman and degrading.

Only one type of instrument of restraint, i.e., handcuff is used to prevent escape during a journey.

7. *Iraq*

The participant from Iraq explained

that the Director of the Prison is the competent authority to impose penalties after social workers scrutinise the cases. The punishments are; solitary confinement, forfeiture of home leave, loss of parole, etc. Punishment of reduction of diet is not used.

Handcuffs are used during journey under the order of the Director of the Prison.

8. *The Republic of Korea*

The participant from the Republic of Korea pointed out that the regulations in respect of prison discipline are issued by the Minister of Justice. The punishments are: warning, prohibition of books up to three months, deprivation of earnings, prohibition of interviews and correspondence up to two months, solitary confinement up to two months, and reduction of food up to seven days. The disciplinary committee decides the penalty.

There are four kinds of instruments of restraint: arresting rope, handcuffs, gag and chains. Handcuffs and arresting rope are used under the order of the warden during escort or if the prisoner becomes violent. Gag is used for shouting and defying an order to stop. Gag is not used beyond six hours but when it is deemed necessary, the time period can be extended by up to three hours. There is a provision for use of chains, but they have not been used since 1945.

9. *Malaysia*

The participant from Malaysia pointed out that to maintain discipline and order in a prison, prisoners found guilty after inquiry into a major or minor offence will be dealt with by the officer in charge who may order the prisoners to be kept apart from other prisoners pending adjudication. The punishments are: confinement in a cell, reduction in stage, postponement of promotion in stage, forfeiture of privileges and remission, removal from the earning scheme, reduction in earning grade and corporal punishment.

To prevent a prisoner's escape or infliction of physical violence, handcuffs, straight jacket and fetters are used. No

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mechanical restraint can be applied to a prisoner as a punishment. A mechanical restraint is applied in cases of urgent necessity only. Notice is immediately given to the medical officer and the Director General of Prisons. Such restraint cannot be continued for more than 24 hours without the approval of the Director General of Prisons and certification by the medical officer.

10. Nepal

The participant from Nepal pointed out that handcuffs and chains are used to prevent escape of a prisoner during his journey or to prevent him from injuring himself or others. No instrument of restraint is used for female prisoners. The officer-in-charge of the prison is the competent authority to order the use of instruments of restraint.

11. Pakistan

The participant from Pakistan analysed the position prevailing in Pakistan, which is almost identical to that of India. The Prison Manual lists out the prison offences, the types of punishments that can be inflicted, and the procedure to be adopted. Some of the prevalent offences include: stealing, damage to prison property, injury to others, quarrelling, disobedience of orders, etc. The common punishments are forfeiture of remission, separate confinement, and whipping for very serious offences.

12. Papua New Guinea

The participant from Papua New Guinea stated that there are 40 prison offences as per the Corrective Institutions Act. Different punishments are awarded for such offences. There is no appeal against punishment. Handcuffs and waist belt are used as instruments of restraint during transit and to prevent violence.

13. Peru

The participant from Peru pointed out that a prisoner has to be obedient and respect the prison staff. Prison offences are escape, smuggling, theft of prison property,

fighting among prisoners, arson and homosexuality. For these offences, punishments can include a warning or close confinement from two to 30 days in a special area. The doctor visits prisoners undergoing the latter punishment.

14. The Philippines

The participant from the Philippines explained the position about juvenile institutions. Smoking, quarrelling and disobedience are considered minor offences for which the juvenile is isolated from others for three days and is assigned an additional work load. During this period he is barred from talking to other juveniles. However, he can talk to a social worker, psychologist and the staff. Individual counselling is extended to make him realise his failings. For major offences and in case the offender is violent or is a bad influence he is locked up and isolated from the others. He also receives individual counselling. If it is not effective, the juvenile is referred to the psychiatrist and the isolation of the juvenile may be extended to more than one month.

15. Singapore

The participant from Singapore pointed out that there were 58 minor and 10 major prison offences. For minor offences there are three punishments: confinement in a punishment cell for up to seven days, forfeiture of remission for up to seven days, and reduction in grade, or postponement of promotion for a specific period. A record of such punishment is kept. The Superintendent may punish a prisoner if after due inquiry it reveals he is guilty of an aggravated (major) prison offence. The punishments are: corporal punishment not exceeding 12 strokes of the cane (in rare cases), confinement in a punishment cell up to seven days and forfeiture of remission up to 20 days. If the Superintendent considers that the prisoner deserves more severe punishment, he may report the matter to the Visiting Justice who, after investigation, may order confinement in a punishment cell for up to 30 days or corporal punishment of up to 24 strokes

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(in rare cases), or forfeiture of remission over 20 days.

Instruments of restraint are not used for punishment. Handcuffs are used to prevent escape. No prisoner is handcuffed before a judicial or administrative authority. Straightjacket is also used when necessary.

16. *Sri Lanka*

The participant from Sri Lanka pointed out that the Prison Manual contained provisions relating to discipline and punishment. The Superintendent is the competent authority to award punishment but serious cases are referred to a prison tribunal. A local judge and two visitors constitute the board. No lawyer is allowed. There is no appeal against such punishment. The usual punishments are: warning, forfeiture of remission, punishment diet and confinement in a separate cell.

17. *Thailand*

The participant from Thailand explained that for violation of prison rules and regulations, the competent prison official, after due consideration, can inflict any one or more of the following punishments: admonition, postponement of promotion, retrogression in class, deprivation of visits except for legal purposes for three months, reduction or suspension of the whole or part of a benefit or reward, solitary confinement up to three months.

Instruments of restraint like fetters, handcuffs and chains are used for security reasons like prevention of escape, suicide, or damage to property.

18. *Japan*

The participant from Japan pointed out that Article 59 of the Prison Law provides that a prisoner who offends against prison discipline is liable for punishment. The prison offences include; murder or violence against inmates or prison staff, escape, quarrel, destruction of property or things, illegal possession, giving or receiving of goods without authority, theft, gambling, negligence at work, infliction of self-injury, etc. There are 12 punishments: reprimand,

suspension of good treatment for reward up to three months, discontinuation of good treatment for reward, prohibition of reading books and seeing movies up to three months, suspension of work up to 10 days, suspension of using own clothings and bedding up to 15 days, suspension of self-supply of food up to 15 days, whole or partial deprivation of remuneration for work in prison, reduction of food up to seven days, minor separate confinement for disciplinary punishment up to two months, and major separate confinement for disciplinary punishment up to seven days. The last punishment has never been imposed since 1947 under an administrative order and it is proposed it be abolished together with the reduction in diet in an anticipated revision of the law.

Article 19 of the Prison Law provides for the use of instruments of restraint. They are straightjacket, gag, handcuffs, and arresting rope. Except in the emergency, they can be used only with the order of the warden. The straightjacket is used only when an inmate is likely to behave violently or try to commit suicide. The gag is used for an inmate who utters a loud noise defying an order to stop. Handcuff and arresting rope are used for an inmate who is violent or tries to escape or attempts to commit suicide or during escort. The straightjacket can not be used for over 12 hours and gag for over six hours. However, it may be extended every three hours in special circumstances.

Conclusion

In almost all countries, prison offences are the same except in Chile where an escape from prison is not an offence and in some countries like Bangladesh, Hong Kong, Singapore, smoking is not an offence. The Visiting Expert, Mr. Garner pointed out that smoking had become a common habit amongst adults and if it was not permitted, somehow or other, prisoners would try to procure cigarettes and it is likely that cigarettes would become currency in a prison. However, young offenders should not be permitted

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to smoke. While discussing the use of instruments of restraint, Mr. Garner also pointed out that in some countries they were forced to use them due to a shortage of staff for escort purposes to the courts and hospitals and also due to a shortage of accommodation in secure institutions.

An interesting trend noted in some countries was the abolition of dietary punishment. The original purpose of this punishment was to control an inmate's behaviour. However, some participants felt that the desire for food is so basic that a reduction in diet may have an adverse effect on the programme.

Session 6: Information to and Complaints by Prisoners

Chairman: Mr. Mohd. Jaffar Bin Yaacob

Rapporteur: Mr. Mohammad Salam

Advisor: Mr. Hidetsugu Kato

Introduction

Freedom and right of expression has generally been recognized as a fundamental human right. The right to express one's grievances for early redress is important for a prisoner whose liberty has been curtailed within walls, which isolate him from the outside community including his relatives and which have put him into a timed programme for the period of his stay.

Most countries through rules and regulations confer certain rights and privileges on a prisoner. Everyone wants offenders, who have been imprisoned for committing a crime, to revert back to a normal life in society after release from prison. Corrective programmes for resocialization are therefore necessary. To help make the environment within the prison conducive to reform a prisoner is given certain rights and privileges depending on the socio-economic condition in the respective countries. However, along with this, a congenial atmosphere where a prisoner can find

redress for genuine grievances must be created, without which all correctional efforts will fail. It is, therefore, considered essential that the authorities in a correctional institution give due consideration to this important matter.

The United Nations have laid down certain Standard Minimum Rules in this respect, which are covered by Rules 35 and 36 of "the Standard Minimum Rules for the Treatment of Prisoners". At the beginning of the discussion, the chairman of the session discussed the existing rules on the subject and invited comments from individual participants. The importance of these rules were recognised by all the participants, who also expressed their opinion. It was noted that all the countries represented have their own rules and regulations in implementing the Standard Minimum Rules depending upon the socio-economic and other relevant factors.

The methods of implementing the rules were then discussed in detail.

Information to Prisoners (Rules 35 (1) & (2))

Most countries provide written information to prisoners on admission, with regard to the regulations governing treatment in prisons, disciplinary and other administrative provisions and method of seeking information and making complaints and endeavour to help a prisoner understand his rights and obligations. Fiji, Hong Kong, India, Malaysia, Singapore, Sri Lanka and Thailand supply such information in several languages including English. The participant from India added that in case of a foreign prisoner who does not understand the local language or English, the services of the respective country's embassy staff are utilized. The participants of other countries also expressed similar views. The participant from Malaysia stated that such information is repeated to the prisoner once in every three months. The participant from Sri Lanka stated that a prisoner on admission is brought before a welfare officer whose duty is to acquaint the prisoner with the rules, regulations and

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standing orders. A participant from Japan stated that in addition to what had been said earlier, a copy of the information is placed in each cell. The participant from the Philippines stated that a juvenile on admission appears before a team consisting of a head of the institution, social worker, psychologist and a doctor, who explain the information to him.

The participant from Hong Kong in explaining the system prevailing in his country stated that in addition to the written information, talks are also arranged by psychologists, medical staff and correctional officers. The information is also displayed on notice boards located at prominent places. Information regarding visits is also given. There is provision for passing information to deaf and dumb prisoners by using sign language in which some of the correctional officers are trained. He further added that officers are trained in Thai and Japanese languages as interpreters. In Hong Kong, Indonesia, the Republic of Korea, the Philippines, Singapore and Japan, the prisoner is given a one to two week induction course on admission to assist him or her to understand his rights and privileges.

Complaints by Prisoners

Participants from almost all the countries stated that prisoners are allowed to make requests or complaints to the officer-in-charge of the prison or other correctional institution, the inspecting authority and legal representative. They are also allowed to write petitions (to Ombudsman in Fiji) which are not censored. The systems in some countries differed from others. The participants from Indonesia and Malaysia stated that all prisoners are allowed to make a request or complaint to the officer in charge of the prison, visiting justice, Director General of Prisons and other appropriate authorities appointed for the purpose but not to any subordinate prison staff except if reporting sick. The officer in charge may grant a confidential hearing. Any confidential legal (appeal) representation made by a prisoner for his legal

advisor is handed over to the advisor by the prison authorities without examination.

In Hong Kong, every prisoner can have an interview with the superintendent on any matter either by submitting a request in writing or by approaching him direct during his daily inspection of the prison. In addition, the prisoner can also request to see the Commissioner of Correctional Services and/or the justice of the peace during their visit. Interview is also allowed to be private if the prisoner so wishes. An entry will be made in his record and the result of the interview fully explains to him. Request and complaints are allowed to be passed without censorship to the governor, judicial authority and the justice of the peace. A complaint, once submitted, can not be withdrawn and all are thoroughly investigated. Punitive action can be taken for making a false or malicious allegation against a prison official depending upon the circumstances.

The participants from Bangladesh, Sri Lanka and Japan mentioned that they do not have the justice of the peace as in the case of Hong Kong.

The participant from Singapore added that there is a prison welfare officer in every prison who maintains a 'request book' for requests and complaints. He added that if after due enquiry a complaint against a prison official is found false, the complainant may be awarded punishment.

The participant from Fiji stated that complaints for committing criminal assault are investigated by the police and appropriate action is taken promptly. He stated that all petitions addressed to the Ombudsman are not censored. He added that in the case of a petition for submission by an illiterate prisoner, the petition is written for the prisoner by an officer, who records the actual words spoken by the prisoner, on completion it is read back to the prisoner, who if satisfied signs or puts his thumb mark to it. No prisoner is allowed to draft or write a petition on behalf of another prisoner.

The participant from Nepal stated that all prisoners can make requests or complaints to the officer in charge of the

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prison. Prisoners are also allowed to make requests or complaints confidentially to the Chief District Officer and Zone Commissioner, who have the authority to inspect the prison. He added that any request or complaints to these officials are forwarded without censorship and they take appropriate action after giving a hearing to the prisoner. All prisoners are allowed to make requests or complaints to His Majesty the King of Nepal through the proper channels.

One participant from Japan stated that when an inmate is dissatisfied with the action of the prison authority, he may submit a petition to the Minister of Justice or an official visiting the prison for inspection. The petition aims at ensuring that all actions of the prison authority are legal and appropriate and prisoner's complaints are received at any time they wish to make them. Making a petition is a legal right of a prisoner. However, the petition does not put the authority under a legal obligation to give a reply to the prisoner. In other words, the authorities have discretion in deciding whether or not they will take action. The prisoner may, however, file a petition to the court. The prisoner is also allowed to interview the warden who will give him the opportunity to have free discussion regarding treatment in prison and conditions. Although a request for a warden's interview obligates the warden to grant an interview, it does not give the inmate a legal right to be interviewed by the warden personally and this can be delegated.

Another participant from Japan added that all prisoners are allowed confidential hearings whenever they request them (Article 7 of Prison Law Enforcement Regulation refers). He further added that the Prison Law in Japn is being revised. In that, the question of the disposal of petitions will be stipulated clearly and the prison rules will be modernized keeping in view the Standard Minimum Rules. The inspection of prisons, which is at present once in two years, will be made once in every year.

The participants from Bangladesh and

India added that in the case of abuse of authority and any violation of prison rules which constitute a criminal offence, anybody including a prisoner can institute criminal proceedings in the court against a prison official after serving notice to the official concerned. If after enquiry, a *prima facie* case is proved, the trial is held in the court by a magistrate as per the Criminal Procedure Code.

Conclusion

From the overall comparative study of systems prevailing in participating countries, it was clear that almost all the countries adhere to the Standard Minimum Rules on this subject. The organization, method of passing information and redressing grievances, however, vary in some countries because of differences in the rules.

Session 7: Contact with the Outside World

Chairman: Mr. Yoichiro Yamato
Rapporteur: Mr. Ish Kumar Bhagat
Advisor: Mr. Yoshio Noda

Introduction

The maintenance of a link with the outside world is an important factor in helping a prisoner to overcome any difficulties he may face during his incarceration. It also helps his reintegration in the community after his discharge. Visits of family members and friends and written communication with them should be encouraged. Regarding prisoners with no family ties, arrangements should be made with volunteer agencies to pay them regular visits so that they feel they are part of the society. Access to radio, newspaper and other periodicals play an important role in that prisoners are kept informed of what is happening in the outside world. It was the consensus of participants that contact with the outside world is an

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important factor and plays a vital role towards the rehabilitation of prisoners.

Current Situation of Contact with the Outside World

1. Visits

Visiting facilities are available to all prisoners either convicted or unconvicted inside the prisons of Asia and Pacific countries. Facilities of different kinds are provided and a number of countries have adopted an open visit system. Countries like Bangladesh, Fiji, the Republic of Korea, Malaysia and Japan have a system where the number of visits are given to a prisoner in accordance with his grade. The frequency of visits is from one visit a week to one a month. In the case of Chile, Hong Kong, India, Indonesia, Iraq, Nepal, Pakistan, Papua New Guinea, the Philippines, Singapore, Sri Lanka and Thailand, visits are limited either daily or up to twice a month depending on the situation and circumstances of the prisoner. Notices of visiting hours for the information of visitors are displayed in the reception offices and outside the main gate of each institution. In most of the countries represented visits are conducted within the sight and hearing of correctional officers, with the exception of Chile and Indonesia where visits are not within the hearing of the staff. The majority of the countries allow close friends and relatives of the prisoners to visit them but the number of persons allowed differ from a minimum of three upwards.

Facilities for visits by volunteers, voluntary agencies, government agencies and legal advisors exist in all the countries and most of these visits are conducted in private, within the sight of but out of the hearing of a correctional officer.

The participant from the Republic of Korea mentioned difficulties experienced in the control of ex-prisoners who visit the prisoners under the pretext of being a relative, however, every effort is made to detect such persons to prevent them from misusing the facilities provided. It was noted that in some countries extra visits

are allowed to prisoners as an incentive for good behaviour and in the intent of rehabilitation during the period of incarceration.

2. Correspondence

All participants agreed that facilities for writing letters to friends and relatives by prisoners were permitted in their respective countries. A number of countries have restricted correspondence to one letter a week, however, in some countries the restriction is lifted depending on the grade of a prisoner. As to incoming letters, most countries stated that prisoners may receive any number of letters from friends and relatives, however letters are subject to censorship. Assistance is rendered by the correctional officers to those prisoners who are illiterate to write letters. In some countries it was noted that such assistance is often rendered by prisoners who are literate.

Correspondence in a foreign language is permitted by prisoners of other nationalities in all the countries in the region. The censorship of letters is enforced by all and with the exception of Japan correspondence with their legal advisors is forwarded as soon as possible without censorship.

