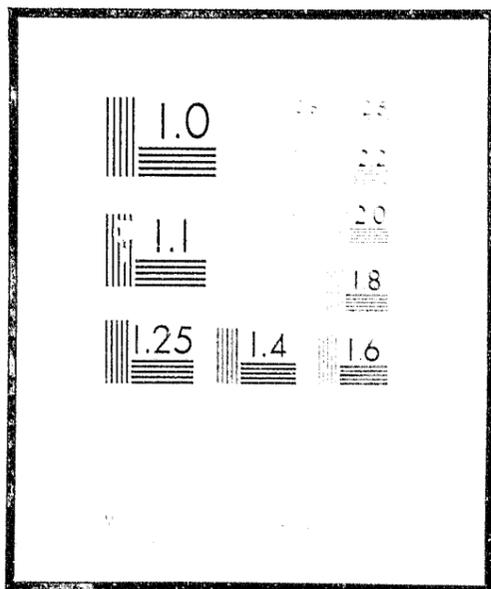


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## Changes in Forms and Dimensions of Criminality -- Transnational and National

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# Changes in Forms and Dimensions of Criminality -- Transnational and National

This monograph consists of the Proceedings of the Meeting of the Working Group of Experts on Agenda Item I, "Changes in Forms and Dimensions of Criminality—Transnational and National" in preparation of the Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders, April 10-13, 1975.

The Meeting was hosted by

**THE INSTITUTE OF CRIMINAL JUSTICE  
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UNIVERSITY OF MARYLAND**

in cooperation with

**THE CRIME PREVENTION AND CRIMINAL  
JUSTICE SECTION  
THE UNITED NATIONS**

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## PREFACE

The Crime Prevention and Criminal Justice Section of the United Nations, formerly the Social Defence Section, is best known for the United Nations Congresses on the Prevention of Crime and Treatment of Offenders which it organizes every five years. Although these Congresses are undoubtedly a major international event in the area of what in the United States today is called the field of criminal justice, perhaps of even greater importance is the preparatory work for these Congresses which is carried on under the aegis of the Section and involves experts from many countries and regions of the world. The items on the agenda of the forthcoming Congress are carefully studied and discussed in those preparatory meetings. Since the United Nations, as everyone else in this world, have to operate under budgetary constraints, considerable portions of this preparatory work have to be carried on with local funding, thus becoming a truly worldwide cooperative enterprise. The meeting held on the University of Maryland campus at College Park from April 10 to April 13, 1975 was one such preparatory meeting for the Fifth United Nations Congress convened in Geneva in September of that year. The College Park meeting dealt with the topic of "Changes in Forms and Dimensions of Criminality — Transnational and National", which was handled as Section I or Agenda item 5 at the Congress. The meeting was hosted by the Institute of Criminal Justice and Criminology of the University of Maryland and funded by the Law Enforcement Assistance Administration of the U.S. Department of Justice. The meeting brought together 13 experts from as many countries, representatives of the United Nations Secretariat, and observers.

As can be seen from the following report, the Secretariat included a wide variety of subtopics under this agenda item. Some of these are new as far as the agenda of previous Congresses are concerned. Others present a continuation of the United Nations inquiry into persistent problem clusters. Among the new ones one might differentiate between those that could be considered truly new phenomena of criminal behavior and others which are new in terms of dimensions or public attention given to them, or, which have acquired an international aspect and hence are considered important enough to be discussed at a Congress. Perhaps skyjacking could be considered a truly new form of criminal behavior due to the development of new technologies. It appears as a part of subtopic e) dealing with international and transnational violence. Another completely new item is the last one, i.e., forecasts of crime and crime control problems. While its appearance on the agenda could be attributed to the increased general concern about

the crime problem, the real reason for its inclusion is the recent tendency of the social sciences to engage in scientific forecasts of problems to be anticipated with view to their prevention or preparedness for control. On the other hand, such topics as alcohol and drug abuse, criminality related to motorized traffic, crime associated with migration and flight from natural disasters and hostilities, and female criminality have been with us for a long time, some of them in dimensions not exceeded by the current situation, e.g., the problem of displaced persons after World War II was every bit as pressing as any such problem today. In the case of female criminality the additional factor of the changed status of woman probably prompted its inclusion. In the case of other topics of this group, the increased international aspect due probably to a general increase in international travel, communication and activities, is one of the obvious reasons. Two topics, offenses involving works of art and other cultural property, and interpersonal violence are good examples of an outright increase in the scope and number of offenses which have always been with us.

The first and fifth of the subtopics (a) and e)), which attracted the greatest amount of attention and discussion on the part of the participants, contain in themselves numerous threads of previous long-standing inquiries by the United Nations. These subtopics are a) Crime as business on the national and transnational levels: white-collar crime and corruption, and e) Violence of transnational and internationally comparative significance. These themes appear at the confluence of two long-standing lines of inquiry and research of the Social Defence Section.

One of these lines of inquiry was the interest of the United Nations in criminality in the developing countries and in the need for social defense planning to prevent and control this byproduct of rapid social and economic change. After the preparatory work of some years following the first Congress in Geneva in 1955, this topic surfaced as an agenda item of the Second United Nations Congress in London in 1960 under the title "Prevention of types of criminality resulting from social changes and accompanying economic development in less developed countries." Ten years later the topic reappears on the agenda of the Kyoto Congress, 1970, as "Social defence policies in relation to development planning", and again claims the center of attention of the delegates. In the College Park conference the topic appears as part of the first subtopic: Crime as business on the national and transnational levels. The abuse of economic power by national and transnational corporations, often

with the connivance of the governments of some of the countries, primarily as the result of corrupt practices, was brought up as a major problem especially for the developing nations, thus returning to the problem of crime due to rapid social and economic development. The problems of criminality in the developing countries surfaced also in the fifth item of the College Park agenda dealing with violence of a transnational and international nature. Attention focused on the explosive recent increase in terrorism. While no consensus on the exact definition of this term was reached, there was agreement that one must examine and remedy the causes of discontent in developing nations seeking liberation and resorting to acts of violence.

The other line of inquiry, that is, the study of new forms and dimensions of criminality, was ushered into the United Nations Congresses in London in 1960, when the topic of new forms of juvenile delinquency was placed on the agenda — "New forms of juvenile delinquency; their origin, prevention and treatment." The plans for the fifth Congress in 1975 expanded this topic to the entire gamut of criminal behavior.

The Institute of Criminal Justice and Criminology owes a debt of gratitude to the United Nations Crime Prevention and Criminal Justice Section for organizing this preparatory meeting on the College Park

campus. It was a profitable professional experience for participating faculty and graduate students, especially since the Institute is strongly involved in the field of comparative criminology and international aspects of criminal justice. The text of the Proceeding was prepared by the United Nations Crime Prevention and Criminal Justice Section.