3. Access to News

Participants from most countries represented reported that prisoners have access to newspapers, periodicals and books which are provided by the authorities. In some countries radio programmes are transmitted to prisoners through a public address system. Television is also available in most countries where prisoners are able to watch T.V. during their leisure time. Iraq provides colour T.V. for all classes of prisoners. In the case of Hong Kong and Japan, colour T.V. is provided for certain classes of prisoners. Educational T.V. is provided for young offenders in Hong Kong and the same system is currently under consideration in Iraq. In the case of Fiji, Nepal and Papua New Guinea, they have no T.V. service for prisoners, and the participant from Sri Lanka reported only

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two of its institutions have T.V. for prisoners. The participant from Papua New Guinea reported that prisoners may buy newspapers at their own expenses once a week, however they are not permitted to buy radios.

A number of countries reported that prisoners are allowed to make arrangements to produce their own newspaper and radio programmes.

4. Foreign Prisoners' Communication with Diplomatic or Consular Representatives

Participants from all the countries stated that facilities are provided for foreign nationals to communicate with and receive visits from the representatives of their respective countries. Such visits and letters carry no restriction and are transmitted without censorship. Participants from Hong Kong, Indonesia, Malaysia, Singapore and Thailand reported that on the admission of a foreign national, a letter of notification is immediately sent to his country's embassy informing those concerned of his admission to prison. In addition consular representatives may, if they so wish, arrange a defence counsel for the prisoner to assist him in his trial or on appeal. Information is also usually passed to the consular staff on the transfer of a prisoner from one prison to another. In Hong Kong, in the case of a prisoner seriously ill or admitted to an outside hospital, the consular staff are also notified first by telephone then in writing.

5. Conditions for Remand Prisoners (prisoners under arrest or awaiting trial)

It was reported that visiting facilities and materials for correspondence were available to all remand prisoners in the countries in the region. Prisoners awaiting trial are allowed daily visits from 15 minutes to two hours in a few countries. However, in others such visits are either restricted to once a week or three times a week. All visits are conducted within the hearing and sight of a correctional officer with the exception of Chile and Indonesia where visits are not within the hearing of correctional staff.

Remand prisoners have reasonable access to material for correspondence and they may communicate with their families and friends. All correspondence is subject to censorship. In the case of Indonesia all incoming and outgoing letters are censored by the public prosecutor.

Though Japan provides facilities for unconvicted prisoners to visit and correspond with their families and friends, such facilities can be stopped by a judge on the request of a public prosecutor, when there is reasonable grounds to suspect that an unconvicted prisoner may escape or destroy evidence. Generally unconvicted prisoners with such serious charges as gangster activities, bribery, offering a bribe and in possession of stimulant drugs, etc. are prohibited to have visits from relatives owing to the fact that the prisoner may try to interfere in the normal course of justice by committing an unlawful act.

All participants stated that remand prisoners are allowed to correspond with their legal advisors who may visit them in the institution at any reasonable time on any day of the week except on public holidays and in some countries on Sundays. Any correspondence addressed to their legal advisors is sent without undue delay and without censorship.

Prisoners awaiting trial have access to radio, T.V. and newspapers in most of the participating countries. Foreign nationals are allowed to correspond and have visits from the representatives of their countries.

Conclusion

To conclude the session it was evident that U.N. Standard Minimum Rules 37 to 39 for all prisoners and Rules 90 to 93 specially for the unconvicted prisoners are either fully or partly implemented by all participating countries. Though there appeared to be no standard formula, taking into consideration the resources available and the culture of each country, prisoners are kept informed of events in the outside world. Prisoners who are foreign nationals whether convicted or unconvicted have access to visits and communication with

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the representatives of their respective countries.

The participant from the Republic of Korea was concerned with the problem of ex-prisoners who try to visit prisoners under the pretext of being a relative. It was suggested that to solve this problem a system should be introduced whereby a prisoner on admission must declare the names and addresses of relatives and friends whom he wished to have visit him, accordingly no person other than an authorized visitor may visit him. This should overcome the problem. Such a system is currently in practice in Bangladesh, Hong Kong, India and Japan and has proved to be successful.

A participant from Japan pointed out that in Japan visits to unconvicted prisoners can be prohibited (except to his defence counsel) by a court order under circumstances stipulated by law. Such a practice was not reported by any other participants, however, the participant from the Philippines pointed out that in certain circumstances a judge may issue a prohibition order for visits and communication against an untried prisoner.

Note was taken, however, of Japan's new bill in respect of Penal Institution Law which is currently under preparation, in which it is likely that the law relating to visits, communications and censorship of legal communications may be varied.

Session 8: Separation of Categories; Classification and Individualization

Chairman: Mr. Boonsootthi Thanusiri
Rapporteur: Mr. Mohd. Jaffar Bin
Yaacob
Advisor: Mr. Keizō Hagihara

Introduction

The chairman in his opening remarks referred to the Standard Minimum Rules which he said underline the significance

of separating different categories of prisoners in separate institutions or sections of institutions, taking into consideration their sex, age, criminal record, and treatment programmes. Through a programme of classification we separate the sexes, identify the young prisoner from the adult offender, the first offender from the habitual offender. Likewise after admission and after studying the personality of each prisoner with due regard to the length of sentence, one would wish to arrange for a programme of treatment and training which is best suited to him.

He concluded that a good classification system and individualization of treatment will assist the correctional service to enhance and expand programmes directed towards rehabilitation of the inmates and help to facilitate their treatment with a view to their social rehabilitation. In so doing, this will improve the efficiency and effectiveness of the treatment of prisoners as well as correctional administration and will benefit the individual prisoner.

Current Systems and Situations

1. Bangladesh

The separation of the different categories of prisoners is implemented. In some institutions different categories of prisoners are kept separately in different compounds.

Classification standards are based on type of offence, first offender or not, background, age, sex and prospects after release. All classes of prisoners are placed in the same institution but in different wards or sections. Sometimes they are transferred to prisons which have a particular type of correctional programme. Juvenile offenders are accommodated in a separate training institution. Rehabilitative treatment programmes are available at the central and district prisons. Subjails meant for prisoners on remand do not have any rehabilitative programmes.

Overcrowding and a shortage of trained staff hamper classification programmes. To alleviate this, more correctional institutions are required to be constructed and correctional officers need special training.

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2. *Chile*

The separation of the different categories of prisoners is generally implemented. In each region there is an institution for women. Where there is no separate institution, male, female and young prisoners are accommodated in separate sections of the same institution.

Problem arises from a shortage of separate institutions for the different categories of prisoners. An allotment of government funds is required to build the necessary buildings and other facilities.

3. *Fiji*

The separation of the different categories of prisoners is generally implemented. Female prisoners have a separate institution. Untried and civil prisoners have separate sections in the reception institution.

Factors for classification include length of sentence, type of offence, previous criminal history, previous prison history, social history, occupational history, personality, etc. There are separate institutions for different classes of prisoners.

The Allocation Board at Suva Prison classifies and allocates prisoners received from the central division (serving sentence of six months and above), and prisoners received at other divisional prisons (18 months and above) who are transferred to Suva Prison. Naboro Classification and Allocation Board periodically reviews the placement of prisoners serving sentence at this prison complex.

4. *Hong Kong*

The separation of the different categories of prisoners is fully implemented. All prisoners are classified as "star" or "ordinary". "Star" class prisoners are first offenders, or prisoners with previous convictions of a minor nature and have not been in any category other than 'D'. All other prisoners are ordinary class. Star and ordinary classes of prisoners are kept apart from each other mainly in different institutions.

Young prisoners are accommodated in institutions classified for young prisoners.

Likewise females are accommodated in institutions specially allocated for females. Civil prisoners (DEBTORS) are kept apart from all other prisoners. Remands are kept separate from convicted prisoners, the greater majority in one institution.

The classification board when classifying a prisoner takes into account his age, character, present offence, previous offence, physical and mental health, involvement in triad activities if any and other relevant factors. A prisoner will be categorized and admitted to an institution considered best suited to his needs.

All prisoners upon reception will appear before a classification board for the purpose of classification and categorization. Members of the board include the head of the institution, medical officer, officer of the reception office, welfare officer and such other staff as required. Such classification can not be altered except by a subsequent board and each institution will submit monthly to Correctional Services Headquarters a return of such proceedings.

5. *India*

The separation of the different categories of prisoners is generally implemented. There are seven exclusive prisons for women and young prisoners. In other institutions, different categories of prisoners are segregated in different buildings.

Categorization criteria involve age, physical and mental health, length of sentence, degree of criminality and character, tendency of contamination risk, educational and vocational training need, rehabilitation need, etc.

6. *Indonesia*

The separation of the different categories of prisoners is implemented, however there are no civil prisoners. Female prisoners, juvenile and young prisoners have separate facilities. In prison the convicted, unconvicted, young prisoners and juveniles are kept in different buildings or sections.

Classification criteria rest on sex, age, type of sentence, term of sentence and nationality. Prisoners are classified into first offenders and recidivists and they are

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accommodated in the same institution but in separate sections.

The council for treatment and guidance comprises of a medical officer, security officer, education officer, welfare officer, and others. The council will investigate and prepare respective individualized treatment and training programmes for prisoners.

7. Iraq

The separation of the different categories of prisoners is implemented, but in same institution, separate blocks are used for the different categories of prisoners.

Classification criteria rest on sex, nationality, and potentiality to commit crimes, physical condition, sentence and age. There are separate sections and special treatment programmes for the treatment of different classes of prisoners.

In the reception section, a social worker studies inmate's personality, background following which a doctor will certify his fitness. This coupled with the technical committee which consists of specialists in psychology, sociology, vocational training and a psychiatrist will recommend suitable treatment.

Problems of implementation of classification and individualization stem from a shortage of trained staff. Remedial measures include the establishment of an institute for training personnel from Arab countries and the setting up of a training programme for the staff.

8. The Republic of Korea

The separation of the different categories of prisoners is generally implemented. Untried prisoners are detained at a detention house, likewise young prisoners at a juvenile prison. Female prisoners are separated from male counterparts in different sections of the same institution.

Prisoners are classified into A, B, C, and D classes according to the degree of corrigibility and each class has its own accommodation and programmes for treatment.

The classification and treatment committee which comprises assistant warden, medical officer, chief of security section,

chief of work section and supply section, chief of education section will analyse the personality of prisoners and decide on individualized programmes of treatment.

With regard to the separation of categories, the major obstacle is the insufficiency of buildings for accommodation of the different categories of prisoners and the lack of other facilities. There is now a provision of government funds to meet these needs. As to the classification system, there exists a shortage of specialists. To overcome this, new staff at college graduate level will be recruited, in addition, a new correctional college will be built.

9. Malaysia

The separation of the different categories of prisoners is implemented. Young prisoners are accommodated in a special prison for young prisoners. Female prisoners and untried prisoners are kept separate from each other and confined in different buildings. Likewise civil prisoners in so far as it is practicable are placed separate from convicted prisoners.

Prisoners are classified having regard to age, character, previous history and type of sentence, as follows:

- 1) Young prisoners: (convicted prisoners under the age of 21 years)
- 2) Star prisoners: (first offenders and well-behaved prisoners)
- 3) Ordinary prisoners: (recidivists and all other convicted prisoners)
- 4) Unconvicted prisoners: (persons on remand, awaiting trial, etc.)
- 5) Juveniles: (young offenders between 14-21 years under the Juvenile Court Ordinance)

Young prisoners are accommodated in a special prison and have their own programme of treatment and training. Juvenile offenders are detained at Henry Gurney School with a set programme of treatment and training. Where there is no separate institution, unconvicted and convicted prisoners are accommodated in the same prison but in different buildings with respective programmes of treatment. Star class and ordinary class of prisoners are placed in the same buildings and receive

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similar treatment and training. Arrangements are made whereby prisoners in each class are segregated in so far as is practicable both at work and in sleeping accommodation.

The reception board, at every prison, comprises the superintendent, deputy superintendent, industries officer, medical officer and welfare officer. Coupled with the medical officer's report (on state of health, mental and physical) the board will classify prisoners sentenced to imprisonment taking into account age, character, type of sentence and previous history. Then the board interviews the prisoner and allots him work for which he is considered best suited depending on the work resources available.

10. Nepal

The separation of the different categories of prisoners is generally implemented.

Prisoners are classified into Classes A and B. Class A is given to prisoners with a higher education and standard of living. Likewise prisoners convicted under the public security act and political prisoners come under Class A. Class B consists of habitual criminals, those convicted of immoral acts and offenders involving pre-planned crimes.

11. Pakistan

The separation of the different categories of prisoners is generally implemented. Female and young prisoners have separate institutions. In the same institution, untried and convicted prisoners are segregated in different sections.

Prisoners are classified into recidivists, casuals, condemned prisoners, those convicted for serious crimes, those convicted for drug offences, dangerous prisoners, long-termers/lifers, short-termers, and permanently sick prisoners. All classes of prisoners are kept separate.

The classification committee consists of a superintendent, deputy superintendent, and medical officer who will analyse the personality of prisoners and suggest individualized treatment and training.

12. Papua New Guinea

The separation of the different categories of prisoners is generally implemented except that there is no separation of civil and criminal prisoners since they are accommodated in the same compound. Expatriate prisoners are kept in a special section of a central major institution.

In the same institution, females are kept separate from males, and untried prisoners and young offenders are kept separate in different sections. There are four separate juvenile institutions (under 16 years old).

Classification criteria include previous conviction, seriousness of offence, length of sentence, nationality, sex, age and environmental background.

Major obstacles faced are the lack of funds to improve or build accommodation and inadequacy of trained personnel. To improve the classification system, amendments or revision of the present act and regulations is also essential.

13. Peru

The separation of the different categories of prisoners is generally implemented. Female and male prisoners are placed in different sections of the same institution. Young prisoners are accommodated in a special institution.

There is inadequacy of special buildings and to construct them a special allocation of government funds is required.

14. The Philippines

The separation of the different categories of prisoners is implemented. There are separate institutions and buildings for different categories of offenders. Examples, National Prison for adult prisoners (21 years above), National Prison for young prisoners (18-21 years), Correctional Institution for female prisoners (21 years above), Rehabilitation Centre for drug addicts, National Training School for girls (below 18 years old) and National Training School for boys (below 18 years old).

Classification norms are according to age, sex, nature of offence, mental capacities, security, first offender or recidivist. There are separate institutions and special

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treatment programme for the different classes of prisoners.

The committee board for adult prisoners is headed by the warden, psychologist, correctional officers, security officer and a vocational officer from Headquarters.

15. Singapore

The separation of the different categories of prisoners is generally implemented. Women and young prisoners have separate institutions. Untried prisoners and civil prisoners are kept in separate sections.

The prison classification board assesses individual inmates in terms of educational, social and employment background, etc. and estimates specific treatment schemes for various categories such as reformatory training, corrective training, preventive detention, etc. There are the reformatory training centre for trainees between 16-21; medium security prison for offenders sentenced not more than three years; remand prison for civil prisoners and person awaiting trial and also maximum security prison for long-term prisoners.

Each institution has a classification committee chaired by the head of the institution and comprises a representative from "SCORE", education officers, prison officers and welfare officers/social services officers. The committee determines the institutional treatment programme and the individualized programme for prisoners.

16. Sri Lanka

The separation of the different categories of prisoners is generally implemented. In the same institution, female prisoners are located in different sections from males likewise the untried prisoners. Young prisoners are placed in a separate institution or in a separate section of the same institution.

Prisoners are classified into youthful offenders, first offenders, prisoners convicted twice, prisoners convicted over three times. Prisoners sentenced up to three months imprisonment are placed locally and located separately. Special treatment programmes are available to young prisoners.

The committee board consists of a superintendent, welfare officer and medical

officer. The board will analyse the personality of prisoners and arrange individualized training and treatment. In the training school for youthful offenders, the board consists of a superintendent, school master, medical officer, and vocational instructor.

Major obstacles involve overcrowding, no new institutions, and a lack of reliable information.

17. Thailand

In Thailand the separation of different categories of prisoners is implemented with the exception of civil prisoners.

Classification is based on age, sex, term of sentence and number of offences committed. Long termers are accommodated in the central prison, short termers in provincial prisons, young prisoners in young offender institutions. Women prisoners are kept in separate sections in district or provincial or central prisons or a women's correctional institution. Prisoners are classified into excellent class, very good class, good class, fair class, bad class and very bad class.

The classification committee in the central prison consists of the warden, chief of custody and security, chief of general administration, chief of education and vocational training, a social worker and chaplain. At a provincial prison it comprises the warden, chief of custody and security, chief of clerical and vocational training and chaplain. The committee will classify and arrange the respective individualized programme and training.

In connection with the separation of categories some obstacles still exist which stem from a shortage of accommodation and buildings. To ease the problem, the building of new prisons with the necessary facilities is essential.

18. Japan

The separation of the different categories of prisoners is fully implemented, and it has no civil prisoners. There are 48 prisons for males 5 prisons for women, 9 juvenile prisons, 5 medical prisons for convicted prisoners, and 7 detention houses and 106 branch detention houses for un-

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convicted prisoners.

Under the present classification system, prisoners are grouped into allocation categories and treatment categories. Criteria for allocation categories rely on sex, nationality, type of sentence, age and term of sentence, degree of criminal tendency and physical and mental disorder. For treatment categories the norms of selection are the need for vocational training, academic training, social education, therapeutic treatment, special protective treatment, etc. Prisoners of a particular category are allocated to a corresponding institution providing a specific treatment programme.

The classification committee consists of officials relating to investigation and treatment in each prison. Moreover, in each region a prison is designated as a regional classification centre for improved investigation methods and function of the classification system. The classification centre has qualified classification specialists and all necessary supporting facilities.