A great deal of appreciation is also due, of course, to the Law Enforcement Assistance Administration for funding this preparatory meeting for the Congress. The United States has always been one of the most active participants in and supporters of the UN Congresses on the Prevention of Crime and Treatment of Offenders since their very inception, as well as in the similar previous Congresses held under the auspices of the International Penal and Penitentiary Commission since 1872.

Likewise recognition should be given to the administration of the College Park campus of the University of Maryland, which facilitated and gave enthusiastic support to the meeting. Special thanks is due to the faculty, the students and the staff of the Institute who took part in the preparation and management of the meetings.

Peter P. Lejins  
Director

## Introduction

1. The representative of the Secretary-General, Mr. Gerhard O. W. Mueller, Chief of the Crime Prevention and Criminal Justice Section of the United Nations, opened the meeting and welcomed the participants. He outlined the responsibilities and work programmes of the United Nations in the area of crime prevention and criminal justice and referred particularly to the tasks of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

2. Dr. Mary Berry, Provost of the Division of Behavioral and Social Sciences, and Dr. Peter P. Lejins, Director of the Institute of Criminal Justice and Criminology, welcomed the participants on behalf of the host organizations and offered the full support of the University of Maryland for the accomplishment of the United Nations' tasks.

3. The representative of the Secretary-General explained the significance and timeliness of Agenda Item 1, "Changes in Forms and Dimensions of Criminality". Society was deeply troubled by the problem of criminality, adult and juvenile. Indeed, in many countries the problem seemed to be assuming new dimensions and new aspects, and it was evident that traditional methods of dealing with crime were not only unsuccessful but tended, instead, to exacerbate the situation. It was no longer possible to think of crime as simply a routine social problem to which society would accommodate itself while awaiting its solution through long-range preventive and control measures. For many countries the phenomenon was of enormous proportions and ranked high among the unsolved problems. Criminality was now viewed as a social and political problem of the first order which was substantially altering and, at the same time, calling into question some aspects of the very functioning of modern society. Crime and the fear of crime affected the quality of life of millions of people in the world. In a great many countries, rich and poor, northern and southern, developed and developing, criminality influenced the environment and life styles of people. Crime undermined the social order. To deal with the problem successfully, demanded not just isolated measures of a technical nature but comprehensive action conceived at the highest political level.

4. For purposes of facilitating the discussions of the working group of experts the main theme had been subdivided into nine subtopics:

- a) Crime as business on the national and transnational levels: white-collar crime corruption.
- b) Offences involving works of art and other cultural property.
- c) Criminality associated with alcohol and drug abuse.

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

### 1. Crime as business on the national and transnational levels: white-collar crime and corruption

5. The representative of the Secretary-General introduced the subject matter and defined its parameters. By excluding from the discussion organized crime in its traditional form, on the one hand, and merely unethical and greedy business philosophies, on the other, the Congress should concern itself principally with:

- 1) economic criminality which can be countered by utilization of the criminal justice system for the protection of consumers, and
- 2) the exploitation of the differences among laws entailing criminality in one jurisdiction and non-criminality in others, to the detriment of consumers.

While unquestionably organized crime in the more traditional sense was guilty of such practices, and although it continued to be a challenge to law enforcement in many countries, the topic of economic criminality was deemed to be simply too vast to permit an extensive discussion of organized crime at the preparatory meeting.

6. The Working Group noted some principal differences between types of economic criminality found in socialist and non-socialist countries. While in some socialist countries there still existed economic abuses amounting to violation of laws, such as pilfering, embezzlement, and other predatory offences, including the utilization of production organisms for purposes of violation of economic regulation, those countries were otherwise fairly free from the economic criminality with which non-socialist countries were confronted. Thus, in various countries, the abuse of economic power can take many forms including a myriad of forms of consumer frauds, fraudulent dealing among companies and their subsidiaries, abuse of the bankruptcy laws, and other offences, although it was noted that some such practices did not amount to criminality in some other countries.

7. It was also noted that, in particular, the developing countries were suffering from economic delinquency committed by trading partners who had

monopolistic power in dealing in the products of those countries and who were imposing unfavorable trading conditions on such countries. Very frequently, such schemes had been perfected with the co-operation of governmental officials and business executives of the countries concerned.

8. While there was a strong temptation to deal with this problem in terms of general good and ethical business practices, it was deemed necessary to restrict the discussion to those practices which amount to violation of penal law in at least one country concerned or where national or international legal regulation was called for. What complicated that issue was the fact that the quantity of white-collar crime was largely unknown although guesses estimate the losses due to economic offences to be far higher than those attributable to street crime. Criminal statistics ordinarily do not reveal the true extent of economic offences.

9. It was noted that powerful trading partners occasionally had been in such strong bargaining positions that they had provided not only the legislation "regulating" their activities but also, in certain cases, had entered into questionable arrangements under the terms of their own preconceived legislation. The question was therefore raised whether means could be found to strengthen the United Nations Commission on Transnational Corporations in order to better protect countries that were running the risk of being exploited by powerful trading partners.

10. In the search for solutions to the problem of economic criminality, a number of possible causes of action were explored by the Working Group. It was conceivable that the criminal law might have a residual role to play in dealing with particularly flagrant types of offences, but it was deemed unwise to extend the scope of criminal liability of corporations with its customary sanctions of fines, which were frequently simply passed on to consumers or to the State itself.

11. Instead, it was deemed wise to recommend continued prosecution of individuals who were found to be guilty of serious economic offences, although the wisdom of incarcerating them upon conviction was questioned. Imprisonment of individuals merely deprived the national economy of usually talented manpower which could be put to good use in more constructive ways. Thus, sentences entailing services to the community were deemed preferable to sentences of imprisonment of economic offenders.

12. With regard to the criminal liability of corporations the only effective sanction was thought to be the revocation of their charter to do business, which terminated the life of the corporate enterprise. This did not necessarily mean cessation of

the corporation's activities, but it might amount to transfer of management to state control or to a new board of officers, appointed possibly to act in the capacity of trustees. It was realized that these sanctions might not be useful in all situations. For example, they could not be applied in the case of public utilities or quasi-public corporations. Therefore, individual criminal liability of every person responsible for economic offences had to be retained.

13. It was generally recognized that the problem was far too complicated to warrant a merely legal approach to its solution. Many economic offences were victimless in the sense that usually no one individual suffered an appreciable loss, but victim-oriented in the sense that consumers as a whole stood to suffer. It was regarded as important that governments contribute considerably toward a lessening of economic criminality by supporting consumer protection agencies and governmental and private organizations concerned with monitoring business activities. It was thought that greater participation by shareholders in the affairs of major corporations might be beneficial in this regard. Reference was made to a Swedish experiment in which representatives of government and labour had been placed on the board of major corporations, thus ensuring that the public would have a better knowledge of the business practices of those corporations.