Session 9: Prison Work

Chairman: Mr. Revati Raj Kafle
Rapporteur: Mr. Fung Kwan Yuet
Advisor: Mr. Hachitaro Ikeda

Introduction

The study was conducted in five sections: a) the fundamental principle of prison work; b) the nature of work; c) prisoner's working hours, interests, remuneration and expenses; d) administration systems of prison work; and e) industrial safety.

Current Practice of Prison Work

1. The Fundamental Principle

The United Nations Standard Minimum Rules 71-2, "All prisoners under sentence shall be required to work subject to their physical and mental fitness as determined by medical officers" has been implemented

in the following countries: Fiji, Hong Kong, Indonesia, Iraq, Malaysia, Papua New Guinea, the Philippines, Singapore and Thailand; and there are laws to this effect. In Bangladesh, India, the Republic of Korea, Pakistan, Sri Lanka and Japan, two types of sentences exist: one is imprisonment without forced labour, another with forced labour. Prisoners sentenced to imprisonment without forced labour opt to work in most countries. Rule 71-2 can therefore be applied to a high percentage of the total sentenced prisoners in the countries represented. As regards India the actual situation could not be ascertained due to a lack of available statistics. In Chile, Nepal and Peru, there is no imprisonment with forced labour; of prison work on a small scale is, however reportedly provided to a small percentage of prisoners who opt to work: 35% of all the prisoners work in Nepal.

It was therefore concluded that the fundamental principle, that all prisoners under sentence who are determined by a medical officer as fit for work, shall be required to work, is either in practice or in the law of the countries participating in the 61st International Training Course, with some exceptions.

2. Nature of Work

In most countries prisoners are classified by medical officers into different conditions of fitness, such as: fit for normal work, for light work, for therapeutic work and unfit for work of any form, with the exception of a few countries where there is no medical classification determining the physical fitness of a prisoner or fitness requirements to perform any type of work. In general most countries claim that working conditions are not of an afflictive nature, that means: no chains are used for outside work; prisoners are not supervised with firearms and reasonable shelter, lighting and ventilation is provided for indoor work.

Fiji, Hong Kong, India, Iraq, Malaysia, Pakistan, Singapore, Sri Lanka, Thailand and Japan have a sufficient supply of work for prisoners. Bangladesh, Indonesia, the

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Republic of Korea, Papua New Guinea and the Philippines have insufficient industrial and productive work, prisoners are however occupied in some forms of useful work. In Nepal, only 35% of prisoners are provided with work; in Chile and Peru, very little work is provided for prisoners.

Most countries are not favoured with securing work for prisoners with the exception of Hong Kong. In some countries, prison work is comparable to that outside which in the main involves agricultural and handicraft industries. In countries such as Hong Kong, Iraq, the Republic of Korea, Malaysia, Singapore and Japan, there exists some problem in organizing prison work involving management know-how, and manufacturing techniques comparable to outside industries and the nature of work which involves a technical training aspect. Singapore and Japan, both use the contract system, which means that plant equipment, manufacturing technique and know-how are provided by outside contractors, consequently almost 100% of the work is organized in a manner comparable to outside industries.

The aim of cultivating a good work habit under similar condition as outside is achieved. However, the career outlet of prisoners are in the main at a non-skilled operative level (such as assembly-line workers) and semi-skilled worker level: the rehabilitative need for a higher technical training for better career outlet is therefore subordinate to the cultivation of a good work habit. In Hong Kong, the Republic of Korea and Malaysia, prison industries has its own management and manufacturing know-how provided by government.

It was considered that a prison industrial scheme with long-term manufacturing and market planning can better facilitate industrial training which will enable prisoners to attain a higher technical skill level than a contract system and at the same time cultivate good work habits.

3. Prisoners Working Hours, Interest, Remuneration and Expenses

Participants stated that maximum work-

ing hours for prisoners are stipulated taking into consideration the working hours in outside industry, and there are laws governing prisoner's maximum working hours, with the exception of Chile and Peru.

In Chile, Hong Kong, India, Indonesia, Iraq, the Republic of Korea, Nepal, Peru, the Philippines, Singapore, Sri Lanka, Thailand and Japan prisoners are paid for their work in accordance with a laid down earnings scheme. In Fiji prisoners are paid according to their response to treatment and in Malaysia for both output and response to treatment. There is no payment scheme for prisoners who work in Bangladesh and Pakistan.

In Chile, Fiji, Hong Kong, India, Iraq, Malaysia, Papua New Guinea, Peru, the Philippines, Singapore, Sri Lanka and Japan, there are approved canteen items on which prisoners can spend their earnings. All countries except Chile and Peru have compulsory saving schemes.

Prisoners are generally allowed to make a request for the type of work they like best which is considered in the interest of resocialization with the exception of Indonesia and Sri Lanka.

In most countries, the rehabilitative nature of prison work is not subordinate to financial profit. In Pakistan and Singapore, prison work emphasizes both rehabilitation and commercial profit while in Hong Kong and Malaysia the financial profit in terms of government savings generated from prison work facilitates future expansion of rehabilitation programmes particularly involving prison industries.

4. Administration System of Prison Work

In all countries, the administration of prison work lays solely with the governments concerned. In countries such as Singapore and Japan, under the contract systems, private sectors are only responsible for the manufacturing supervision whereas the responsibility for the administration of the workshop and the supervision of prisoners is shouldered by correctional staff.

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5. Industrial Safety

In most countries providing work for prisoners, the general standard of industrial safety is reported as being comparable to outside industries. The measures taken for achieving safety standards are (i) by appointing professional safety officers in the case of Hong Kong, Iraq, Malaysia and Singapore, (ii) by seeking guidance from the authorities concerned such as Labour Department, Fire Services Department, Medical and Health Department, etc. and (iii) by training correctional officers in industrial safety.

Conclusion

The United Nations Standard Minimum Rules 71 to 76 is generally adopted by most countries with some exceptions stated hereinbefore.

Session 10: Education and Vocational Training

Chairman: Mr. Victor Jorge Diaz Navarrete
Rapporteur: Mr. V. Appa Rao
Advisor: Mr. Yasuo Hagiwara (Haji)

Introduction

The raison d'être behind prison education and vocational training programmes is to encourage the all-round development of inmate's mental and physical faculties in the right direction. It is the Alladin's Lamp by which his knowledge, character and behaviour can be moulded along the right lines to help him to acquire knowledge and skills so as to assist in his rehabilitation.

The ideals of a good educational and vocational training programme are as follows:

- 1) to provide opportunities to the illiterate or semiliterate inmates to achieve a reasonable level of educa-

tion;

- 2) to assist them to make a profitable utilization of their leisure time during incarceration;
- 3) to develop a better understanding of the duties and obligations of a citizen and a sense of social responsibility;
- 4) to improve their ability to get along with people through individual and group guidance in social living;
- 5) to guide and assist them to earn an honest living as members of a free society engaged in a type of work for which they are most suited;
- 6) to stimulate sustained interest and effort towards self-improvement.

To achieve the above goals, the educational programme should consist of physical, moral, cultural, vocational and academic education, with these points in mind. The situation prevailing in the countries of Asia and the Pacific region as well as in Chile and Peru has been discussed at length by the participants.

Current Situation of Educational Activities

1. Bangladesh

The participant from Bangladesh analyzed the system of education in his country. For juveniles and convicts, primary, secondary, religious, technical and social educational programmes aimed at rehabilitation are organized. For illiterate remand prisoners, there are religious and primary educational programmes. For illiterates and juveniles, education is compulsory. The prison educational programmes are the same as for outside education. The services of literate prisoners are utilized to meet the shortage of teaching staff.

The various trades for vocational training are tailoring, carpentry, bamboo, cane, plastic, oil milling, blacksmith, coir and blanket manufacturing, etc. By and large, the supply of tools is adequate. For women there are some special trades like tailoring, cane, plastic, bamboo works, etc. For juveniles, courses involve radio and T.V. as well as motor mechanics. Inmates may

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select a trade but it has to be approved by the board. These trades resemble the trades pursued in the community and are aimed to help inmates in their rehabilitation. By and large, the inmates after their release are able to earn a livelihood from the knowledge gained during incarceration. The interests of the inmates are foremost in the minds of the vocational training staff rather than making a profit.

2. *Chile*

The participant from Chile explained the setup pertaining to his country. Adult education is on the same lines as the country's educational policy. It aims at the development of the inmate and provides technical support, the principal objective being to root out illiteracy. There are three stages in the education programme: elementary, higher and superior. There are no special education programmes for juveniles, it is the same for everyone. Education is compulsory especially for the illiterates. There is no shortage of teaching staff.

Inmates' rehabilitation is planned by imparting technical—professional education and they work in the "Educational and Work Centres" (CET). There are closed, semi-closed and open institutions like penal colonies, workshops, farms and labour units. Tools and workshops are adequate. Inmates can choose their own trade.

3. *Fiji*

The participant from Fiji felt that the scarcity of resources is a major constraint and is hampering prisoners' education and vocational training. The government is considering enlisting qualified persons to undertake and supervise educational and vocational training.

Trades at present are carpentry, motor mechanics, tailoring, cooking, farming, baking, upholstery and handicrafts.

4. *Hong Kong*

The participant from Hong Kong spoke about educational and vocational training programmes in Hong Kong. Adult prison-

ers attend voluntary education classes and can study amongst other subjects English, Chinese, mathematics and social studies. Correspondence courses are available. The teaching staff who are fully qualified belong to the Correctional Services Department. Juveniles have to attend half-day compulsory educational classes of the appropriate standard. Syllabus is approved by the Education Department and attainment tests are conducted monthly. Educational T.V. and teaching aids are provided. Handicapped inmates have a special programme. Education classes in Drug Addiction Treatment Centre are conducted in the evening by staff from the Education Department. Remand prisoners are allowed self study.

The trades offered in vocational training are tailoring, fashion design, book-binding, carpentry, printing, car repairing, air-conditioning, refrigerator repair, radio repair, T.V. repair, welding, electric wiring, typing and hair-dressing. Tools, workshops, and trained personnel are adequate. There are special trades for juveniles and women. The inmate may choose a trade which will help him on discharge. Vocational training is not production-oriented hence there is no question of making a profit.

5. *India*

The participant from India explained the system of prison education in his country. It is organized at three levels for, beginners, intermediates and advanced. Education of illiterate adolescents and adult prisoners is compulsory. Literate inmates assist in teaching. Self study and correspondence courses are encouraged. Library facilities are available.

Vocational training in India aims at improving work habits and skills, developing a sense of self-confidence and pride. The trades are plumbing, tailoring, pencil and leather industries, agriculture, soap, bleaching, poultry, farming, etc. These trades are similar to outside trades and they help in rehabilitation. There is a scarcity of equipment and trained personnel.

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6. *Indonesia*

The participant from Indonesia explained the system in use in his country. There is a national development programme for the juveniles.

The trades in vocational training are printing, tailoring, farming and shoe-making.

7. *Iraq*

The participant from Iraq described the prison education programme in her country. Juveniles and prisoners have a special programme to overcome illiteracy. Remand prisoners have no educational programme. Education is compulsory up to high school. Education programme in the prison is the same as that throughout the country. There is no shortage of teaching staff.

The various vocational training involve sewing, hair-dressing, typing, plumbing, carpentry, welding, engraving, electrical installation, motor mechanics and farming. Inmates can choose a trade they like most. These trades closely resemble the trades pursued in the community.

8. *The Republic of Korea*

The participant from the Republic of Korea spoke about the prison educational programmes in his country. Juveniles attend primary, middle, and high school courses depending upon their past achievements. Remand prisoners get "Saemaul Spirit Training". Education up to the primary stage is compulsory. There is a slight shortage of teachers.

Twenty-three vocational trades are provided. There is no shortage of equipment and workshops but there is a shortage of trained personnel. Juveniles get training in welding, milling, etc. Women are trained in hair-dressing, sewing and embroidery. All inmates can choose a trade. Inmates who attain a certain standard can find employment on release.

9. *Malaysia*

The participant from Malaysia spoke about the system in his country. Juveniles get academic education of primary and

secondary levels. On completion of studies, they appear for the prescribed examinations and those who are successful are awarded certificates by the Ministry of Education. Book-keeping, commerce, accounting, civics, typing, agriculture, etc. are taught. Prisoners who learn Malay are encouraged to attend classes and appear for examinations. Correspondence courses and private studies are encouraged. For others, it is not compulsory. Prison educational programmes are on the same lines as the national education system.

Juveniles have the opportunity for vocational training in carpentry, tailoring, shoe-repair, boat making, laundry, motor/T.V./radio repair, farming, etc. Prisoners are trained in tailoring, carpentry, shoe-repair, metal work, farming, etc. Sufficient workshops with adequate equipment and trained personnel are available. Inmates cannot choose a trade, this is done by the prison authorities who do the selection. Trades are similar to trades pursued outside. On release, the inmates can get remunerative employment and can lead a self-supporting life.

10. *Nepal*

The participant from Nepal pointed out that the Prisons Department has no teaching staff, however teachers are seconded from the Education Department. Education is encouraged and in the central prison in Khatmandu, systematic efforts are being made to impart education. Moral lectures are also given.

11. *Pakistan*

The participant from Pakistan gave a description of the system in his country. Education is compulsory for every illiterate prisoner, in particular reading and writing which assist their rehabilitation. Juveniles have separate classes. The educational programme is patterned on the national education system. Teaching staff belong to the Prisons Department.

Vocational training is provided for prisoners to help in their adjustment in society after release. The trades are handicrafts, carpet manufacturing, carpentry,

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radio and T.V. repairing and ceramics.

12. Papua New Guinea

The participant from Papua New Guinea gave a rundown of the prison education system in his country. Section 146 of the Corrective Institutions Regulations provides for the Commissioner to make available educational programmes for all the inmates who should attend classes without fail. Education is aimed to facilitate rehabilitation and reduce recidivism. There is an acute shortage of teachers and classrooms. The services of literate inmates are utilised for teaching purposes. Juvenile offenders are equated with adult prisoners for the purpose of education. Young offenders (under 16 years of age) are sent to rehabilitation centres where they learn mathematics, English and social studies.

Trades involve carpentry, welding, electrical and mechanical work, bricklaying, piggery, poultry, tea and coffee. There is a shortage of tools, workshops and trained personnel.

13. Peru

The participant from Peru spoke about the educational programmes available in Peru. For juveniles it is the same as the educational system of the country. Education for juveniles under 18 years of age is given in "Special Institutions for Minors". They study elementary and high school education. Adult education is based on the national educational policy. Teaching staff from the Education Department visit the prison for the purpose of teaching. For juveniles and illiterates, education is compulsory. There is no shortage of teaching staff.

Equipment is adequate and the trades for juveniles involve agriculture, craftsmanship, shoemaking, masonry, etc. For women, tailoring and agriculture are taught. Inmates may choose the trade they wish to follow, which resemble the trades pursued outside and ultimately help in their rehabilitation.

14. The Philippines

The participant from the Philippines

spoke about the system in her country. For juveniles, education is compulsory and it is integrated with the educational curriculum of the country. There is no shortage of teaching staff.

The various vocational courses for juveniles are: tailoring, carpentry, wood carving, welding, hair-cutting, poultry and farming. The allotment of a trade to an inmate depends upon the result of the aptitude test conducted by psychologists. Inmates on their release have good employment opportunities.

15. Singapore

A participant from Singapore pointed out that education for juveniles and convicts is organized at different levels; elementary, intermediate and advanced. Remand prisoners have no programme. At the elementary level, every inmate learns arithmetic, Malay, Chinese and English. At the intermediate stage, inmates undergo courses such as those provided in trade schools integrating them with vocational training in the workshops. At the advanced stage, they would be encouraged to develop their own intellectual interests and prepare for public examinations. Education is not compulsory but all, especially the juveniles, are encouraged to study. The education programme is based on the national educational system. Qualified teachers from the Ministry of Education are seconded to the Prisons Department.

The various trades in which vocational training is imparted are: electrical wiring, welding and plumbing. There are adequate tools, workshops, trained personnel, etc. Inmates may choose a trade subject to the approval of the classification board. These trades resemble the trades outside the prison and help in rehabilitation. About 80% of the inmates are able to obtain employment on release in their relevant trade. Vocational training is nonprofit making.

16. Sri Lanka

The participant from Sri Lanka portrayed the system in his country. Juveniles study up to the sixth grade which is com-

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pulsory with the Education Department providing the teachers. Books are given free to inmates. There is no planned education for remand prisoners. Prisoners have educational schemes in the larger prisons. Steps are being taken to expand this to other prisons. Officers are used for teaching wherever there is a shortage of trained teacher.

The trades taught in the prisons are carpentry, tailoring, laundry, shoe-making, coir, brush, soap, printing, bakery, knitting, agriculture, etc. There is an acute shortage of tools, workshops, trained personnel and finance. The special trades for juveniles involve agriculture, animal husbandry, motor mechanics, carpentry, etc. Women specialize in tailoring, matmaking, handicrafts and cloth manufacture. With the permission of the superintendent, inmates can choose a trade they wish to follow. To some extent these trades resemble the trades pursued outside. Employment opportunities are very meagre.

17. Thailand

The participant from Thailand spoke about the adult education scheme which is taught at four levels; primary 2, primary 4, primary 6 and secondary 3. It is on a par with the curriculum of the Education Ministry who conduct examinations and award certificates. Remand prisoners have no educational programme.

There are vocational training courses in carpentry, brick manufacturing, weaving, printing, hair-cutting, tailoring, cloth manufacturing and farming. There is a shortage of equipment, workshops and staff. The special course for women is hair-dressing and for juveniles motor-mechanics.

18. Japan

A participant from Japan explained the educational system in his country. Prisoners who have not completed nine years' compulsory education are given basic education in the Japanese language, mathematics, civics, etc. Academic education is actively and vigorously imparted to juveniles. Opportunities are provided to pursue general and specialized education

through correspondence courses. Book keeping, auto-mechanics, English, general academic courses for high school and college credits are popular courses among inmates. "Living guidance" or social education is an integral part of prison education. It includes moral training in daily activities with a view to cultivating a proper attitude and a healthy mind.