14. Despite all such non-criminal law methods to assure consumers of protection from economic crime, proper surveillance of business activities, particularly of those industries which had a record of unethical and illegal practices, ultimately required specially selected and trained police forces supported by professional personnel capable of dealing with matters involving complicated problems of economics, statistics, electronics, accounting, and public administration.

15. Concentration on specific law enforcement efforts in the economic area should not result in overlooking the root causes of such offenses. Among them were:

- a) Inefficient economic planning resulting in shortages which often led to black-market trading activities;
- b) The fostering of "get rich quick" philosophies, especially through the mass media, which tended to corrupt the citizenry, particularly the younger groups;
- c) High levels of inflation which were thought to be another result of poor business planning practices, or absence of planning, and which could be directly related to increases in economic criminality, particularly on a transnational scale;

d) Excessively high rates of taxation which frequently resulted in efforts to circumvent such laws.

16. An inter-disciplinary approach to the solution of economic criminality, in which the legal system played but a partial role, also required the marshalling of citizen solidarity against illegal business practices. The wrath of the citizenry had, in many countries, resulted in the nationalization of business enterprises which had been deemed to be in violation of national law, or policy, and which were thought to have failed to benefit the national economy. It was noted that on the Indian sub-continent the citizenry was far more agitated about white-collar criminality than about common thieves or murderers. Included among the white-collar crimes were adulterations, hoarding and illicit imports of foodstuffs and other commodities.

17. A number of countries had experienced difficulties in utilizing the cumbersome apparatus of the criminal law for the prosecution of economic offenders, and could, therefore in such cases benefit from the institution of better practices for prosecution and submission of evidence. Thus, some countries had put into practice the "net-worth-method" under which an individual could be held accountable for provable increases of his assets that are in discrepancy with his reported taxable income.

18. Some countries also were having difficulties with the proof of criminal guilt in cases of economic offenses; but it was deemed necessary to base criminal liability upon proof of criminal guilt. On the other hand, confiscation of contraband and, possibly, even of the profits of corporate enterprises found to be in violation of regulatory penal law was deemed to be a viable solution.

19. The creation of such schemes had to be carefully developed, and comparative evidence should be utilized. Thus, experience of giving corporations in default of law a six months warning prior to closing down their operations had proved effective, but had entailed the risk of unemployment and of depriving the community of an essential economic base.

20. Ultimately, the strongest sanction against economic criminality was deemed to be an informed and alert citizenry supported by consumer groups and labour unions and aided by governmental assistance at both the international and the national levels, such as that provided by ombudsmen and commissions of inquiry.

21. The development of an effective apparatus of economic crime prevention might have the result of increasing the cost of the product. This increase in cost, however, might be more than offset by the saving to the citizenry arising from the removal of unscrupulous business from the economy. Crime

protection and prevention of economic criminality, including the inevitable by-product of corruption, had to be thought of in terms of costing the marketing of any given product.

22. Corruption was singled out as a phenomenon invading the political and economic sectors in many parts of the world. It was no longer confined to individuals but, in some places, had permeated the entire social texture, constituting a threat to democracy and public welfare. Corruption fed on official venality and tended to have a reciprocal relationship with other illicit activities, such as organized crime. International and transnational economic criminality generated and reinforced the corruption of politicians and administrators, and this made the task of fighting corruption at the national level more formidable. Far-reaching measures were required for its prevention and control. These measures should also take account of the adverse impact of corruption on national development. Studies on this aspect were planned by some research institutes.

## II. Offences involving works of art and other cultural property

23. On behalf of the Secretariat, Mr. Anatol Mikhailov, Social Affairs Officer of the United Nations, introduced this agenda sub-item.

24. It was recognized that there were several distinct types of crime in this category, including individual and ideological vandalism against works of art, systematic theft for personal gain, and the acquisition of souvenirs by tourists.

25. The Convention on the means of prohibiting and preventing the illicit import, export, and transfer of ownership of cultural property, adopted by the General Conference of UNESCO at its sixteenth session (November 1970), had only been ratified by seventeen states, which was indicative of the failure of nations to recognize the true dimensions of offences that potentially entailed the destruction of national cultural heritage. Public officials and citizens alike in many parts of the world were unaware of the significant dimension of destruction and dissipation of objects constituting cultural heritage.

26. Laws against smuggling had proved as ineffective as customary methods of guarding national treasures. In many instances, clandestine operations had been carried out far removed from the range of effective detection; in other instances corrupt officials had permitted the removal of protected objects. The thief had ordinarily been paid very low sums for the depredation, while the dealers in these objects had obtained huge profits in distant markets.

27. If ratified and fully implemented, the UNESCO convention might contribute significantly toward

better protection of national treasures, but other remedies would have to be found in order to perfect this system of protection. Thus, while the United Nations had spent considerable sums on the preservation and restoration of national treasures, it was suggested that, henceforth, it should devote equal attention to the protection of national treasures against theft and vandalism. Moreover, public education about the true significance of national heritage might in itself have some protective value.

28. In an effort to alert the international community to missing, especially stolen, art objects one nation had depicted these objects on its postage stamps and had reported that this action led to the discovery of some of the missing objects. Other countries had resorted to the licensing of antique dealers and the requirement of an export certificate for all objects of art. Still other countries had established specially trained police units, and acquired the services of experts on domestic and foreign art to collaborate with those police squads for the purpose of preventing the theft of such objects and detecting are thieves operating on a national and transnational basis.

29. Consideration was given to the establishment of an international registry of particularly significant art objects, paralleling similar systems in existence at the national level, but the difficulties and disadvantages of such a system at this point in time were deemed to outweigh the advantages.

30. Nevertheless, many objects of art constituting parts of national cultural heritage had to be deemed to be the common heritage of mankind, and to be preferably preserved for public benefit rather than private investments. Specific efforts should be made to protect them in times of war and civil strife, and constant efforts should be made on the part of nations in possession of these objects to guard them at all times by the best means available, against theft and destruction. The Working Group called for an international exchange of information designed to ensure the protection of cultural objects.

### III. Criminality associated with alcohol and drug abuse

31. The representative of the Secretary-General introduced the topic and proposed to broaden its scope so as to include the abuse of alcohol which, in many areas of the world, amounted to the socio-cultural equivalent of the abuse of narcotics. It was suggested that the Working Group distinguish between the following four types of intoxicants susceptible to abuse:

- a) agriculturally produced hard drugs and their derivatives,
- b) pharmaceutically produced hard drugs and their derivatives,

- c) agriculturally produced soft drugs, and
- d) intoxicating beverages.

It was proposed that the discussion of this subject at the Congress be concentrated on the following four topics:

- a) the legal regulation of drug use,
- b) the physiological effects of drugs,
- c) the effects of dependency on drugs upon the crime rate, including consequences, and
- d) the cultural problem range associated with drug abuse.