According to the rules for vocational training for prisoners, there are three types; intensive vocational training, special vocational training and ordinary vocational training under the auspices of the institution. The trades taught are Japanese mat manufacturing, wood carving, painting, tailoring, hair-cutting, motor mechanics, farming, plumbing, carpentry and electric wiring. Certificates of completion of training are issued by the Director of Vocational Training Bureau. Inmates are also encouraged to take the various public examinations in these trades.

Conclusion

Most of the participating countries have educational programmes of some form or other in some of their prisons. One noticeable trend is that for juveniles, education is compulsory up to a certain level. Even for illiterate adults, it is compulsory in many of the countries. Every country has realized that some basic level of education is essential for the rehabilitation and re-socialization of offenders. Prisons in many countries have severe constraints such as inadequate classroom facilities, trained staff and equipment.

Vocational training is considered important in most countries. The trades pursued are almost the same with few exceptions. Special emphasis is given to the vocational training needs of adolescent offenders and young adult offenders. However, inadequate finance, workshops and untrained staff are barriers to the promotion of a good system of vocational training.

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Session 11: Exercise and Sports; Recreational and Cultural Activities; Religious Activities

Chairman: Mr. Kim, Myung Bae
Rapporteur: Mr. Mohammad Salam
Advisor: Mr. Seiji Kurata

Introduction

Punishment which was previously considered as the dominant function of the prison has gradually been replaced by a new awareness of the necessity to assist prisoners to maintain their physical health and mental equilibrium. However, it is a fact that prisoners are prone to undesirable influences if they are left without constructive sport, recreational, cultural and other extra-curricular activities. Religion too plays a vital role in the reformation of an individual. The teachings of any religion, *i.e.*, "Dos" and "Don'ts" put the onus on a person not to commit an offence, in addition, it is a human right to be able to follow one's own religious beliefs even behind the walls of a prison.

The United Nations has set standard minimum rules covering sports, recreation, cultural and religious activities in prisons. These are set out in Rules 21, 41, 42, 77 and 78. At the beginning of the session, the chairman briefly explained the relevant Standard Minimum Rules. All the participants took an active part in the discussion and presented in brief the position prevailing in their respective countries. The importance of implementing these rules was emphasized by all and it was generally observed that the above mentioned Standard Minimum Rules have been generally implemented in most of the countries represented. The mode of implementation, however, varies from one country to another depending upon the socio-economic position in each country.

Exercise, Sport, Recreational and Cultural Activities

Participants from Bangladesh, Chile,

Fiji, Hong Kong, India, Indonesia, Iraq, the Republic of Korea, Malaysia, Nepal, Pakistan, Peru, the Philippines, Singapore, Sri Lanka and Thailand stated that all prisoners not employed in outdoor work are given at least one hour's physical exercise daily in the open air, if the weather permits, or else in the dormitories or a gymnasium (most countries do not have a gymnasium in the prisons). They also indicated that prisoners are allowed to play such games as football, volleyball, baseball, badminton, table tennis, etc. Occasionally friendly matches are organized with outside teams. Athletic meets are also organized in the prisons of some countries. Cultural functions, film shows, performances by outside groups and other special activities taken place on the days of national celebrations are usually arranged inside the prison. Libraries facilities are available in almost all the prisons in the countries represented.

The participant from Nepal stated that physical training for young offenders is not compulsory, while the participant from Bangladesh added that juveniles in Bangladesh receive intensive physical training and are allowed to play games in the evening as part of the daily programme.

The participant from Fiji added that overseas cultural groups on tour in his country sometimes visit and perform cultural shows in minimum security prisons.

The participants from Chile, Indonesia, the Republic of Korea, Pakistan, Singapore and Thailand added that a prisoners band is one of the attraction not only for the prisoners but for members of the public. Malaysia and Japan have a band in some juvenile prisons.

The participant from Hong Kong stated that physical exercise for a minimum of one hour is given to all prisoners to promote health and normal physical fitness. A medical officer grades the prisoners "A" and "B" according to their age and fitness. They then attend physical education classes appropriate to their grade. He added that remand prisoners are also allowed to participate in physical education classes subject to a fitness test by the

medical officer. Young prisoners/inmates receive no less than two sessions of physical education each week and these are regarded as part of their normal working hours. All classes are conducted by qualified staff. Prisoners over the age of 35 years upon application to the medical officer may undertake physical education provided if they pass a physical fitness test.

The participant from the Philippines stated that the juveniles are given 30 minutes' physical training in the morning and 30 minutes' sports/games in the afternoon. She further stated that it is obligatory for juvenile, who are physically fit, to undergo one hour's physical training daily if weather permits, otherwise indoor games are arranged. Cultural activities are also arranged like in other countries. Picnics and a cultural show every Friday are also arranged as part of the recreational, cultural activities for juveniles.

The participant from Papua New Guinea stated that prisoners are allowed one hour's physical exercises in the open air if the weather permits. He added that although provision for recreational activities/games is provided for in the Corrective Institutions Regulations, there are still some problems involving implementation which stem from; a) lack of facilities, b) lack of trained staff, and c) lack of funds. However, he added that special attention is now being given on how to improve the situation. Films and cultural shows are periodically arranged inside the prison.

The participants from Japan stated that the Japanese Prison Law Enforcement Regulations stipulates physical exercise for 30 minutes. But in actual practice 45 minutes' physical training is given in almost all the prisons, in the open air if weather permits, otherwise in the dormitories. For the prisoners in solitary confinement, physical exercise is given for one hour daily. The exercise is incorporated in the work hour of the prison. One important feature in the Japanese system is the participation of prisoners in planning sports, recreational and cultural activities. A committee is formed from among the prisoners for

formulating plans and programmes. Co-operation is often received from an organization known as the Big Brothers and Sisters Association and from nearby schools. Friendly matches are played occasionally with outside bodies. Film shows, cultural shows, tea ceremony and other events are also organized. There is a library in each prison and in juvenile institutions more intensive physical training is organized. Athletic meets are also organized annually.

Religious Activities

All the participants indicated the percentage of prisoners of the different religions in their respective countries. It would appear that with few exceptions the prisons in most countries house prisoners of different religions. As expected in Bangladesh, Indonesia, Iraq, Malaysia and Pakistan, the most majority of prisoners are of the Muslim faith whereas in Chile, Fiji, the Republic of Korea, Peru and the Philippines, the majority of prisoners are Christian, while in Thailand they are mainly Buddhists. All the participants stated that prisoners of the different religions are allowed to practice their own religion and satisfy their religious needs. They added that visits by representatives of the different religious groups are allowed, as this is considered to be one of the important in the reformation of prisoners. Religious books are allowed to be retained in the cell or dormitory.

In the prison in Pakistan and Peru there are full-time chaplains as religious teachers. Hong Kong, Indonesia, Iraq, Malaysia, Papua New Guinea and Thailand have full-time and part-time chaplains and religious teachers; while Chile, Fiji and Sri Lanka have them on part-time basis only. In Bangladesh, India, the Republic of Korea, Nepal, Singapore and Japan visits are arranged by voluntary chaplains/religious representatives to lead prayers at appropriate times and for other religious purposes.

The participant from Papua New Guinea added that permanent chaplains are rec-

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ognized as officers of the correctional services and are appointed by the Public Service Commission. Visiting chaplains are appointed by the Commissioner of Corrective Institutions Services to serve prisoners of their own denomination of a part-time basis. The work of the chaplains is supervised by the chaplains advisory council.

The participants from Malaysia and Thailand added that separate programmes for Buddhist, Muslim and Christian prisoners are available in all prisons. In Thailand, Buddhist prisoners are also given ethical instruction using radio and television. The prisoners of the Muslim faith in Bangladesh, Indonesia, Iraq, Malaysia, Pakistan, Singapore and some other countries are allowed to observe the holy month of "Ramadan". In Indonesia and Malaysia an annual "Koran Competition" (recitation of the Holy Koran) is arranged inside the prison.

The participant from the Republic of Korea added that they have a number of prisoners who do not believe in any religion, however they are allowed to attend services of the different religions, if they so wish. Unduly it was noted that ministers of different religions sometimes try to influence the prisoners who do not believe in any religion in an attempt to try and get them to accept their religion. Such actions sometimes cause emotional conflict in a prisoner's mind and steps are being taken to stop this practice.

Conclusion

Sports, exercise, cultural, recreational and religious activities are important for the physical and mental health of a prisoner. Such activities are essential and are considered to be of the utmost value in the rehabilitation of the prisoner. From this comparative study session it appeared that the Standard Minimum Rules on the subject are generally implemented in almost all the countries represented.

Session 12: Social Casework, Counselling and Psychotherapy

Chairwoman: Miss Sana Francis Jazrawi

Rapporteur: Mr. Oveti Laladidi

Advisor: Mr. Keizō Hagihara

Introduction

Social casework, counselling and psychotherapy are part and parcel of the correctional system in order that rehabilitation (socialization) in its truest sense can be achieved. Although these subjects were considered to be the most difficult ones in the comparative study sessions, the participants were able and well prepared to contribute valuable information regarding their respective countries.

The chairwoman in her opening address defined the subject matters as a wide variety of methods and procedures for helping individuals or groups of inmates in one way or another to readjust into society upon release as law abiding citizens and to maintain family ties during their imprisonment.

Social Casework

In all countries represented, although the concept of implementing social casework differs slightly from one another, their ultimate goals are the same.

1. Bangladesh

The participant from Bangladesh stated that they do not have organized social casework, however institutional casework is organized by prison officials. They have strong family ties in the society and as such discharged prisoners are accepted back into the family and for that matter into society without much difficulty.

2. Fiji

In Fiji the prison welfare officer or in cases of institutions where there is no welfare officer appointed, the welfare officer from the Welfare Department in that particular district, upon request, carry

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out social casework for prisoners. They interview prisoners and their families and help to solve problems e.g. if a prisoner's family is in financial difficulties he will investigate and make application and recommendations to the Social and Welfare Department for payment of a monthly allowance.

3. *Hong Kong*

In Hong Kong, as stated by one of the participants from that country, the aftercare officer has a dual role to play. On the one hand, he is a law enforcement officer responsible for the statutory supervision of an ex-inmate and, on the other hand, he is concerned with the reformation of the same individual. The aftercare programme consists of integrated stages which are closely interrelated and when put together form a thorough system. The three stages are: i) induction, ii) incentre care, and iii) aftercare. Aftercare plays an important role in the life of an inmate who is released under supervision, accordingly the officers on aftercare duties work as a team, usually two to a team, to ensure continuity.

4. *India*

The duties of the prison welfare officer as mentioned by the participant from that country are:

- 1) To study the inmate through personal interview and also his family.
- 2) To identify problems of the inmate and deal with them.
- 3) To participate in the classification and re-classification programmes.

A caseworker makes a plan for the client based on i) an evaluation of the client and his family, ii) what other staff think of the client, and iii) limitations of the agency.

5. *Indonesia*

The participant from Indonesia mentioned that social casework is conducted by social workers of the Probation Office which takes care of the non-institutional treatment of adult and juvenile offenders; probationers, parolees and juveniles on

conditional release.

6. *Iraq*

The role of social caseworkers is to maintain and improve relations between the prisoner and his family. All prisoners are entitled to home leave. After discharge, the social caseworker will also follow up on family problems through visits to the ex-prisoner and will assist him to obtain any appropriate documents and identification papers so as he can obtain work through the employment office. There is a need for more well trained staff.

7. *The Republic of Korea*

As stated by the participant from the Republic of Korea, in the correctional institutions, the educational officials who are well trained carry out social casework. Each juvenile reformation home has on the staff social workers and volunteer probation officers. He also mentioned that there are not at present sufficient well trained staff to fully implement such programmes.

8. *Malaysia*

In Malaysia they have full-time welfare officers or visiting welfare officers from the Welfare Department to look after the welfare of the needy prisoners including their families. On request a welfare officer investigates prisoners problems and if possible visits their homes and when necessary will make application to the Welfare Department to request assistance for the family. To resolve any difficulties, the Welfare Department will usually grant a monetary allowance to the family on a monthly basis.

9. *Pakistan*

According to the participant from this country, social casework is carried out by the prison staff training institute or by university researchers. There is no organized social casework by the Prison Department.

10. *Papua New Guinea*

The participant from Papua New Guinea mentioned that social casework in his

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country is done by welfare officers who visit the prison every now and then.

11. The Philippines

The participant from the Philippines pointed out that social casework is a method used by social workers in helping the prisoners or juveniles understand their problems, strength and weaknesses. The social worker plans with each individual an effective measure to eradicate or solve his problems. In so doing, the social caseworker gives professional service by involving the prisoner in meaningful activities which can modify negative selfconcepts and attitudes towards the home and society in general.

12. Singapore

A participant from Singapore said that in his country social casework for prisoners operates at two levels: i) the institutional level under the Prison Department and ii) the individual level under the Prison Welfare Service. Institutional casework is run by the living unit officers and the individualized programme by the prison welfare officers. Both of these programmes begin simultaneously and are carried out concurrently by the officers concerned. The living unit officers who are in daily contact with prisoners, assist their wards to understand their new environment, the prison rules and regulations, rights and privileges. They also try to resolve difficulties arising from institutional rehabilitation programmes. They maintain case records of each inmate under their charge and also conduct physical education and recreation programmes appropriate to the prisoners. The prison welfare officer also helps inmates to cope with problems emanating from outside. He meets each prisoner and his family almost immediately after admission and looks into their needs and problems.

13. Sri Lanka

In Sri Lanka social casework is mainly carried out by welfare officers and other trained staff and in training schools for youthful offenders by the manager who is

a probation officer. Members of the Prison Welfare Association play an important role to help to maintain and improve relationships between prisoners and their families in order to restore them back to society as better men and women.

14. Thailand

The participant from Thailand mentioned that in Thailand, there are Case Work Section which is responsible for the following:

- 1) Carry out inmate classification programme.
- 2) Follow up and study the behaviour of the inmates.
- 3) Supervise parolees in the community.
- 4) Take appropriate action when parole conditions are violated.
- 5) Contact the prisoners' family.

15. Japan

A participant from Japan stated that, at any time while an inmate is confined in a prison, a probation officer and/or volunteer probation officer can visit his family or any other persons concerned and consult with them about matters relating to reintegration into society after a prisoner's release. Such visits are made in order to prepare the way for his eventual return to society, to help in re-adjustment with his family and the neighbours in the area in which he is expected to live. Moreover, the result of these contacts is helpful to the parole board, and is part of the overall correctional programme.

A prisoner's family usually have some reservations, such as:

- a) Whether he will be accepted by society
- b) Whether he will be able to get a job
- c) Whether he will continue to behave
- d) Whether he will be able to maintain a meaningful relationship
- e) In addition they have some reservation concerning life in prison.

The prisoner usually has the same anxieties as his family, so the environmental adjustment is carried out by means of social casework techniques. At the initial stage, a volunteer probation officer has an inter-

view with the inmate's family or other persons named by the inmate as those with whom he will have a close relationship following discharge. In addition, correspondence and visits, and discussions between the inmate and members of his family are of vital importance in the light of mutual understanding and good relationships. However, practically speaking, correspondence and contacts with the outside world is not used as frequently as it should. Accordingly, the professional probation officer or the VPO should encourage the inmate and his family to correspond with family members and encourage them to make more frequent visits.

Counselling and Psychotherapy

1. *Bangladesh*

According to the participant from Bangladesh the rate of recidivism in his country is one of the lowest in the world. This is achieved by the following:

- 1) Institutional counselling by prison officials.
- 2) Counselling by religious groups which includes the teaching of Koran and direction and advice of the prophet.

Prisoners needing psychotherapy are transferred to hospitals where adequate specialists are available.

2. *Fiji*

The present emphasis in Fiji on the institutional approach to the treatment of offenders entails the enforcement of discipline. As such, there is very little or no time available for a personalized approach to treatment. Hence counselling in its true sense does not exist. However, a form of counselling is done by welfare officers, correctional officers and ministers of religions. Prisoners requiring psychotherapy treatment are referred to the mental hospital.

3. *Hong Kong*

In Hong Kong one of the main aims of all correctional programmes is to strengthen the confidence and determination of

inmates and to help them have a better insight into their problems through an adequate counselling service. Counselling is conducted both individually and in group. A medical officer (psychiatrist) who is the medical superintendent at Siu Lam Psychiatric Centre assisted by other medical officers (psychiatrists) is in attendance daily to treat all patients and to prepare psychiatric reports required by the court. Full-time psychologists are employed to assist in the treatment programmes. Trained and full-time psychiatric nursing staff assist the medical officers in the running of programmes for prisoners suffering from a mental illness. In institutions where there is no full-time psychologist, psychological assistants are available who work under the guidance of a clinical psychologist.

4. *Iraq*

As mentioned by the participant from Iraq, they have a shortage of specialists in the field of counselling and psychotherapy. But now the technical committee which is the head of the correctional programme guides the social worker to counsel the offenders by studying their cases, then lead them through the discussion to help them discover the motive for committing a particular crime and help them to correct their attitude towards themselves and society.

5. *The Republic of Korea*

The participant from the Republic of Korea mentioned that the services of the specialist in psychotherapy are available in two juvenile classification houses and juvenile reform houses and a prison.

6. *Malaysia*

In Malaysia counselling officers at every prison perform remedial and reformatory duties working with drug offenders trying to resolve the problems they face. The counselling adopt specific techniques suitable to individual drug addicts, making the necessary modifications so as to try and produce the desired result. Techniques of counselling include establishing rapport, cultivating self understanding, advising in

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planning a programme of action, carrying out the plan and referral to other workers. In case where psychotherapy treatment is required, prisoners are referred to a Government general hospital.

7. *Pakistan*

The participant from this country pointed out that acute cases of neurosis are referred to medical officers in mental hospitals. The average inmate has no psychological problems and they are mentally healthy as the reasons for crime are rooted in the customs of an illiterate society and crime generally is not committed due to psychological disorder. Counselling is carried out in the community to which the prisoner belongs. He is assisted by his friends and relatives who frequently visit him. Family ties are strong.