32. The representative of the Secretary-General reviewed the current dimensions of the production and distribution patterns and pointed to the existing international convention system for dealing with the problem, emphasizing the rapidly changing pattern of drug abuse.

33. The Working Group discussed the interrelationship between drug abuse and criminality. According to the latest research data, drug addiction was ordinarily preceded by anti-social behaviour so that legalization, especially of hard drug use, might not necessarily lead to cessation of criminal activities by those affected. Consequently, total decriminalization of all drug use could not be recommended as a panacea for drug related criminality, which unquestionably entailed vast social and economic costs.

34. The Working Group discussed the reason for the contemporary upsurge in drug abuse, particularly among the young, and noted such precipitating factors as peer group acculturation, disaffection, and alienation — frequently due to the population explosion — the lack of opportunity for adequate leisure time use, uncertainty about the future, the learning process fostered by the mass media, cultural conflict and confusion about society's values and goals and, in particular, the inability to achieve the latter.

35. There was agreement on the fact that national penal laws had failed to curtail drug abuse and its related criminality. Nor had the medical model of intervention offered any significant hope for a solution. It was noted that Scandinavian countries were rapidly veering from the legal control model toward a model oriented along the lines of social service intervention and medical treatment.

36. The Working Group took note of a conflict of considerable significance involving charges by the developed countries that some developing countries were flooding the market with agriculturally produced hard-core narcotics, and charges by the developing countries that the developed countries were flooding their market with pharmaceutically-produced narcotic drugs, including amphetamines

and barbiturates. Attempts to subject the international pharmaceutical industry to adequate control had apparently proved unsuccessful. The Working Group, therefore requested the Congress to address itself to the task of devising means of subjecting the international pharmaceutical industry to more stringent controls.

37. The Working Group noted that by a penalizing approach the legal system in itself created an apparatus which operated on a world-wide level, with vast resources of manpower involved in the production, manufacture, and distribution of narcotic drugs. That situation was fraught with the danger of compromising civil servants, particularly border patrols and police forces. The question that had to be asked was whether or not the legal system was willing to tolerate the socio-economic costs of maintaining a totally punitive approach toward the drug problem. Consequently, consideration might well have to be given to the depenalization of a considerable area of drug abuse. Note was taken of the proposals in this regard which were put forward at the Congress of the International Association of Penal Law held in September 1974, the conclusions of which were appended in this report (Appendix I).

### IV. Interpersonal violence

38. In introducing this topic, Mr. A. Mikhailov, Social Affairs Officer of the United Nations, pointed out that there was a wide range of violent behaviour which overlapped with conditions of intoxication and which, according to some views, was associated with the description of violent acts by the mass media. While it was difficult to determine inter-causal relationships, it was noted that the moral values in society in which these three factors coalesced might provide a certain answer to this problem.

39. The Working Group was particularly concerned about a change in the use of violence in seemingly unprovoked situations, particularly involving young perpetrators. Those behaviour forms had been unknown in many cultures and had occasionally been attributed to the importation of motion pictures and other mass publications media in which such behaviour was portrayed in other cultures.

40. The Working Group decided to concentrate on the problem of interpersonal violence in general, rather than to search for inter-connectedness of associated factors. Violence had been part of the human life style in every age but mankind had not yet succeeded in bringing it under effective control by means of the criminal process.

41. It was suggested that aggressive responses to situations of conflict were to be expected and that nonaggressive responses had to be acquired through a learning process. However, aggressive responses could likewise be acquired as a result of a social

learning process. Consequently, if it is true that mass media portrayal of violence might have the effect of increasing aggressive responses to situations of conflict then the mass media might also be used as a learning device for educating children and adults alike toward socially acceptable responses to such situations. The Working Group thought that it might be possible to use the mass media for the education of the public toward socially acceptable responses to situations of conflict, and for that purpose it was deemed important that governments take the initiative in suggesting guidelines, particularly in the area of public education. Moreover, the United Nations might play a role in disseminating information about the effects which such efforts may have had in various parts of the world.

42. The Working Group took note of the Secretary-General's mandate to conduct a study of possible use of public education for purposes of crime prevention and, in particular, the use of the mass media in portraying crime - fact situations. Such studies might point toward programmes favouring non-violent settlement of situations of conflict. The Working Group recognized that available studies on interpersonal violence lacked the precision requisite for accurate forecasts and precise programmes.

43. The Working Group took note of the General Assembly's anti-torture resolution which rested on the recognition that the use of violence in law enforcement and corrections had remained prevalent in many parts of the world, thus contributing to an atmosphere of violent action and responses in many countries. The Economic and Social Council in its recent debate on the death penalty noted the potential violence-producing effect of the use of capital punishment. It was therefore deemed important that the Congress counsel governments to refrain from the use of violent and aggressive responses in all stages of the administration of criminal justice.

44. The Working Group noted a certain responsibility of governments for the current situation which was marked by an increase in interpersonal violence. Thus, where governments had maintained an atmosphere in which citizens were disaffected and alienated from governmental decision-making processes, aggressive and violent responses had been occasioned. Moreover, it might be advisable for governments to exercise a positive role in reaching the citizenry. Mass media portrayal of violence was thought to convey to the citizenry the idea that violent responses to situations of conflict were acceptable. By tolerating aggressive rather than restrained law enforcement and administration of justice, and by hesitating to weed out corruption, governments had occasionally failed in their responsibility to sensitize the citizenry toward lawful and non-violent resolution of situations of conflict.

45. The Working Group received an oral report from a specially invited expert, Dr. Arthur Zitrin, of the Department of Psychiatry, New York University Medical Centre, regarding the latest available research information on the relationship between mental illness, especially schizophrenia, and violent criminal behaviour. While Dr. Zitrin's own research had indicated a certain correlation between the diagnosis of schizophrenia and pre- and post-treatment violent behaviour, that evidence was by no means uncontested. The Working Group took note of the fact that as of that moment psychiatry had not developed any workable indicators for the prediction of violent behaviour. However, in the case of certain categories of psychiatric patients it was indicated that the development of better post-release procedures and social-care facilities in the community was required.

#### V. Violence of transnational and internationally comparative significance

46. The item was introduced by Mr. Kurt Neudek, Social Affairs Officer of the United Nations, who referred to the nature and scope of acts of violence commonly referred to as "terrorism" which endanger or take innocent human lives or jeopardize fundamental freedoms. As a tentative working definition, he described "terrorism" as being distinct from other forms of violence; as the use of violence or threat of violence designed to focus public attention and to coerce human behaviour in a particular way by manipulation of fear. A distinction had to be made between state terrorism employed by governmental regimes across national borders or to maintain domestic control, and terrorist acts perpetrated by individuals or groups, acting ordinarily in a manner disturbing international tranquility. Although both forms of violence were related, they had different origins and effects. Often one form of violence entailed counter violence of the other form.

47. Besides transnational violence whose origins or aims were purely political, similar acts were perpetrated for ordinary criminal motives. From the standpoint of the effect on the innocent, there was no reason to limit international discussion and action to violence with ideological correlations.

48. It was noted that violence of transnational or internationally comparative significance could be considered within the framework of a classification of violence under four headings:

- a) Instrumental
- b) Interpersonal conflict
- c) Ideological
- d) Sensational

(See Appendix II for details of classification.)

49. It was observed that particular acts of violence could fall into one or more of these categories and that fact should be recognized when studying the phenomenon of violence. In particular, it was observed that "terrorism" overlapped with both ideological and sensational violence. Thus, one of the most highly visible forms of international violence, the so-called hi-jacking offences, fell into the categories of instrumental and ideological violence, while some of those cases had unquestionably been of a sensational character as well. The kidnapping of important persons for ransom had frequently been in the nature of instrumental and ideological violence. However, the threat of sabotage to public institutions and installations, which resulted in a wider concern for public safety, had usually been ideological and sensational and rarely instrumental. This classificatory scheme of acts of "terrorism" avoided the confusion which arises whenever "terrorism" was treated as if it were a defined international crime.

50. Acts of violence which have either transnational or internationally comparative significance constituted for the most part crimes under national penal codes, and were ordinarily the subject of international treaties and conventions which referred to these acts by various definitions. The Working Group noted that where universal jurisdiction did not already extend to such acts, provision should be made for such jurisdiction in the international network of treaties, which should also be covered in national penal codes, since offenders falling into these categories were prone to cross national boundaries.

51. It was noted that the entire international community condemned acts of violence which spread fear and terror and wreaked death and destruction among innocent persons. The General Assembly of the United Nations in its Resolution 3034 (XXVII), condemned it, and representatives of various governments had taken stands against it. National liberation movements had more recently followed that line of reasoning. It was generally recognized that reasons for acts of international violence could be found in the misery, frustration, grievance, and despair of those aspiring to international recognition of their national or ethnic goals, paralleling the efforts which many formerly colonial nations had been obliged to make in order to achieve sovereignty. There were perhaps but few countries that had achieved independence through non-violent passive resistance or treaties of peace.

52. The problem of preventing acts of "terrorism" should also be considered in relation to the social psychological matrix of contemporary society, particularly in view of the frequent glorification of acts of violence as a means of resolving social conflicts, and of public admiration of bravado. It was deemed

important that the entire world community give thought to basic premises regarding the use of force in the resolution of conflicts. In this connexion, it was noted that the Secretariat had a mandate from the Economic and Social Council to study the use of public education in the prevention of crime and it was deemed necessary that the Medium Term Plan include an examination of the question of de-habituating children and adults alike from the use of violence in the resolution of conflict.

53. The Working Group recognized that there were several solutions to the problems of transnational violence:

1) The long range solution, under the aegis of the United Nations, would seek to alleviate conditions such as colonialism, refugee status, economic distress, apartheid, and denial of fundamental human rights. This solution aims at the achievement of human dignity and full sovereignty rights for all peoples.

2) An interim solution would require the broadening and intensification of the network of international treaties, providing for the detection, apprehension, and trial of those guilty of "terrorist" activity, whatever the legal definition.

3) A continuing effort on the part of the international community would counter the violence-precipitating practices indulged in by some countries and tolerated by some governments, and which amount to cruel and degrading treatment of persons in state custody. These activities, while thought to amount to state "terrorism", also included such acts as the interference by violent means in the internal policies and concerns of other nations, or the use of unnecessary force by those responsible for maintaining domestic policies.

54. The Working Group recognized that no one had the right to use unlimited means for the accomplishment of idealistic goals, nor should legal systems call "terrorism" every act which was regarded as unacceptable. There was total agreement that international cooperation leading towards a solution of the problem was mandatory. For purposes of achieving an interim solution three approaches suggested themselves:

1) Provision in the international conventions, allowing for universal jurisdiction, requiring the State in possession of the offender to try that person under his own national law, or

2) to extradite such a person to a requesting State, especially one with preferred jurisdiction, subject to international human rights safeguards.

3) Trial by international criminal courts.

In this regard, it was noted that after breaking the deadlock surrounding the definition of aggression, and after declaring apartheid to be an international crime, the United Nations was in a position to pro-

ceed with its plans for the ultimate establishment of the long projected international criminal court. Due note was taken of the fact that the creation of an international criminal court might well take considerable time, and therefore other agencies of either regional or subject matter jurisdiction might in the meantime have to be entrusted with the tasks ultimately to be performed by the international criminal court.

55. It was noted, however, that the juridical approach might not be adequate to resolve the issues, but that very frequently situations of conflict could be resolved by means short of accusation and trial, for example, by fact finding investigations and arbitration or other accepted methods. In view of the fact that there already was a considerable body of international law in existence, such softer schemes of international conflict resolution might indeed be needed to develop and protect mechanisms that are requisite for the prevention of international violence and other international crimes. Several participants recommended that under the aegis of the United Nations a model code, or set of guidelines, be developed which would ensure the uniform implementation of existing and future conventions for the prevention of transnational violence. It was also thought that the creation of an internationally co-ordinated fact-finding board (for the investigation and resolution of violence-prone fact situations) might be useful for the solution of transnational conflict situations.

56. While there has been a tendency to regard the United Nations as a governmental organization powerless to enforce its own mandate, it was noted that the United Nations had at its command the ability to marshal world opinion on any given issue, against any given violator, and that ultimately every nation sought the respect and acceptance of all other nations, and no nation wished to be an outcast. In effect, this amounted to the existence of an international social or moral force for implementing the mandates of international criminal justice.

#### VI. Criminality related to motorized traffic

57. In the discussion of the topic, it was agreed that traffic criminality and criminality due to motorization presented a major law enforcement and criminal justice problem particularly to developing countries. The social cost attributable to traffic accidents and traffic criminality was considerable and enforcement of traffic laws occupied a major portion of the time spent by law enforcement officers. The problem was regarded as particularly significant in those areas of the world in which a rapid motorization had taken place and where inexperience on the part of the whole populace in matters

of road traffic, in addition to inadequate road systems, led to significant social costs.

58. It was forecast that if the present trend continued and social control were not modified, the problems for criminal justice systems would become overwhelming. It was therefore suggested that consideration should be given to various possibilities for decriminalization. It was pointed out that some traffic offences were due primarily to absentmindedness and lack of judgment and might be regarded more as matters for civil than for criminal jurisdictions.