8. *The Philippines*

The participant from the Philippines stated that the services of qualified counsellors, psychologists and psychiatrists are available in juvenile centres in her country. In the case of mental disorder or emotional disturbance displayed by a prisoner or juvenile a psychologist is consulted.

9. *Singapore*

A participant from Singapore mentioned that individual and group counselling was done in Singapore and prisoners requiring psychotherapy treatment were referred to a psychiatric hospital where special services are available.

10. *Thailand*

The participant from Thailand stated that they have individual counselling and group counselling. In the case of a prisoner who is found to be abnormal, he will be removed to a correctional hospital or mental institution.

11. *Japan*

One of the participants from Japan stated that properly trained sub-professionals under the careful supervision of the professional specialist, can, as a group leader and an individual counsellor, assist

the offender in developing a better understanding of institutional living and the requirements of a free society. Group methods such as group therapy, group counselling, and guided group interaction have been used widely in Japanese correctional institutions. He also said that group methods appear to be gaining ground in correctional treatment, they are economical because they allow one leader to handle more than one client at a time. The use of peer groups appears to be even more helpful. Psychotherapy is part of the clinical services. The staff members ordinarily employed in clinical services are psychiatrists and clinical psychologists. The methods used frequently involve psychoanalytic therapy, reality therapy and psychodrama.

Conclusion

Social casework, counselling and psychotherapy generally exist in most countries represented. Although the approach vastly differs from one country to another mainly due to different environment, culture, economy, etc., however the ultimate goals are the same. There is a need to greatly improve the standard in some countries and to recruit more specialists along with well trained staff in order to fully implement social casework, counselling and psychotherapy programmes.

Session 13: Extramural Treatment

Chairman: Mr. Rudy Tjitrosomo
Rapporteur: Mr. Jeoffrey Gunasekera
Advisor: Mr. Hachitaro Ikeda

Introduction

Originally prisons were used as institutions for punishment. However, in many countries this objective has now altered to correction and rehabilitation. To achieve this, many gradual and meaningful changes have taken place within the prisons where treatment programmes

of various kinds have been introduced, tested and successfully implemented.

Most of the participating countries have accepted the need for extramural treatment for inmates, and even though available facilities vary from one country to another, a large number of countries represented have a variety of extramural treatment programmes, including such facilities as open camps or centres, furlough or home leave, special or compassionate leave, release under licence, work release, study release and aftercare. In addition there are a number of voluntary organizations attending to the various needs and requirements of the inmates as well as their family members.

Current Situation of Extramural Treatment

1. Bangladesh

Prisoners in Bangladesh are granted remission but there are no open prison camps, or probation schemes. Short leave is granted to inmates in exceptional cases. Good conduct and behaviour enables prisoners to earn remission. Prisoners who are of good conduct and work and having less than six months of a sentence unexpired can work without supervision on the prison farms, which are mostly located outside the prison compound. Juveniles can be released on probation, leave of absence, compassionate leave, controlled work release and on study leave schemes. There are semi-open institutions where inmates may obtain permission to go out of the institution.

2. Chile

Prisoners in Chile are employed in prison workshops. They may be granted permission to visit sick relatives. The correctional programmes in Chile include extramural treatment.

3. Fiji

Prisoners in Fiji are eligible for extramural treatment if their sentence is below 12 months. Prisoners who have long sentences (above 12 months) will become

eligible when they have less than 12 months to serve. In such cases they will have to make an application to the court which will decide on each application. The criteria for release is (a) good behaviour, (b) availability of accommodation, (c) availability of work, (d) ability to work. Prisoners released on extramural treatment will be supervised by an officer appointed by the Commissioner of Prisons. Release under supervision in Fiji reduces the overcrowding problem and also provides an incentive to prisoners.

4. Hong Kong

The system of extramural treatment in Hong Kong is as follows: Home leave may be up to five days for any prisoners who has been sentenced to not less than four years' imprisonment and is within six months of his earliest date of discharge. Leave of absence not exceeding 24 hours or 48 hours is granted for inmates of a detention or training centre respectively. Leave of absence not exceeding 72 hours may be granted to inmates in a drug addiction treatment centre. Never Again Associations which are self-help groups involving both inmates and family members play an important role in promoting better family relationships and restoring the confidence of the inmate. Pre-release courses are given to assist prisoners to prepare for reintegration into society after discharge. Such courses have proved beneficial specially to those who have served a long sentence of imprisonment.

Voluntary agencies such as the Discharged Prisoners' Society work closely with the Department in providing accommodation and other forms of assistance after release. Experience has shown that institutional treatment, no matter how effective, must be supplemented by supportive programmes by the community. Community based programmes therefore are an essential part of rehabilitative treatment. A work release scheme is due to commence in the near future after the completion of a pre-release centre which is now being built and the introduction of new legislation. Under this scheme suitable

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prisoners serving a sentence of two years or more and who are within the last six months of their sentence will be given an opportunity to take up ordinary employment in the community during the day returning to the centre at night.

5. *India*

The types of extramural treatment available in India are: 1) furlough, 2) probation, 3) open prisons, 4) emergency leave. A prisoner convicted for a period of more than one year but less than five years may be released on furlough after serving one year in prison. This is granted to prisoners with good behaviour. The period is for two weeks at any given time and is granted once a year. The Inspector General of Police grants all such leaves and this period is also counted towards their sentence. Probation in India is the suspension of a sentence by courts on a conditional release dependent on good behaviour. This form of treatment is administered by probation officers on a case work basis. Probation is extended to an offender irrespective of his age or past criminal record, except that the offence committed should not be one punishable by the penalty of death or life imprisonment. Emergency leave or parole as it is known in India is granted in cases of serious illness, death, marriage, etc. of any close relative or for any other valid reason. The period on parole will not count as part of their sentence. There are 33 open prisons, the first one of which was opened in 1949. Agriculture, farming, sheep rearing, etc. are carried out at open prisons. These institutions have proved quite successful and inmates after discharge have generally settled down as peaceful and law-abiding citizens. There are no work release programmes in India.

6. *Indonesia*

Prisoners in Indonesia are required to be within the walls of maximum and medium security prisons. However, prisoners from minimum security institutions may leave the institution without escort for a legitimate purpose such as religious observations.

Open prisons are mainly for short termers. Prisoners may be allowed to visit their homes under escort in case of the death of a family member. Inmates are also granted seven days' leave of absence providing they meet the following criteria: 1) serving a sentence of less than four years with not more than four months to serve, 2) with the approval of the Director General of Prisons providing his work, conduct and progress merit such privilege.

7. *Iraq*

In Iraq a furlough or home leave system is in use. A prisoner who is released on home leave must serve one third of his sentence in prison prior to his being considered for home leave. The term of imprisonment should not be less than one year and he or she must be of good behaviour, and the crime convicted must not be a serious one. Physical and mental health, possibilities of social adjustment are all taken into consideration. The punishment for violation of the regulations includes exclusion from the work release programme. The requirements include: to return within the stipulated time, be on route, prohibited from drinking intoxicants, and association with bad company. There are no open institutions in Iraq. Juveniles are permitted to continue studies in outside institutions during the day, returning to the prison in the evening.

8. *Peru*

In Peru, the Discharged Prisoners' Association assists discharged prisoners. In open prisons inmates may go out to work and return at night and they are not under any supervision. Prisoners in grades 2 and 3 are permitted to go on home leave in the case of death or sickness of a family member.

9. *Pakistan*

In Pakistan, apart from parole and probation the following facilities are available as extramural treatment to prisoners. Approximately 2,000 prisoners go out daily for work and return to the institutions in the evening under semi-security conditions.

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There include prisoners with good conduct some of whom have been sentenced to life imprisonment. There are three open prisons where prisoners are mostly employed on agriculture. Visits are unsupervised and this has proved to be a successful system in Pakistan. They may also be granted a short period of leave in case of the death of a close relative.

10. The Philippines

Young offenders are released on compassionate leave if any member of his family is seriously ill or in the case of death. Up to 15 days leave is granted by a court on the recommendation of the Head Social Worker for good behaviour. Offenders over 18 years of age may avail themselves of the work release programme under the supervision of a social worker. Suitable young offenders are permitted to continue studies in outside institutions.

11. Singapore

Even though there are no open prisons in the real sense in Singapore, there are four semi-open institutions within the treatment programme. Reformative trainees, correction trainees as well as preventive trainees are required by law to undergo a period of post-release supervision under probation and aftercare officers. Home leave and compassionate leave is granted to prisoners according to merit and circumstances. Inmates from drug treatment centres may be allowed on day release for selected work in a factory, a firm or other place of work under normal conditions, however he must return at night to the day release centre. Such inmates are eligible for home leave on public holidays.

12. Sri Lanka

The variety of extramural treatment available to inmates in Sri Lanka is as follows. There are three open prison camps for first offenders as well as inmates imprisoned for a second or third time. These institutions are mainly for long sentenced prisoners where agriculture, pig farming, poultry, cattle and goat rearing and orchid growing are carried out. Any number of

unsupervised visits are allowed. Short sentenced prisoners are employed in 10 work camps where agriculture, animal husbandry, pineapple cultivation are done on a large scale. There is a work camp for recidivists and they are employed on agriculture, cattle rearing and the cultivation of fruit. Inmates who are selected for the open prison camp are first offenders and must have six months of their sentence to serve. They are located in a camp without any resident supervisory staff. They are provided with food and an officer visits the camp once a week or when ever necessary. A portion of the profits of this camp is distributed among the inmates which is handed to them at the time of discharge. Prisoners in security institutions as well as in open camps may be given home leave for up to 14 days to visit his family, all travelling and other expenses are paid for them. They may also receive a portion of their wages prior to going on home leave. Inmates released on licence are supervised by prison welfare officers. The Prisoners' Welfare Association renders much assistance to discharged prisoners. There is also a discharged prisoners' co-operative (construction) society which employs a number of them. The staff training centre located in Colombo was constructed by this society under the supervision and assistance of a prison officer. Home leave and parole facilities as well as the opportunity to gain experience in various trades are also available.

13. Thailand

Inmates of good conduct are transferred to open establishments after serving a part of their sentence. In order to encourage transfer to such institutions many privileges are granted and more freedom is given to prisoners in these institutions. There are five open institutions and 15 semi-open institutions in Thailand.

14. Japan

Even though open prisons in the truest sense are not available in Japan, there are many open treatment institutions. Traffic offenders are on the increase and they are

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better treated in open institutions. Their rooms remain unlocked at night and only a minimum number of guards are employed for security duties. There is one institution of the same type for juveniles and young offenders and in all the institutions some 940 inmates are housed. Most of them in these institutions work outside the institution on farms in open conditions with minimal security, some are employed in dock yards and in other workshops outside of the institution. Of the total prison population 1.3% are employed in such type of work.

Conclusion

In the countries represented, extramural treatment involving different programmes exists. Some countries have well financed and organized centres, while in other countries, a determined effort is being made to manage with the resources available and it would appear right to assume that outlook for future development of such programmes is bright.

Session 14: Parole, Aftercare

Chairman: Mr. Mitsuru Itaya
Rapporteur: Mr. Chew Sin Poon
Advisor: Mr. Yoshio Noda

Introduction

Generally, penal institutions are regarded as places where convicted offenders have the opportunity to learn the attitudes and skills needed for a successful community reintegration upon release. However, the effectiveness of rehabilitation cannot depend solely upon the activities that are conducted within the prison. Post-release factors may create conditions adverse to the programme, hence the importance of Parole and Aftercare. The discussion was divided into three sections: 1. Parole; 2. Remission; and 3. Aftercare services for ex-prisoners.

Current Practice of Parole

Many participating countries do not have a system of parole. However, in some of these countries, there exist a system of release under supervision for certain categories of prisoners therefore the discussion also included conditional release, release on compulsory supervision, release on licence, and compulsory aftercare. A prisoner has to meet certain criteria before he is considered for release under supervision. Such conditions include good conduct and industry, a positive response to prison treatment, etc. are generally applied in all participating countries which have provision for the release of prisoners under supervision. If the supervisee/parolee violates any of the conditions while under supervision, he is subject to recall to the institution, in which he was serving his sentence immediately prior to release to serve the balance of his sentence.

In Bangladesh, Nepal, and Papua New Guinea, there is no provision for the release of prisoners under parole/supervision.

In Chile and Peru, all convicted prisoners are eligible for conditional release. A convicted prisoner who has served half of his sentence may be considered for conditional release if he satisfies the following requirements:

- 1) he is able to secure a job after his release;
- 2) he has a family; and
- 3) he is able to read and write.

After release, the prisoner is required to report to a prison official weekly.

In Fiji, the Minister may at any time direct the release of any convicted prisoner on compulsory supervision for such period as the Minister may think fit. The Commissioner is empowered to subject any prisoner who is serving imprisonment for 3 years or more, to a 1 year compulsory supervision if he considers it necessary or desirable to do so. Prisoners who are undergoing imprisonment for 3 years or more and have been sentenced to imprisonment on not less than two previous occasions, are required to undergo 1 year compulsory supervision.

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Supervision is conducted either by a police officer, the welfare officer, or an appointed government official depending on the place of residence of the supervisee. If the supervisee fails to comply with any condition of the order, he is guilty of an offence and liable to imprisonment for a maximum period of 3 months. If he is released on a Minister's Order, he is also required to serve the unexpired portion of his term of sentence after making allowance for remission earned.

In Hong Kong, there is no provision for parole or release on licence for adult prisoners. However, young offenders of the following categories are subject to statutory supervision:

(1) Training Centre inmates undergo a treatment programme of 6 months to 3 years. The supervision period is 3 years and subject to recall, which can be multiple. The recall period is the remaining portion of 3 years from the date of sentence or 6 months, whichever is the longer.

(2) Drug addiction Treatment Centre inmates undergoing a treatment programme of 4 to 12 months. The supervision period is 1 year and subject to recall. The recall period is the remaining portion of 12 months from the date of sentence for treatment or 4 months, whichever is the longer. There is no multiple recall for this category of offender.

(3) Young adults in a Detention Centre undergoing a treatment programme of 3 months to 12 months. Inmates under supervision are subject to multiple recall. The recall period is the remaining portion of 12 months from the date of sentence or 3 months, whichever is the longer.

(4) Young offenders in Detention Centres undergoing a treatment programme of 1 to 6 months. The supervision period is 12 months. The inmates under supervision are subject to multiple recall. The recall period is the remaining portion of 6 months from the date of sentence or 3 months, whichever is the longer.

(5) Young prisoners with a sentence of 3 months or more (those sentenced before 21st birthday and released before 25th birthday are eligible). The supervision

period is 12 months. They are subject to recall, the period to serve is the period of remission previously granted.

As soon as an inmate is admitted, two aftercare officers working as a team from the area in which he lives will be assigned to his case, right through from induction to the expiry of the supervision order. They will follow his case and during the period in custody will commence to build up a bond of confidence and friendship with the inmate and his family.

In India, all prisoners except those who are convicted for rape, forgery, robbery, terrorism, corruption and black-marketing are liable for parole according to the following standard scale:

- 1) non-habitual woman offender: after serving half of the sentence, including remission.
- 2) non-habitual adolescent offender: after serving half of the sentence, including remission.
- 3) habitual adult offender: after serving two-thirds of the sentence, including remission.
- 4) life convicts: after serving two-thirds of the sentence, including remission.

The convict or his family can file an application for parole to the head of the institution. Upon receiving an application, the opinion of the superintendent of police is obtained. A prisoner may be released on parole for such period as the Government may order. During this period, he is under the supervision of a probation officer.

In Indonesia, a convicted prisoner can be released on parole if he has served at least two-thirds of his sentence, but not less than 9 months. A prisoner who is released on parole is required to undergo supervision administered by a probation officer for a period of 12 months in addition to the unexpired portion of his sentence. If the parolee fails to comply with the release requirements, he will be reimprisoned. In addition, he will be dealt with by the court. Three months before the prisoner is released on parole, after-care arrangement will be made by the authorities.

In Iraq, parole may be granted to all

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convicted prisoners (except dangerous offenders, recidivists, and rapists), who have completed 75% of their term of imprisonment and have shown good conduct throughout the period. Application for parole can be initiated by the prisoners. If the parolee commits an offence and is sentenced to more than 30 days imprisonment, he will be recalled to serve the unexpired portion of his original sentence.

In the Republic of Korea, there is provision for granting parole to convicted prisoners who have served one-third of their sentence. In practice, a first offender serves about 60% of his sentence. For second and third timers, they have to complete about 80% and 90% of the prison term respectively. Upon release, a parolee has to report immediately to the police station nearest to his home. Subsequent contacts are made at least once in 6 months.

In Pakistan, prisoners who have not committed heinous crimes, are selected for parole when they have served one-third of their sentence. Those eligible are interviewed jointly by the Superintendent of the Prison and an officer of the Parole Department and no formal application for parole is necessary. The process of consideration for parole includes obtaining the opinion of the District Magistrate and local police of the area in which the parolee resides.

In the Philippines, all convicted prisoners who have served 80% of their sentences are eligible for parole. The parole board will decide the period of parole after taking into consideration the gravity of the offence committed. Upon release, the parolee is required to report to the probation office, a treatment plan will be formulated and a volunteer probation officer will be assigned to supervise the parolee.

In Singapore, pre-release preparation and statutory supervision for juvenile and adult offenders released from welfare institutions/prisons is administered by the Rehabilitative Services Branch, Ministry of Social Affairs.