59. Instead of overburdening the criminal justice system by utilization of a public service which is more adept at the apprehension of common criminals, several alternatives for dealing with the social problems of motorization should be emphasized. Among them were the following:

- a) The utilization of tort remedies and insurance schemes in case of personal injury and property damage;
- b) the use of administrative procedures, including mail order dispositions, in cases of technical violations, moving and non-moving;
- c) the utilization of a uniformed service, outside the police departments, for the regulation of traffic;
- d) the improvement of road traffic systems and warning devices for accident prevention;
- e) the possible utilization of devices built into motor vehicles to prevent driving at excessive speeds, for example, torque control;
- f) the installation of safety devices in motor vehicles;
- g) a stricter control of the manufacturing process of automobiles and possible use of legal action against manufacturers who do not comply with safety requirements;
- h) periodic safety inspection of motor vehicles;
- i) the utilization of computerized radar registers geared to licence plate emitters for detection and registration of motor vehicles exceeding speed limits or violating other traffic rules;
- j) wider use of public education, including both driver and pedestrian sensitization to safe traffic behaviour;
- k) the utilization of mass media for traffic safety campaigns;
- l) the creation of national and international systems for the registration of various traffic infractions, with a potential for instant feedback;
- m) a scientific feedback system evaluating the road-worthiness of all types of motor vehicles;

- n) stricter control of licensing restrictions, especially for professional drivers; and
- o) use of voluntary traffic officers to augment the official corps.

60. It was fully realized that, particularly in the developing countries, one alternative to penal regulation of road traffic was the construction and improvement of the highway system.

61. In as much as the problem was recognized to be a psycho-sociological one, as far as drivers were concerned (for example, the challenge of risk-taking, the social prestige derived from motor vehicle ownership and driving behaviour), it was thought that society's impact upon the driver was of significance in all countries, developing and developed. Utilization of the criminal justice system under these circumstances might only result in a "banalization" of the criminal process, but would not have an impact upon road traffic behaviour.

62. It was further pointed out that there was a growing problem of traffic violations committed by transient drivers, and there was, therefore, a need for greater international judicial co-operation as well as standardization of procedures for dealing with traffic violators.

63. Despite the Working Group's preference for decriminalization, it was thought that the criminal law should play a residual role with respect to drivers guilty of such serious offences as gross negligence, dangerous driving, and driving under the influence of alcohol or drugs.

64. The Working Group took note of several studies which suggested an interrelationship between motor vehicle criminality and common criminality, but the Working Group did not see any reason to depart from its principal recommendation of decriminalizing minor traffic offences.

#### VII. Crime associated with migration and flight from natural disasters and hostilities

65. The item was introduced by K. Neudek, of the United Nations Secretariat, who outlined three situations of social and criminological concern, which also impose severe stress on law enforcement agencies:

1. Natural disasters, such as earthquakes, epidemic diseases, and others, which often resulted in extreme suffering and economic ruin for the survivors and on occasion uprooted or displaced entire populations;
2. Political persecutions which compelled refugees to seek asylum in a foreign country;
3. Unfavourable economic conditions in a country, causing workers to emigrate in search of employment and to do so without

the necessary visa requirements and working permits.

66. Although these situations had different origins, they often entailed similar forms of criminality, such as passport and visa violations, falsification of documents, exploitation of labour and others. Often, people who would otherwise not have been criminals were compelled to become so by a situation beyond their control. Moreover, the ghetto-life conditions in which illegal aliens and refugees often were compelled to live, usually gave rise to a decline in moral standards and sometimes to political agitation which, in turn, might result in criminal activities.

67. It was regarded as established that in most instances the crime rate of migrant labourers was lower than that of the host country or indeed of the comparable age groups of the countries of origin. On the other hand, where host countries had failed to integrate migrant labourers into the social system, there was a danger of a long-run negative effect, particularly where there existed ghetto-life conditions and lack of education.

68. The most significant common problem was thought to be the considerable number of illegal immigrants who had been brought into host countries, frequently by unscrupulous purveyors of cheap labour, virtually amounting to modern types of slave traders. Absorption of these governmentally un-screened immigrants into the national economy was thought to be unacceptable to most host countries. Their life-styles imposed upon them was deemed to amount to violations of basic human rights.

69. Countries faced with either the absorption or the return of hundreds of thousands and, in some instances, millions of illegal immigrants face a serious dilemma since, in many cases, the illegal immigrant faces or claims to face prosecution either for unauthorized departure or for other criminal charges. Up to that point each country had used its own discretion in dealing with the problem. The Working Group deemed it important that the appropriate authorities of the United Nations, including the High Commissioner for Refugees, investigate the matter and offer their services. The International Labour Organization was also dealing with certain other aspects of the problem. Those agencies as well as other organizations concerned with profit from crime should be provided with input by the Committee on Crime Prevention and Control, and by the Secretariat officers dealing with crime prevention.

70. With regard to refugees from war zones and civil strife, the rudiments of an effective international machinery had already been established. The United Nations High Commissioner for Refugees had the task of extending the protection of the

United Nations to victims of such calamities, and had established a system which rested on thirty years of experience in dealing with refugees. The United Nations Relief Association, UNICEF, the International Red Cross, and other international organizations had contributed to the establishment of relief programmes. However, recent experience had shown that relief could not always be instantaneously provided when needed, for a variety of reasons, resulting in inability to provide care in the first days and weeks of shock and suffering. Moreover, when relief arrived, experience had shown that there existed a grave danger of the illegal diversion of relief materials due to corrupt practices.

71. A similar situation existed with respect to disaster victims, such as hurricane and drought victims. For those unfortunates the United Nations had established the Office of Disaster Relief Co-ordinator, whose tasks and problems were similar to those of the United Nations High Commissioner for Refugees.

72. The Working Group dealt specifically with the conditions of refugees seeking asylum under claim of political victimization. Such persons, usually without passports or working papers, were dependent on the good will of governments or the bribing of government officials to legitimize their status. This matter had not yet been dealt with successfully by international conventions, and the Working Group thought that consideration should be given to the issuance of travel documents to such persons by the United Nations pending the determination of their status by the appropriate national authorities.

73. The Working Group, however, agreed that the discussions at the Congress should extend to the specific criminological problems involved here and should seek specific ways of making criminological information available to international and national organizations concerned with the problems of immigrants and war disaster victims. Obviously, eradication of the root causes such as war, political conflict, and natural disasters should be the principal aim of the United Nations. These efforts, however, were deemed to be of a political and social nature and not of direct concern to specialists in criminal justice.

#### VIII. Female criminality

74. Professor Freda Adler, Consultant to the Secretariat on Female Criminality, introduced the agenda sub-item and pointed out that in some countries undergoing a rapid female emancipation the rate of increase of female criminality in all categories exceeded the rate of increase of male criminality two, three, and fourfold. There were indications that female deviance and criminality were likewise

on the rise in developing countries where females were entering the work force, and where they were experiencing the same stresses and temptations to which men had been traditionally subjected.

75. While the increase of female criminality had been rapid, in terms of absolute figures, the total amount of female criminality was far from approximating male criminality. Moreover, research had established that in some socialist countries a comparable rise in female criminality had taken place when a generation ago females had been put on an equal economic footing with men, but that subsequently a decrease in the female proportion of crime had taken place. This might have been due to a removal from criminal processes, and thus from the criminal statistics, of petty criminality in those countries. Thus far, criminologists had not analyzed the social factors which might account for that decrease in female criminality in the countries mentioned.

76. The Working Group discussed the symptoms of this rise in female criminality, which was thought to constitute a new dimension rather than a new form, of criminality. The symptoms were not only an increase in the number of female offenders in all categories but also, in some countries, the increased use by females of more aggressive methods in the perpetration of offences.

77. The Working Group examined the possible reason for this dimension of female criminality, and agreed that increased opportunity was one of the most prominent factors. By way of example, embezzlement had not been practiced by females when they were denied access to positions as bank officers. But it was also agreed that the integration of females into aggressive and acquisition-oriented life-styles accounted for part of the increase.

78. The point was raised that some proportion of the increase might be due to the fact that females had been positively discriminated against in law enforcement and criminal justice in earlier times whereas in many countries this discrimination was no longer as prevalent. In some developing countries, the continuation of ancient customs in itself was regarded as criminogenic in the sense that harsh customary sanctions and ostracism had driven female deviants underground and into criminal life styles involving prostitution and other offences, since no legitimate means for attaining acceptable life styles were available. However, participant observer studies and other research cannot attribute the evidence of the rise in female criminality to this factor alone. It was noted that in some countries male perpetrators availed themselves of the services of female accomplices in the expectation of male escape from detection and leniency toward female accomplices, a new *modus operandi* which in itself might account for part of the rise in female criminality in certain areas.

79. This abuse of women in the perpetration of crime was thought to constitute but an interim position indicating a possible greater involvement of women in the total panorama of crime, corresponding to the new and total social integration of women into public life.

80. While the demonstrated rise in female criminality was thought to be related to rapid emancipation movements, it was agreed by all participants that criminal behaviour is not a necessary consequence of female liberation.

81. The new dimensions of female criminality led to a number of demands for adjustments of the criminal justice system. Thus, it was recognized that detective forces had long operated with a stereotype of a male offender prototype—which in itself might have affected detection figures. It was suggested that law enforcement might be improved by the addition of female law enforcement agents. By the same token, it was deemed necessary to include female officials in all other parts of the criminal justice system. It was also mentioned that the courts, for instance, might tend to be either too severe or too lenient with females. In either case, this was discriminatory. Particular note was taken of the frequently inferior institutional facilities for females, in contrast to those available for male convicts.

82. Apart from the need for restructuring the procedural aspects of the criminal justice system, it was thought that the penal codes themselves might have to undergo some revision, as they had been defined at a time when females were not actively involved in the commission of criminal offences and in the administration of criminal justice systems. Criminology had been predominantly a male profession. An effort at achieving a totally egalitarian criminal justice system would therefore require a re-examination of criminal justice administration and criminological theory.

#### IX. Forecasts of crime and crime control problems

83. The Chairman of the Working Group asked Professor Leslie Wilkins, Special Consultant to the United Nations, to introduce this agenda sub-agenda sub-item.

84. Professor Wilkins pointed out that the environment in which criminal justice agencies will have to function in 1985 can only be very different from that of today. Yet there was, however, little evidence of criminal justice projection and planning; law tended to be reactive; and its personnel was often taken by surprise by criminal utilization of technological developments and social change. There was no doubt that the nature and quality of crime would expand in relation to the expansion of the available opportunities.

85. When presented with scenarios of the probable future in several fields, criminal justice agencies were reluctant to consider the probable consequences of technological change and scientific discovery in areas with which they were less familiar, notably the fields of nuclear physics, medicine, genetics and surgery, and environmental factors. Forecasting and projection techniques were still somewhat primitive, but could be of considerable value particularly in that they assisted in:

- 1) reducing the probability of surprise in the future thus —
- 2) enabling more informed choices to be made by policy-makers by —
- 3) providing a logical framework for consideration of the consequences of developments; throwing light on the interconnectedness of elements in the socio-economic and political systems; separating conceptually the desirability from the probability of future events.

86. It appeared desirable to devote some resources to projections of illegal (undesirable) future conditions. However, projections of illegal exploitation could proceed only in relation to projections of legal exploitation — the one could not be seen independently of the other. As new developments became more probable, perhaps we should spend more on considerations of the consequences of these events should they become true; for example, the anticipated continuance of female criminality would need to be taken into consideration now with respect to criminal policies and legislation.

87. Some of the more seriously dangerous developments in the next decade seemed to fall into a class which might be termed "transnational crime" (although some offences were not at that time specifically and openly defined in criminal codes). Few, if any, of these problems were the central concern of any one government department within any of the

countries studied. The future problems of the world were not divided up, as were the departmental responsibilities of states; thus, many of the potential dangers to everybody were of concern to nobody!

88. Priority items selected by an international sample because of their probably increasing importance were:

- a) Water pollution (for example, ocean dumping)
- b) Sale of harmful products (including drugs);
- c) Theft of cultural objects (including "finds");
- d) Air pollution;
- e) Kidnapping;
- f) Currency crimes;
- g) Fishing and the seas (food supplies) (see (1) also above);
- h) Evasion of taxes and exchange regulations.

89. Some of the topics fell within the special technical expertise of other than criminal justice administrators and lawyers. It might appear to be worthwhile to consider how persons concerned with law and order might best seek information from and cooperation with those other agencies concerned with specific technological developments which would impact upon criminal justice. In particular, these fields seemed to be medicine, chemistry, biology, and nuclear energy. Members of social defence agencies might be represented in discussions of the specialist agencies, or alternatively the specialist agencies might be represented at conferences and congresses of criminal justice. It was necessary to set up some machinery for the exchange of information as to possible future conditions which would have multi-disciplinary and multi-administrative impact. In particular, such information should be included among the materials for the education and training of the judiciary and others responsible for the criminal justice system.

## Appendix I

### DRUG ABUSE AND ITS PREVENTION

Conclusions of the XIth International Congress of Penal Law on Drug Abuse and Its Prevention held in Budapest, Hungary from 9 to 15 September, 1974<sup>1</sup>

#### PREAMBLE

1. Experience with the research behind this general report, and work with the national reporters at the colloquium and the work of the Congress have convinced the General Assembly that insofar as the profession of criminal justice policy-makers and professors is concerned, the area of drug abuse prevention has gone largely by default and has been dealt with in many nations as an *ad hoc* basis, mostly with inadequate scientific preparation.