Juvenile offenders, between 7 to 16,

may be committed to a welfare institution for a period of not less than 3 and not more than 5 years. The juvenile offender can be considered for release on parole by the Parole Board after he has stayed 12 months and has made sufficient progress in his training. Young adult offenders between 16 to 21 committed to a Reformatory Training Centre for training will be detained in the centre for a minimum period of 18 months up to a maximum of 36 months. Discharge is followed by statutory supervision for 48 months from the date of his admission to the centre. The Advisory Committee to the Reformatory Training Centre comprising of the Visiting Justices, considers the release of trainees. If a trainee breaches any of the conditions of his licence, the committee may recall him to the centre for a period of 6 months.

The following categories of convicted prisoners are eligible for release on licence:

- 1) corrective trainees: young habitual offenders (above 18 years of age) who are sentenced to undergo corrective training for 3 to 7 years.
- 2) preventive detainees: older habitual offenders (above 30 years of age) who are sentenced to preventive detention for 5 to 14 years.

Corrective trainees and preventive detainees can be considered for release under statutory supervision after they have served two-thirds of their sentence.

A drug abuser may be detained in a Drug Rehabilitation Centre for a period of 6 months to 3 years, subject to six monthly reviews by a Review Committee. Upon release, he is subject to 2 years compulsory aftercare supervision administered by the Central Narcotics Bureau and the Singapore Anti-Narcotics Association.

In Sri Lanka, long-term prisoners who are first offenders and second or third timers are liable for release on licence after serving two-thirds of their sentence. Habitual offenders with a good record may also be considered for release on licence. The supervision period ranges from 2 to 3 years. The supervision is done by a welfare officer who visits the supervisee once

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a month. The supervisee is also interviewed by the welfare officer in the prison monthly.

In Thailand, the terms under which a prisoner may be granted parole are as follows:

- 1) A prisoner of the excellent class who has completed $\frac{2}{3}$ of the term of imprisonment.
- 2) A prisoner of the very good class who has completed $\frac{3}{4}$ of the term of imprisonment.
- 3) A prisoner of the good class who has completed $\frac{4}{5}$ of the term of imprisonment.

Other pre-requisite requirements include:

- 1) he has a family; and
- 2) it has been certified by a local official that he would not disturb the peace of his community.

The parolee is placed under the supervision of a parole officer.

In Japan, all convicted prisoners are eligible for release on parole if they fulfil the following requirements:

- 1) served no less than one-third of a determinate sentence, or 10 years of a life sentence;
- 2) proves repentant and makes good progress;
- 3) there is no likelihood of recidivism during the period of parole; and
- 4) society will accept his parole.

The majority of the parolees serve 70%-89% of their prison term before they are released on parole. Parole casework is carried out through the collaboration between professional and volunteer probation officers.

Remission (Good Time Credit)

In most of the participating countries, convicted prisoners serving a term of imprisonment are entitled to a deduction of a fixed term from their sentence beginning from the day of sentence. Remission earned can be forfeited as a punishment for idleness or bad conduct.

No remission or good time credits are awarded to convicted prisoners in Chile,

Iraq, Papua New Guinea, the Philippines and Japan.

In Bangladesh, a convicted prisoner undergoing imprisonment for more than 3 months is granted remission if he fulfils the following conditions:

- 1) is of good conduct.
- 2) has voluntarily taken part in preventing any incident or commission of a prison offence; an act to prevent escape of another prisoner; or other good work of a similar nature.
- 3) has been involved in a conservancy job or job of a special nature.

There are various types of remission:

- 1) ordinary remission: 5 days remission per month granted by the Superintendent of the Prison.
- 2) annual good conduct remission: 30 days remission per year granted by the Deputy Inspector General of Prison.
- 3) 60 days remission granted by the Inspector General of Prison annually for good conduct.
- 4) unlimited period granted by the Government on the occasion of a special national celebration.

However, the total period of remission can not exceed one-fourth of the total sentence.

In Fiji, every convicted prisoner under sentence of imprisonment for more than one month is eligible for remission of one-third of the total sentence of his imprisonment. However, the remission earned shall not reduce the period of imprisonment to less than one month. On the recommendation of the Commissioner, the Minister may grant further remission to any prisoner on special grounds such as exceptional merit and health grounds.

In Hong Kong, prisoners serving a fixed term of imprisonment of not less than one month are eligible for remission of one-third of their sentence. Persons of the following categories are not eligible for remission:

- 1) persons detained under the Vagrancy Ordinance,
- 2) prisoners serving a life sentence,
- 3) debtors,

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- 4) prisoners detained under the Mental Health Ordinance.

In India, all convicted prisoners are granted remission except for the following categories of prisoners:

- 1) those undergoing imprisonment for less than 3 months,
- 2) those sentenced for default of payment of fine,
- 3) those punished for prison offences.

There are three types of remission:

- 1) ordinary remission awarded by the Superintendent, which includes:
 - 3 days per month for good behaviour,
 - 2 days per month for doing conservancy job,
 - 15 days per year for good conduct.
- 2) special remission of not more than 60 days may be given by the Chief of the Prisons Department for extraordinary services rendered by a prisoner.
- 3) special remission may be granted by the State Government on National Days and days of rejoicing.

In Indonesia, convicted prisoners serving imprisonment for more than 6 months are given remission according to a standard scale:

- 1) 1st-3rd year—3 months remission
- 2) 4th-6th year—6 months remission
- 3) 7th year and above—9 months remission
- 4) for the “tamping” or foreman, they are given extra remission which is equivalent to one-third of the remission given to other prisoners.

There is no remission system in the Republic of Korea. However, special remission may be granted by the President on special occasions to first offenders who have committed minor offences and have served more than 50% of their prison term.

In Malaysia and Singapore, a convicted prisoner sentenced to a term of imprisonment exceeding one month is granted remission of one-third of his sentence. However, the following categories of prisoners are not liable for remission:

- 1) Prisoners serving a life sentence
- 2) Prisoners sentenced under Ruler

or Governor (Malaysia)/President (Singapore) pleasure

In Nepal, special remission is granted to the following categories of prisoners twice a year on the occasion of His Majesty the King's and Her Majesty the Queen's birthday:

- 1) ill prisoners who are not expected to be cured inside the prison,
- 2) old prisoners who are 70 and above and have served more than half of their sentence,
- 3) others, such as monitors and sub-monitors who have good institutional conduct and have completed more than 75% of their sentence.

In Pakistan, all convicted prisoners sentenced to more than 3 months imprisonment are awarded remission quarterly ranging from 12 to 21 days depending upon the nature of work. The Superintendent of a prison and the Inspector General of Prisons may award 30 days and 60 days special remission respectively to a prisoner every year, continuous good conduct by a prisoner for one year also makes him eligible for an additional 15 days each year. Special remission is also awarded to convicts for passing various academic examinations at the national level and for other outstanding achievements. On national days and religious festivals, the government also grant special remission. The total remission (except amnesty granted by the state) should not exceed one-third of the total length of sentence of a prisoner.

In Peru, remission is granted to all convicted prisoners who have served 75% of their sentence except those who have committed crimes involving drugs or terrorism.

In Sri Lanka, all convicted prisoners are liable to receive normal remission. Inmates in open prison camps are entitled to receive normal remission and in addition, special camp remission, in which they are given one month's special remission for every year of sentence.

All convicted prisoners in Thailand are eligible for remission according to a standard scale:

- 1) excellent class prisoner—5 days a

- month
- 2) very good class prisoner—4 days a month
 - 3) good class prisoner—3 days a month

Aftercare Services for Ex-Prisoners

In Bangladesh, ex-prisoners may seek help from the Discharged Prisoners Welfare Society or the Employment Exchange for Employment assistance as in the case of normal citizens.

In Fiji, on admission, a prisoner is seen by the Welfare Officer who investigates the problems of the prisoner and his family and, where necessary, arranges for government and private assistance. Employment and assistance on release is to a large extent arranged by the Prison Discharge Board and the Prison Welfare Office. However, some assistance in this regard is given by the Prisoners' Aftercare Society, members of the Visiting Committee, individual citizens and certain voluntary groups such as the Salvation Army, and other Church organizations.

In Hong Kong, pre-release briefing is arranged for the prisoner two months prior to his discharge. The briefing includes information on various community resources including government welfare services. The Discharged Prisoners' Aid Society, a voluntary agency, provides a wide range of services and assistance for discharged prisoners. Such services include employment placement and guidance, group social therapy centres, recreational facilities and hostel accommodation. Social workers from the society make regular visits to the prisons. The Never Again Association involves both the inmates and their family members in its activities and plays an important role in promoting family relationship and restoring the confidence of the inmates. Inmates with an accommodation problem are housed in the New Life House for a specific period. Social Welfare Department's services are available to prisoners upon request.

In India, prisoners due for release undergo a pre-release programme to prepare them for eventual reintegration into

the community. One of the functions of the District Probation Committee is to provide services to ex-prisoners for a period of one year. Some of the services given are: employment, legal advice, cash assistance, etc. Voluntary organizations involved in aftercare services for ex-prisoners are the Discharged Prisoners' Aid Society and the Child Guidance Clinic.

In Indonesia, material aids and assistance are provided by the Department of Social Affairs and some other social organizations.

In Iraq, the Social Work Department is responsible for giving aftercare assistance to ex-prisoners according to their needs.

In the Republic of Korea, the probation office is responsible for the pre-release preparation for prisoners. Ex-prisoners can stay in a governmental hostel for a period of six months. The director of the probation office, at his discretion, may extend the period for another three months. Discharged prisoners can approach the government, private organizations or religious bodies for assistance.

In Malaysia, there is a Discharge Board in every prison. The board within three months of a prisoner's due date of release will decide the form of assistance to be granted to him or her. The Welfare Department will also help needy prisoners, either while serving the sentence or after release.

In Nepal, the government provides cash loans to skilled ex-prisoners who want to set up their own business.

In Pakistan, there are Prisoners Aid Societies in all the districts centrally organized at provincial levels. The societies are required to maintain a liaison between prisoners and their families and provide jobs for released prisoners. All members are also required to pay frequent visits to prisons.

In Papua New Guinea, aftercare services are catered for by church agencies and charitable organizations on an ad-hoc basis.

In Peru, the Guardianship, a Governmental body, and some social organizations render services to ex-prisoners and their families.

In the Philippines, discharged prisoners

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can approach the government or some social organizations for assistance such as financial aid, employment, counselling, religious advice, etc.

In Singapore, convicted prisoners serving sentence of one year or more are under the care of the Prison Welfare Officer upon admission. The one-year follow-up after discharge is undertaken on a non-statutory basis. The Singapore Aftercare Association, a voluntary organization, supplements the work of the Prison Welfare Service in providing service and assistance to discharged prisoners who are not covered by the existing laws and system of parole and aftercare. The association provides hostel accommodation, employment, cash grants, and loans to cover immediate needs of discharged prisoners and their families.

In Sri Lanka, pre-release preparation are looked into by the authorities. Traveling expenses, clothing, letters of introduction, etc. are made available to prisoners upon discharge. Ex-prisoners can also apply for land through the government in colonization schemes. The Prisoners' Aftercare Association, Discharged Prisoners Co-operative Building Society, Mahila Female Society and the Crime Prevention Association provide various services to ex-prisoners as well as prisoners in custody.

In Thailand, full-time welfare officers are appointed in all institutions to perform the duties of helping released prisoners who are in need of assistance. Upon request, released prisoners are given clothing or travelling expenses. The Swasdee Aftercare Hostel provides discharged prisoners with various kinds of services. The hostel is administered by the staff of the Department but jointly funded by the Phiboonsongkroh Foundation and the Social Welfare Council of Thailand.

In Japan, the Law for Aftercare of Discharged Offenders states that the responsibility for the provision of aftercare to ex-prisoners should rest with the Government. The eligibility for aftercare is limited to a maximum period of six months from the date of release. Offenders who are not eligible for aftercare are subject to general social welfare services.

Governmental aftercare services are provided by the probation office. Services provided include, (1) providing money for food, (2) providing clothing, (3) arranging for urgent medical care, (4) providing travel expenses, (5) furnishing certificates for half-fare train travel, and (6) providing lodgings through referral to rehabilitation aid hostel. During incarceration, prisoners are visited and counselled by the volunteer probation officers.

Conclusion

A person who has spent a period of time in prison requires some form of guidance during the initial period of re-entry to the community. It will be a waste if what has been done in the prison is left to wither for the lack of positive supervision and assistance. Therefore, parole or release on supervision in advance of normal release is particularly desirable.

Mr. T.G.P. Garner, Commissioner of Correctional Services, Hong Kong, and visiting expert of the 61st International Training Course, pointed out that a period of post-release supervision is crucial to a discharged prisoner, especially a young offender.

In order to assist in rehabilitation of a prisoner, the correctional services should have to follow-up after discharge till the ex-prisoner is ready and able to manage on his own. Post release supervision should be undertaken on a statutory basis in order to achieve this objective. From the deliberations, the following points were noted:

(1) The period of post-release supervision for parolees/supervisees in most of the countries represented are relatively short as the prisoners are required to serve a large portion of their term of imprisonment.

(2) In some countries, supervision casework given to parolees/supervisees is minimal and there is a lack of active involvement by the supervisors.

(3) In most countries, prisoners are able to undergo a pre-release programme to prepare them for release and aftercare

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arrangement such as employment, accommodation, etc. are looked into by the authorities prior to their discharge from an institution.

(4) Some assistance or support is available to discharged prisoners in most of the countries. Normally such services are provided by the authorities in addition to voluntary organizations.

Session 15: Correctional Personnel

*Chairwoman: Miss Gina Norry Portugal
Hidalgo*

Rapporteur: Mr. Fung Kwan-yuet

Advisor: Mr. Toichi Fujiwara

Introduction

It goes without saying that correctional treatment programmes can be effectively and fully implemented only with sufficient and well-trained staff of the right calibre. The matter of correctional personnel therefore is a primary concern for any correctional administration.

The discussion was conducted in two parts: 1) the nature of correctional services and staffing; 2) the quality of the staff.

It was emphasized by the rapporteur that one could claim one's service to be of a rehabilitative model comprising specialist services which were essential for rehabilitative work including services such as, psychological, psychiatric, religious, educational, sports, industrial, vocational training, etc. However, after comparing the existing staffing situation with the staffing requirements needed for a service to be truly rehabilitative this claim might not be justified.

Nature of Correctional Services

In addition to the primary function of custodial services, it was said that the correctional services in the countries represented in the 61st International Training Course had facilities for the following

services: medical (both general and psychiatric), psychological, religious, and moral training, education, sports, recreation, welfare, industrial training, vocational training, aftercare, non-institutional probation or parole except that:

(i) the medical services in Papua New Guinea are provided by outside hospitals to the correctional service for the treatment of sick prisoners; but do not meet the daily health requirements of the institution under the Standard Minimum Rules;

(ii) the psychological and psychiatric services provided by visiting consultants in countries such as Bangladesh, Chile, Fiji, Malaysia, Nepal and Papua New Guinea, cover the treatment of prisoners and inmates with mental illness, but not for such purposes as classification, counselling, therapeutic treatment, etc.;

(iii) religious services are not provided in Nepal;

(iv) aftercare services to keep offenders from relapsing into crime are not available in Chile, Nepal and Papua New Guinea;

(v) probation service as an alternative to imprisonment is not in use in a number of countries;

(vi) a public relations unit is essential to a correctional service in order to call the attention of the public to the fact that correctional work is a social service of great importance.

Within the correctional services of most of the countries represented, there is a problem of a shortage of specialist staff. The magnitude of this problem differs from country to country. Such a lack of specialist staff will hamper the implementation of rehabilitative treatment programmes. It appears therefore that in most of the countries represented except for a few, the treatment programmes which are essential for rehabilitation can not be fully implemented.

In most countries, in addition to the responsibility for supervising prisoners and inmates, custodial staff have the following responsibilities: (i) giving advice to prisoners in various matters; (ii) playing a leading role in group work; and (iii) solving

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problem for prisoners on the spot in order to reduce the risk of emotional outbursts and disturbances.

In the countries where specialist services exist there are meetings between the specialists and custodial staff to plan and discuss the rehabilitation and management of individual prisoners. The frequencies of such meetings vary depending on the staffing situation.

Staff may only resort to the use of firearms when it is absolutely necessary. No firearms are carried by staff in direct contact with prisoners. Very stringent rules govern the use of firearms.

It can therefore be said that while all the countries participating in the 61st International Training Course aim at the rehabilitative model in their correctional services administration; and some countries have already introduced and implemented rehabilitative services according to the United Nations Standard Minimum Rules, others are hampered by a shortage of staff.

Personnel; Correctional Staff

Although a service may have sufficient staff in number for the implementation of rehabilitative programmes and services, such staff need to have integrity and maturity as well as the capacity for being trained in order to perform their duties satisfactorily.

1. Integrity of Correctional Personnel

In some countries, the duties and responsibilities of correctional service personnel at all levels are specified by law, particularly regarding the use of minimum (necessary) force in order to carry out their lawful duties, the avoidance of malpractice and the prevention of corruption. An internal monitoring system known as the "inspectorate" has been set up in Hong Kong and Singapore, and an independent agency to fight against corruption has also been established in Fiji, Hong Kong, Malaysia and Singapore to ensure the integrity and good performance of all government personnel. In these countries, the monitoring systems are extremely active

while in some other countries the monitoring systems, if any, are less active.

It was reported by all the countries represented that correctional personnel are subject to punishment if found guilty of a disciplinary offence.

2. Recruitment Requirements

Rules 46-1, and 47-1, 3 call for a careful selection in recruitment and for a programme of in-service training for staff. Recruitment therefore must be so organized as to attract and retain persons of the right calibre. In most countries, minimum recruitment conditions have been established. The academic qualifications for the junior staff differ from country to country, although it was said that nearly all countries were recruiting the subordinate staff at the junior and senior high school levels, and for officers at the university levels. The minimum age requirement differs from country to country too, but ranges in general from 18 to 21 years of age. The standard of intelligence and capacity for receiving training (R-47) is also considered to be adequate by the representatives of the participating countries. Specialist staff are recruited at professional level.

In general, training given to recruits involves both theoretical and practical training.

Some participating countries reportedly conduct in-service training at suitable intervals for correctional staff. These training courses are provided through either internal or external facilities, and involve refresher courses, middle-management and senior-management courses and social work and aftercare courses. It was also stated by some participants that their countries have been actively participating in international seminars and overseas trainings, the latter particularly at UNAFEI.

3. Status of Personnel

All participating countries reported that correctional personnel, particularly custodial staff were appointed on a full-time basis; that they had civil service status and that such service was pensionable.

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4. Female Prisoners

Rules 53-1, 2, and 3 call for female prisoners to be attended and supervised by female officers, and male officers such as doctors, teachers, etc., entering institutions for women to be accompanied by female officers. The representatives from participating countries stated that these rules were fully implemented.

Conclusion

While the efficiency of the correctional services in rehabilitative work differs from country to country to a significant extent, the problems contributing to a lower standard of performance in some countries are: (i) a lack of an appropriate level of staffing, particularly a lack of specialist staff; and (ii) a lack of proper monitoring system for government personnel.

Session 16: Cooperation, Public Participation; Research on the Effectiveness of Treatment

Chairman: Mr. Loh Siang Piow
Rapporteur: Mr. Twain Pongi
Advisor: Mr. Yasuo Hagiwara

Introduction

The focus of the session was to highlight the need for keeping an offender's family intact, maintaining community ties and encouraging the offender to be responsible by supporting himself and his family through a meaningful occupation. In this connection, we referred to the United Nations Standard Minimum Rules 60, 61 and 64 which were dealt with in Sessions 13 and 14 and the Rules 79-81 which call for "... the maintenance and improvement of such relations between a prisoner and his family...; from the beginning of a prisoner's sentence consideration should be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or

agencies outside the institution as may promote the best interests of his family and his own social rehabilitation". It further calls for "services and agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society... (and that they)... be provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination and maintain themselves in the period immediately following their release. The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence. *It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their effects*".

The topic of the session, "Cooperation, Public Participation..." stems from the italicized sentence above, whilst the latter component, "... Research on the Effectiveness of Treatment" stems from the need to find new methodologies, strategies, techniques, etc., to improve on present systems or methods of services delivery. The discussions on the theme, "Social Relations and Aftercare" centred around the three issues mentioned above. That is: (A) co-operation between the criminal justice agencies; (B) public participation or non-governmental organizations' support and assistance in the rehabilitation of offenders; and (C) research on the effectiveness of treatment.

Inter-Agency Co-operation

It is agreed that if one is to ensure a gradual return to normal life in the community by a prisoner, all the criminal justice agencies must work together instead of in isolation on an *ad hoc* basis. Governmental agencies such as the court, police, prosecution, corrections, social welfare, etc. have duties "... of lending the re-

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leased prisoner efficient aftercare directed towards the lessening of prejudice against him and towards his social rehabilitation" (UN Standard Minimum Rules 64).

In the above context, all countries revealed that although the degree of cooperation and coordination varies from situation to situation, in general there is a reasonable relationship between all the criminal justice agencies in their respective countries. For instance, it was observed that as a rule most things are done through official channels. However, sometimes one has to get things done through personal acquaintances. Furthermore it was asserted that the degree of cooperation and coordination by some of the relevant agencies would vary from level to level. For example, there could be a high degree of cooperation at the highest level but at the lower level, it could be the exact opposite, or vice versa. The degree of cooperation could also depend on the level of governments e.g. provincial/prefectural authorities could be working hand-in-hand to reintegrate prisoners in the society or perhaps not at the national level.

An important factor which came out through the discussions is that several of these functions or bodies are housed within a single Department/Ministry (Police and Correctional services under the same authority in the following countries: Bangladesh, Fiji, India, Malaysia, Nepal and Singapore; corrections and probation are housed in the same authority in the case of India, Indonesia, the Republic of Korea and Papua New Guinea; Corrections, Prosecution, Probation and Parole in the case of Japan). It was observed that in some countries (Hong Kong, Iraq, Singapore, Japan, etc.) where they employ full-time personnel like social workers and medical officers, a problem of resettling prisoners is less serious than in the countries which do not have such full-time specialists. However, it must not be overlooked by prison administrators that the use of outside specialists does give a more positive public image to the service.

To facilitate full cooperation and coordination between the criminal justice

agencies, the participants identified the following measures;

- 1) Lectures/seminars to be arranged to explain each other's roles, powers and responsibilities;
- 2) Regular inter-agency meetings and conferences held at various levels of government to sort out problems impeding effective communications;
- 3) Visits by the judiciary and other laymen (public prosecutors, medical officers, social workers, etc.) to observe the realities of imprisonment and gain better knowledge to assist them in the performance of their duties. It was felt that more frequent visits should be made to penal institutions.

Other means of promoting understanding amongst criminal justice agencies are:

- creation of a liaison officer/public relations officer within departments like corrections and/or police services. A case in point is a senior police officer attached to the Correctional Service in Hong Kong.
- in connection with public relations/liasion, it is necessary to publish regularly circular instructions or newsletters so that there is a free flow of information at all levels.
- last but not least, it is proposed that where appropriate, a "coordinating committee/council" on criminal justice systems be established, similar to the Correctional Advisory Council of Japan.

Public Participation

In delivering his lecture during this course, Mr. T.G.P. Garner, Visiting Expert, had this to say on the issue of community support and assistance; "to function efficiently a correctional service requires the support of the community. For it is from the community that a prisoner comes and to the community he will return". Public or community participation then can form a bridge between institutional treatment and free life in the community.

The term "public participation" is taken here to mean non-governmental services

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and agencies which support and" . . . assist released prisoners to establish themselves in the society . . ." (UN Standard Minimum Rules 81(1)). The utilization of efforts of citizens to aid their fellow citizens would be seen as a healthy sign by most of the participating countries, and in particular the countries in which traditional extended family ties have broken down because of urbanization. It is believed that only a few of the countries in the region are still preserving and thus practicing traditional community-based programmes as against the nearly developed community-based programmes which are being practiced by countries like Hong Kong, Malaysia, Singapore and Japan.

In these countries, they have adopted, as one of the programmes, the concept of "half-way houses" where such centres provide:

- a transition from an institutional life to freedom;
- a home (including meals) to live in;
- help to find suitable employment,
- if necessary, such centres provide financial support;
- such centres have an environment conducive to psychological and emotional support.

Japan has fine models of the sort of public support in the social rehabilitation of offenders outlined above. The examples of such voluntary organizations are:

1. *Women's Association for Rehabilitation Aid (WARA)*

There are about 1,100 WARAs with a membership of more than 200,000 women who in their roles as housewives and mothers are concerned about the prevention of crime and the rehabilitation of offenders. These women, among whom the VPOs play a leading role, have been engaged in various programmes such as fund raising needed for rehabilitation services, cooperating as a group with VPOs, rehabilitation aid hostels (RAH), correctional institutions, and probation-parole offices in giving aid to the offenders and their families and in assisting with public relations and other activities for the

prevention of crime and rehabilitation of offenders.

2. *Big Brothers and Sisters Association (BBS)*

The BBS Association is an association of young people who take a personal interest in individual boys and girls who have been brought before the juvenile court or the probation office, or have shown tendencies toward delinquency.

3. *Rehabilitation Aid Hostel (RAH)*

The RAHs are licenced and supervised by the Minister of Justice. Currently about 100 organizations run the hostels which accommodate probationers and parolees who are referred to them by the head of the probation-parole office as well as other categories of ex-offenders discharged from prisons, detention houses and other institutions who voluntarily seek shelter and aid.

The services provided are somewhat welfare in nature, which include some or all of the followings:

- a) temporary board and lodgings;
- b) monetary assistance for various needs;
- c) job finding and placement;
- d) vocational training facilities;
- e) hostel facilities for the homeless ex-offenders;
- f) welfare assistance and social guidance for prisoners, ex-prisoners and their dependents;
- g) casework and counselling services;
- h) medical services; and
- i) acting as a referral agency by other social agencies in relation to problems confronted by ex-offenders.

At this juncture, it is worthwhile mentioning the other Asian countries which are known to have formed similar voluntary agencies for the welfare of discharged offenders:

- 1) The Discharged Prisoners Aid Society
— Hong Kong
- 2) The Discharged Prisoners' Aid Society
— Malaysia
- 3) The Singapore Aftercare Association
— Singapore

These organizations assist in the resocialization of prisoners.

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Other voluntary activities which are practised in some of the countries in the region are:

- spiritual guidance; it is accepted as a principle in the including of good character and personality into a person.
- charitable/services clubs and organizations like Lions, Apex and Rotary, Red Cross, etc.

The final issue which is related to public participation is the role which the prisons themselves need to play so as to build a better community spirit and public relations.

The participants highlighted a number of areas, including:

1. Exhibitions of prison products. In this regard, perhaps a special month/week be set aside annually for a *e.g.* "Police/Corrections Day".

2. Sporting teams made up of adult prisoners to be allowed to play against outside teams. It was noted that the Girl Pipe Band and Marching Team of the Hong Kong Correctional Services makes a positive contribution in the area of publicity.

3. Students of colleges and universities should be allowed to visit prisons and other correctional institutions.

4. Use of professional volunteers like teachers, psychologists, social workers and social agencies like the Parents and Teachers Association in the case of juveniles—such volunteers could be used to bring an outside influence into the institution and thus improve a juvenile institutional environment.

5. The role of the mass media to help educate the community on the role of prisons and other correctional institutions. It was noted that more often than not, prisons receive adverse press coverage rather than reporting on actual situations. It was stressed that what is reported by the mass media should be professional and well balanced.

Research

Staff in any profession must do research and evaluation of their methodologies, strategies, etc. if they are to make a useful

contribution to work in which they are engaged in addition. One needs to test the effectiveness of such methodology.

Countries that have research, planning and evaluation units within their establishments include Hong Kong, India, Indonesia, Iraq, the Republic of Korea, Malaysia, the Philippines, Singapore, Thailand and Japan. The countries which are not doing research work relating to the criminal justice system state that this is due to manpower or financial difficulties, or that such research is being carried out by other organization(s).

Conclusion

Both the governmental and voluntary agencies must work together in the resocialization of offenders. Their work must always be seen as complementary to each other and not being in competition. Sometimes well-intended efforts are hampered because of financial constraints, and especially those organizations which receive their funds from Government. Voluntary organizations can do more in the field of "social services" if they have sufficient funds and manpower. Unfortunately, more often than not, when there is a budget cut in government spending, the cut always hampers correctional and social services.

Sometimes it helps, particularly when faced with economic recession if provision for public participations is provided in the legislation. Again countries like Hong Kong and Japan have taken the lead on such issues as research projects, public information activities, pre-release assistance programmes, etc. By researching and evaluating, one is able to know the direction and the necessary measures to take, and to avoid a situation of the "blind leading the blind".

**Session 17 & 18: Standard Minimum Rules
for the Treatment of
Prisoners: Its Implication
for Asia and the Pacific,
and Proposal for Its
Modifications from Asia
and the Pacific**

Chairman: Mr. Mian Shaukat
Mehmood

Rapporteur: Mr. Ish Kumar Bhagat

Advisor: Mr. Masaharu Hino

Introduction

Special emphasis was placed on this session as it is considered a special subject in order to sum up the main points of the 16 sessions of comparative study. In addition it was intended to consider ways and means of improving the effectiveness of the Standard Minimum Rules.

In wording of the Standard Minimum Rules, the word "minimum" was considered to be the most important. Many countries with varying socio-economic conditions and cultural contrasts must have minimum goals in the treatment of offenders and organize efforts against crime. If we fail to reach the minimum, the chances of losing the war against crime will be increased. A co-ordinated international approach is necessary because we are living in a world which has made advances in every field. Events in one country often have an effect on others. Gangsters operate internationally, drugs are produced in one country, smuggled and consumed in another, etc. It is essential that problems now being faced by the participants from the different countries be identified, discussed and improvements should be made in this field. In doing so, reliable information on existing conditions in every participating country is necessary.

**Current Status of Implementation
of the Rules in Asia and
the Pacific Region**

1. Accommodation

It was unanimously agreed by all the participants present that suitable and adequate accommodation for inmates is the starting point for any successful correctional programme.

Bangladesh, Chile, India, Malaysia, Pakistan, Peru, Sri Lanka and some other countries are facing the problem of overcrowding. With the exception of a few countries, the majority of them have no plans for new buildings. Owing to current budget restrictions and the high price of land, it is difficult to build new prisons or add new buildings to existing institutions. The resultant effects of overcrowding hamper complete implementation of Standard Minimum Rules and affect the number of inmates in a cell, floor space per inmate, cubic content of air, ventilation and cleanliness.

Concerning Rule 9 regarding individual cells and dormitories, the participants agreed that the allocation of two inmates to a cell may be determined according to the nature of the institution and type of inmates in Asia and the Pacific region who may prefer dormitory-type accommodation and confinement in association.

As reported by participants representing the various countries, Rule 10 is generally implemented, except in countries where overcrowding is the main obstacle. Heating arrangements are not satisfactory in a number of countries. Moreover, this particular rule does not cover cooling systems in countries where conditions are extremely hot throughout the year.

Rules regarding natural and artificial light, and drinking water are implemented in the region.

Rule 10 with regard to health and Rule 12 concerning sanitary installations are not completely implemented in some developing countries where proper arrangements for flushing and sewerage do not exist, and the use of conventional latrines with surface drains pollute the air and threaten

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health.

Rule 13 regarding showers and bathing is generally implemented in all the participating countries.

The participants agreed that in order to reduce overcrowding, means should be adopted which do not necessarily involve finance, such as better use of parole, non-custodial sentences, speedy trial, extension of bail etc. It was also indicated by the participants that in most of the countries their respective Governments do not assign due importance and priority to correctional institutions when allocating funds.

2. *Correctional Personnel*

It was unanimously agreed that the correctional services in the participating countries are working on the rehabilitative model. In most countries rehabilitative programmes comprise medical treatment, nursing, psychological services, psychiatric services, religious and moral training, education, sports, recreations, welfare, industrial and vocational training, after-care, parole, public relations, extramural works and open prisons. A shortage of specialist staff hampers the implementation of the above services. However, in most of the countries, custodial staff are involved in counselling, problem solving and basic psychological analysis. Both specialist and custodial staff meet at regular intervals to exchange views and experiences dealing with individualized treatment for prisoners. Internal and external monitoring systems are established to guarantee the performance and integrity of correctional personnel. Some of the countries have arrangements for pre-service and inservice training programmes to improve skills and the efficiency of the staff.

The United Nations Standard Minimum Rules 46 to 54 are adopted by most of the participating countries, with a few exceptions where socio-economic conditions do not permit. The efficacy of the correctional services differs, however, from country to country depending on the staffing situation and the performance of the monitoring system for ensuring the integrity and efficiency of correctional

officers. There was a consensus among all the participants regarding continuous emphasis on intensive training for correctional personnel which will improve their professional capabilities and enhance their promotion prospects.

3. *Vocational Training*

Vocational training programmes aim to assist in imparting the knowledge and skills which will assist an inmate in his rehabilitation. It provides him with an opportunity to earn an honest living as a member of the community engaged in the type of work for which he is best suited. Following a study of the vocational training programmes carried out in the 18 participating countries, it was noted that a number of the countries already have vocational training programmes. Vocational training is non-profit-making and the trades taught include electric wiring, welding, cooking, embroidery, plumbing, tailoring, radio, T.V. and motor mechanism, agriculture, hair-cutting, laundry and carpentry, etc. These trades are similar to the trades pursued outside. On release, an inmate can obtain employment and lead a self-supporting life. In some countries an inmate may choose his own trade.

Problems identified include inadequate workshops and tools, a lack of finances and inadequate technical staff. However, it was encouraging to note that many of the countries represented have realized that vocational training is essential for the rehabilitation and resocialization of offenders but some also have a long way to go to overcome the various constraints preventing the implementation.

It was noted that education also plays an important role in the rehabilitation of a prisoner. However, it was realized that education alone is insufficient to assist most inmates to earn a living after release. It was also noted that prisoners with short sentences, many of whom have lost the habit of working, can not take advantage of vocational training programmes. It is, therefore, necessary to instill good working habits amongst this group of prisoners by engaging them in useful work.

4. Medical Services

While most participants reported that in their respective countries the Standard Minimum Rules pertaining to medical services were generally observed. It was however noted that some countries do not have full-time doctors in all their institutions, but instead maintain a community linkage with outside hospitals from where the medical officers regularly visit penal institutions.

For major surgical treatment inmates are generally transferred to hospitals in the community. In Hong Kong, two geriatric units have been established to serve clinically old prisoners, where a different treatment programme is carried out based on age and health.

In Hong Kong and Japan, classification units play a vital role in the medical aspect because prisoners needing medical care are discovered and separated for transfer to medical prisons or hospitals during classification.

Most of the countries reported that prisoners under separate confinement are regularly visited by medical officers. At this juncture it was pointed out that the visit by the medical officers to segregation units is all the more important as any prisoner so confined could speak freely with the doctor about any problem. Moreover, the medical officer will be in a position to check on his state of mental health.

Pre-natal and post-natal care for pregnant women prisoners is an important aspect for all correctional services. Some countries which do not have adequate facilities for pregnant women make referrals to outside hospitals.

With regard to the problem of a shortage of medical staff, improvements of existing medical services should be required in some of the participating countries. The following suggestions were proposed:

- a) To award scholarships to medical students to encourage them to work in prisons,
- b) To improve the training of paramedical staff,
- c) To secure government support for

advanced training for medical officers and nursing staff to improve their medical expertise.

5. Social Case Work

Participants from the 18 countries represented agreed that social case work, counselling and psychotherapy are part and parcel of the correctional system offering rehabilitation and re-socialization to offenders in the truest sense. It was agreed that this is the most effective method to transform inmates into law-abiding citizens.

In most countries represented, social case work is performed by welfare officers, probation officers, volunteer probation officers, aftercare officers, educational officials and prison officials, and group counselling exists in most of the countries represented.

In countries where facilities for psychotherapy are not available, prisoners are referred to outside hospitals. Some countries indicated a need to improve the standard and recruitment of specialized staff.

Procedures for the Effective Implementation of the Rules (Reporting System, Dissemination of Information, etc.)

All countries are required to report progress on the implementation of the Standard Minimum Rules to the United Nations once every five years, but there is no mechanism which can force member countries to report in detail. As such, it was noted that among the countries represented, only a few had forwarded such information regularly.

It was also revealed by many participants that the Standard Minimum Rules were not known to most of the personnel within the correctional services of their respective countries. However, all agreed in principle that efforts should be made to ensure complete dissemination of the Rules among all staff. It was suggested that the period of five years after which progress is reported to the United Nations is too long. However, it was noted that such a period coincides with the United Nations

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Congress which meets once every five years, and it takes about two years to analyze the information received. Other factors to be taken into consideration are the economic conditions in the various countries as well as a lack of interest on the subject.

Mr. T.G.P. Garner, visiting expert, said that maybe one of the reasons for poor reporting is the fact that replies are sent or required to be sent to the United Nations main body. The reporting system could be improved if the information is collected at a regional level, *i.e.*, in the case of Asia and the Pacific region by UNAFEI and in the case of Latin America by ILANUD. Such reports could then be consolidated and forwarded to the United Nations Secretariat. This suggestion was fully supported by all the participants of the 18 countries represented.

It was also stressed that the implementation of the Rules by some countries is difficult owing to geographical conditions and location of prisons in remote areas. It was also stated that the Standard Minimum Rules should form part of the curriculum in training courses for prison staff. Staff of good calibre could do much to help in implementing the Rules.

It was noted that in some of the countries represented, the Rules were properly disseminated whereas in others only partly. Some countries have translated the Rules into their own language whereas others have not.

It was proposed that the Rules be translated into the language of all the countries represented and copies sent to UNAFEI. It was also suggested that copies of the training syllabus in use in the various countries be sent to UNAFEI.

The matter of whether the Rules should be made available to prisoners was discussed. It was agreed that the Rules are in the main embodied in the legislation of many countries which is made available to the prisoners.

Major Obstacles to Implementation of the Rules

1. *Shortage of and Outdated Accommodation and Other Facilities plus the Problem of Overcrowding*

With the exception of a few participating countries, all the participants reported that the majority of their institutions are overcrowded. This situation is further aggravated owing to the age of many of the prison buildings which were built either before the World War II or in the last century. Lack of funds hampers renovation programmes which prevents new and modern programmes from being introduced. Owing to the high cost of land in some of the participating countries new prisons would be very expensive. In some cases prisons situated in urban areas were sold to raise funds for new prisons which were built in rural areas. However, this is not practical in all countries. There are new prisons being built in a number of countries but it will still not overcome the overcrowding problem.

Some participants from the countries with cold climates indicated that there is no proper heating facilities in their prisons and as such the Standard Minimum Rules pertaining to heating cannot be fully implemented.

It was pointed out that in Hong Kong the accommodation in hospitals and segregation units is over and above the certified accommodation of each institution. It was further suggested that prison labour under the supervision of professionals be utilized to build new accommodation. This would not only alleviate the overcrowding problem but would also save revenue for the Government.

It is a known fact that every service is faced with problems, some more than others. However, problems have to be recognized and solved and not to be left as being too difficult to tackle.

2. *Shortage of Suitable and Qualified Personnel*

It was unanimously agreed that for a good correctional services to implement

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2. *Concentration on Positive, Human and Scientific Aspects of the Treatment Process*

All participants agreed that a prisoner must be treated in a humanitarian way so as to help him avoid committing another offence. The emotionally disturbed and abnormal prisoner requires special treatment, and in this case the services of a clinical psychologist will prove most helpful. It is recognized without doubt that a humane and scientific approach can bring about desired changes in a lot of inmates and so make them law-abiding citizens.

3. *Public Relations, Public Participation and Utilization of Social Resources in the Treatment of Prisoners*

Visits to prisons by voluntary social organizations are important. If the community does not know the real situation in prisons, programmes and goals of the rehabilitation effort will be hampered. Prisons should be open to public spirited citizens who will contribute towards the welfare of the prisoners. Moreover, prisoners can be involved in community projects thus promoting good relations with the public. Such projects are currently undertaken in some participating countries and have been found very effective.

In Hong Kong a public relations unit has been set up which co-operates with the mass media in promoting good relationships. Similarly Bangladesh, India, Malaysia, Pakistan, Singapore and some other countries have formed voluntary agencies to assist with the welfare of the prisoners and the prisons.

In Japan, volunteer prison visitors and Women's Association for Rehabilitation Aid, etc. are contributing much by establishing good relationship between the prisoners and the community.

Conclusion

In concluding the session it was evident that most of the Standard Minimum Rules are either fully or partially implemented by all countries represented.

It was recommended that Rule 9 regarding accommodation in individual cells should be relaxed according to the nature of the institution and the type of prisoners accommodated, as the safeguards embodied in this Rule may not be required in all situations.

Some of the participating countries are facing an overcrowding problem and there are no immediate plans to build new prisons owing to financial difficulties. Respective Governments should pay more attention to obviate the problem of overcrowding by allocating more funds for prison projects. In addition, speedy trials, extension of bail, better use of parole, etc. would also assist in obviating the overcrowding problem to some extent.

Similarly the heating arrangements are also not satisfactory in some countries. There is no provision for cooling systems within the Standard Minimum Rules; countries like Bangladesh, India, Pakistan and Sri Lanka have temperatures which exceed 44°C in summer months, therefore it is difficult, if not impossible, to confine prisoners indoors. The situation is aggravated by overcrowding. It is necessary for some provision to be made for a cooling system within the Standard Minimum Rules. It is also interesting to note that the penal population on the Indian Sub-Continent alone exceeds two hundred thousand.

A shortage of trained medical staff also hampers programmes in the countries represented from Asia and the Pacific region. Difficulties are being experienced in employing medical officers owing to poor service conditions and lack of fringe benefits. In some countries the lack of funds allocated to correctional service hampers advancement of medical facilities. More effort is needed to improve the medical services. Similarly a lack of professional staff also hampers implementation of programmes.

All the participants agreed that every service has problems, some small some big. However, the problems of the different countries must be recognized, discussed and tackled and not left as they are.

modern programmes and the Standard Minimum Rules, it is essential to have good professional staff at all levels. It is also important that each prisoner should be able to serve his sentence without fear of other prisoners. It is therefore necessary to have the correct number of staff necessary to supervise and to man essential posts. A shortage of qualified staff is felt in almost all the participating countries. The main problem is a lack of funds provided to the correctional services. In some countries prisons are not included in national development plans.

It was agreed that correctional service administrators should urge their respective governments to provide adequate funds and they must be prepared to push home their case. It is also necessary to have priorities and the Standard Minimum Rules may be found useful to convince the relevant authorities concerned. Community support is also necessary and community leaders on their visit to institutions may be asked to give their support to the drive to obtain funds to achieve goals.

It was pointed out by Dr. Neudek, visiting expert, that the United Nations is making continuous efforts to make clear to all countries that crime prevention and the necessary funds go hand in hand. An alternative of non-custodial sentences should be given to prisoners which will help in the problem of overcrowding.

3. *The Lack of Factual Knowledge Concerning Corrections within the Community*

All participants agreed that there is a problem in this field. Legacies of memories of what happened in the last century still linger. The community is ignorant about the realities and problems found within the prison walls and are reluctant to lend a helping hand. In order to overcome the problem, the public has to be educated about the role of the prison in society. It should be emphasized that right type of staff is required and they cost money. Career talks should be arranged at universities, in high schools, and talks should be given at meetings of Rotary and Lions

Clubs, etc. to attract right calibre of person to the service. It was noted that in Japan a university is running a course on corrections. Such kind of courses may be introduced in other countries. Prisons should be open to community leaders who in turn can speak about prison work. It is important that corrections should not be silent.

Measures and Ways to Overcome Obstacles

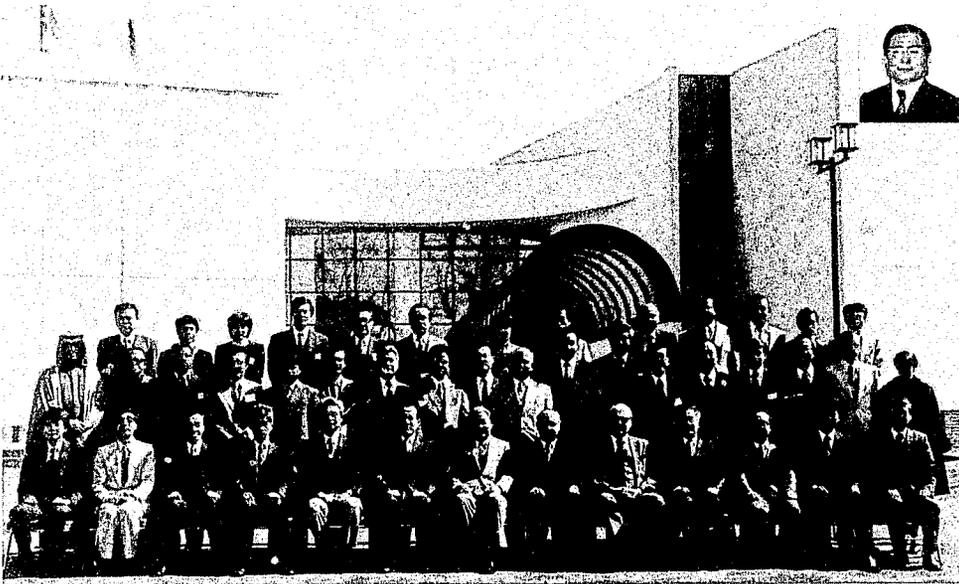
1. *Collaboration and Co-operation with the Other Organizations in the Criminal Justice System*

All the participants from the 18 countries represented agreed that co-operation with other Government Departments (specially the police and judiciary) is very important. It came to light that in some countries they enjoy regular and cordial contacts however in others there is no systematic procedure and they rely on personal contact only.

It has to be recognized that each service has its own pride. It is important that all services co-operate with one another in the field of criminal justice. The introduction of a correctional "police liaison officer" is a step forward towards such cooperation. However, it is important that all agencies should hold regular meetings at a high level to sort out mutual problems. In Hong Kong there is a police liaison officer who works in the correctional services. He has been found to be most useful in strengthening relations between both services. It is also important to have judges pay regular visits to correctional institutions to gain first-hand information of what is going on.

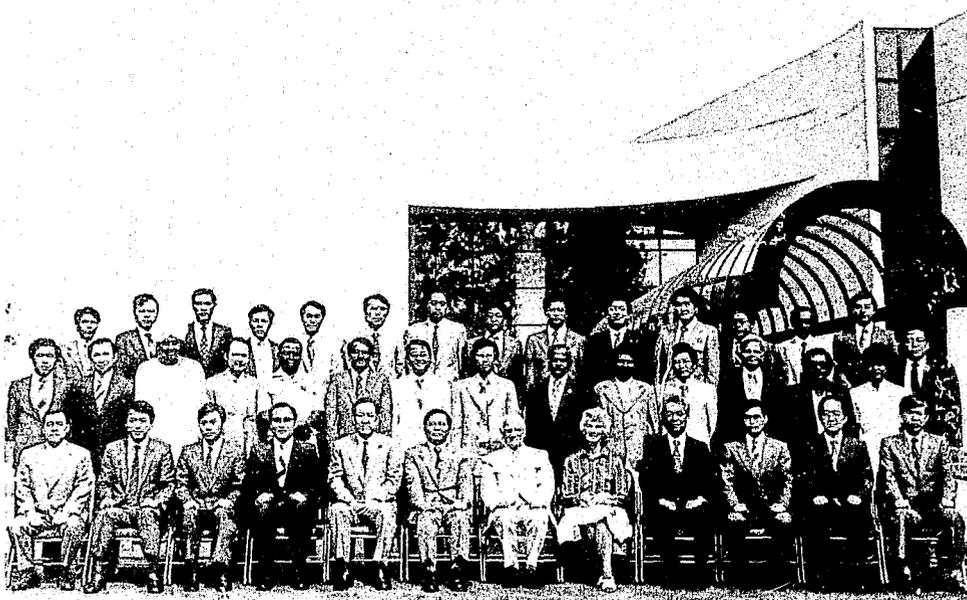
It was pointed out by Mr. Ishikawa, the Director of UNAFEI, that the UNAFEI Alumni Association is now established in some of the countries in Asia and the Pacific region and by all members who belong to the criminal justice system. Regular meetings among them would certainly iron out any irritating problems which may arise for instance between police and correctional services.

The 59th International Seminar
(February 22 – March 20, 1982)
UNAFEI



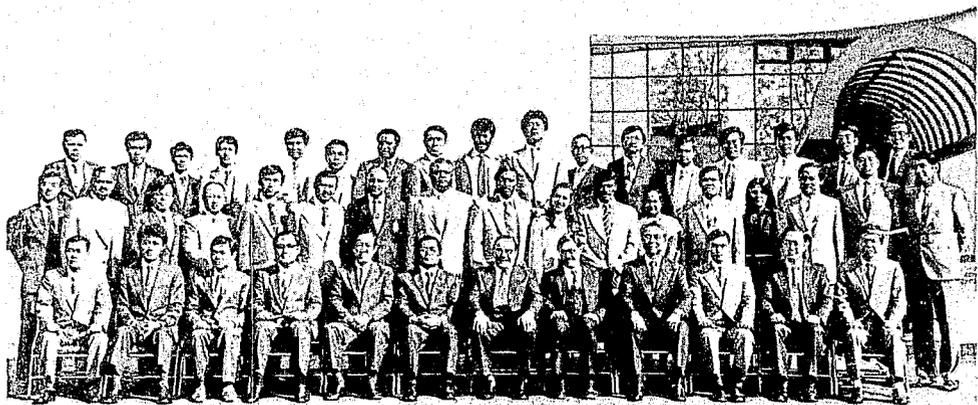
- On Top:* Ishikawa (Director: from 5 March)
- Back Row:* Tani (Staff), Shibata (Staff), Ikeda (Coordinator), Koike (Japan), Ogawa (Japan), Yonezawa (Japan), Taya (Japan), Kuroda (Japan), Shastri (India), Wijesinha (Sri Lanka), Tohi (Tonga), Suzuki (Staff), Nagaoka (Staff)
- Middle Row:* Ahmed bin Mubarak (U.A.E.), Gunter (Jamaica), Frempong (Ghana), Witono (Indonesia), Pradhan (Nepal), Mohd. Onn (Malaysia), Ueshiba (Japan), Gonzaga (Philippines), Fujiwara (Japan), Cruz (Philippines), Hossni (Morocco), Chaudhry (Pakistan), Aburada (Japan), Hwang (Korea), Na Takuathung (Thailand), Soon (Singapore), Campos (Brazil), Navas (Costa Rica)
- Seated:* Nishikawa (Faculty), Yamaguchi (Faculty), Murayama (Staff), Harada (Faculty), Hagihara (Faculty), Hino (Deputy Director), Puno (Visiting Expert), Shikita (Director: upto 4 March), George, Jr. (Visiting Expert), Ikeda (Faculty), Umemura (Faculty), Fujiwara (Faculty), Noda (Faculty)

The 60th International Training Course
(April 27 – July 3, 1982)
UNAFEI



- Back Row:* Shibata (Staff), Tani (Staff), Sakamoto (Japan), Kawabata (Japan), Yamamoto (Japan), Takai (Japan), Nanbu (Japan), Kobayashi (Japan), Miyamoto (Japan), Inoue (Japan), Toyoda (Japan), Mōri (Japan), Edussuriya (Sri Lanka), Fujioka (Staff)
- Middle Row:* Maruyama (Staff), Patamarajvichien (Thailand), Mahmoud (Sudan), Brueckner (Brazil), Malisa (Tanzania), Pereira (Singapore), Wong (Hong Kong), Liew (Malaysia), Huq (Bangladesh), Ranjitkar (Nepal), Cho (Korea), Mahurkar (India), Surahman (Indonesia), Hormachuelos (Philippines), Hirai (Staff)
- Seated:* Kurata (Faculty), Fujiwara (Faculty), Ikeda (Faculty), Kato (Faculty), Hino (Deputy Director), Ishikawa (Director), Dr. Wilkins (Visiting Expert), Mrs. Wilkins, Hagihara (Faculty), Suzuki (Staff), Hagiwara (Faculty), Noda (Faculty)

The 61st International Training Course
(September 7 – November 27, 1982)
UNAFEI



- On Top:* Saeki (Japan)
- Back Row:* Tani (Staff), Maruyama (Staff), Suibata (Staff), Yamato (Japan), Ohta (Japan), Masuda (Japan), Pongi (Papua New Guinea), Watanabe (Japan), Laladidi (Fiji), Yamazaki (Japan), Kasuga (Japan), Chew (Singapore), Kafle (Nepal), Loh (Singapore), Aoki (Japan), Ikegami (Japan), Hirai (Staff)
- Middle Row:* Fujioka (Staff), Mian (Pakistan), Kim (Korea), Fung (Hong Kong), Itaya (Japan), Tjitrosomo (Indonesia), Bhagat (Hong Kong), Gunasekera (Sri Lanka), Appa Rao (India), Jazrawi (Iraq), Salami (Bangladesh), Rosas (Philippines), Mohd. Jaffar (Malaysia), Portugal (Peru), Thanusiri (Thailand), Suda (Japan), Diaz (Chile)
- Seated:* Kurata (Faculty), Fujiwara (Faculty), Ikeda (Faculty), Kato (Faculty), Hino (Deputy Director), Ishikawa (Director), Mr. Garner (Visiting Expert), Dr. Neudek (Visiting Expert), Hagihara (Faculty), Suzuki (Staff), Hagiwara (Faculty), Noda (Faculty)