Be it resolved, that the criminal justice policy-makers from all parts of the world assembled in the AIDP, vigorously assert their duty and obligation to play a leading role in the solution of the national and international drug abuse problem, so as to assure an efficient, humane and professional solution of these problems. To this effect, all members of the AIDP Congress pledge their best efforts vis-a-vis their own governments as well as vis-a-vis national and international organizations concerned with the issues.

— The following recommendations and options form a first and necessarily incomplete contribution toward this task.

#### I. NATURE AND TRENDS OF DRUG ABUSE

1. Legislative or extra-legislative social problem solving requires broadbased factual knowledge. As regards problems of world-wide and even epidemic dimensions, a world-wide knowledge base is necessary. Thus, be it resolved, that all nations take immediate steps to assure maximum compliance with the United Nations Commission on Narcotic Drugs reporting requirements.

2. While duplication of costly research should be avoided, in view of the fact that relatively little is known about the causes of substance/including alcohol and drug/abuse, be it resolved that studies in causation should be undertaken and the results widely disseminated.

3. Much harm having been created by imperfect classification systems and terminology in the area of drug abuse prevention, a new conceptualization and classification system seems necessary. For the preparation of and the discussions during the Congress the following terminology proved itself useful.

a/ The term "substance use" indicates the area under consideration.

b/ Substance use may be of two distinct types:

1/ Use of /legal and illegal/ substances which leads or significantly contributes to a major social dysfunctioning.

2/ Use which does not satisfy those conditions.

c/ The term abuse should be restricted to use which satisfies the conditions mentioned under b/1.

#### II. LEGISLATION AIMED AT CONTROLLING DRUG ABUSE

1. The national reports having revealed a wide disparity among punishments imposable for different drug offences, and it being doubtful whether cultural differences are accountable for these wide national differences, it appears necessary to review the statutory sanction schemes in all countries. A distinction should be made in legislation between legal intervention against illicit producers, manufacturers and traffickers on the one side, and possessors-consumers on the other side, allowing for flexible application of such legislation. By stigmatizing substance abusers as criminal or deviant, it is possible that more social problems are created than solved.

Therefore be it resolved that

A/ all national drug laws be reviewed and modified accordingly

B/ that the possibility of decriminalizing or depenalizing certain forms of conduct with regard to drugs. The experience of dealing with alcohol should be taken into consideration.

2. Whatever drug legislation may exist or be developed in any given country, the social policy issues of such legislation are extremely sensitive and the range of benefit and detriment deriving from such legislation is very significant. Be it resolved, that every nation create a governmental office charged with the task of constantly monitoring the effectiveness of such legislation and of the institutions created under such legislation, and of recommending amendments whenever needed.

#### III.

#### LAW ENFORCEMENT

1. As the example of a variety of nations indicates /e.g., France, U.S.A., Bulgaria/, efficient law enforcement is closely linked to the training of law enforcement officers assigned to the task. Consequently, it is resolved, that national and international training programmes for drug law enforcement officers, and other personnel working in the field of drug abuse be created and used to the widest possible extent.

2. Efficiency in drug law enforcement is not tantamount to solving the world's substance abuse problems. At this moment, there are no agreed-upon criteria of "success" in solving the drug abuse problem. Success in one respect may mean failure in another. Consequently, it is proposed that national efforts be directed at the establishment of success criteria and that these criteria be directed to the maximum prevention of dysfunctioning of human being as a result of drug abuse and at the minimum expenditure of national resources, including law enforcement, to achieve this end.

3. By all available criteria, prevention of substance abuse with regard to any substances which may be deemed particularly detrimental, can better be achieved by production and manufacture and distribution control. Consequently, it is proposed that the related legislation especially with respect to amphetamines and other psychotropic substances, be strengthened in all nations.

#### IV.

#### TREATMENT AND REHABILITATION OF DRUG OFFENDERS

1. For drug addict offenders treatment and rehabilitation are far more significant than punishment. Consequently, governments are urged either or an alternative to punishment or in connexion to punishment to provide rehabilitative conditions for drug abusers having committed an offence. However rehabilitative conditions should be imposed only where necessary to terminate the dysfunctioning of the offender, in order to protect society from the dangers which may emanate from dysfunctioning drug

2. Treatment regimes frequently rest on a misunderstanding of the problem and of the individual involved and endeavor to achieve unnecessary and unattainable goals. For many substance abusers, no more than normal rehabilitative efforts, but no medical treatment, are indicated. All treatment programmes for substance abusers ought to be vigorously reviewed as to aim, method, and success rate.

3. Experience demonstrates that only a wide range of treatment approaches can hope to reach all the underlying problems of the wide variety of substance abusers. Governments ought to be encouraged to experiment with the multi-modality treatment approach to a more efficient prevention of substance abuse.

4. Substance abuse is large a social and occasionally a mental health problem. To the largest extent possible, responsibility for organization of treatment services for substance abusers ought to be transferred from the Departments or Ministries of Justice to the Departments or Ministries of Health and Welfare.

5. Substance abuse education among youth has frequently been counterproductive to the desired end of prevention. Greatest care must be exercised in the design and execution of drug abuse education programmes.

6. Be it resolved, that on the basis of world-wide collective experience, it should be the effort of all systems to help drug abusers to solve their problems and to protect general public against the dangers emanating from drug abuse. This requires considerable community involvement.

## V. INTERNATIONAL DRUG CONTROL

1. All regions of the world are affected in some way by production, manufacture, trade, traffic or consumption of narcotic drugs and psychotropic substances, as well as by some secondary aspects of related problems.

2. The drug problem is of world-wide concern and requires urgently increased co-operation between all States and relevant international organizations and agencies.

3. Co-operation among States should be manifested initially by:

a/ ratification of, or accession to, the Single Convention on Narcotic Drugs 1953, and the 1972 Protocol amending this Convention;

b/ ratification of, or accession to, the 1971 Convention on Psychotropic Substances;

c/ increased collaboration on the international, regional, and bilateral level in programmes dealing with law enforcement, judicial functions, scientific research, treatment-rehabilitation and any other appropriate measures to prevent drug abuse.

4. The emphasis of international and national drug control schemes shall be altered from purely repressive to more socially oriented.

5. In view of the various efforts made by the United Nations organizations its specialized agencies and other international organs and organizations, emphasis should be put on efficient co-ordination which should be ensured by the United Nations. With the view of ultimately achieving effective international control of narcotic drugs and psychotropic substances, other international control schemes — besides strengthening the existing system — should be considered. This could be done by e.g. a direct international control scheme. Another field of consideration is the integration of international drug control measures into broader system of social and human protection.

6. The United Nations, international agencies and concerned organizations should develop more studies especially about psychotropic substances and their effect to alert the public at large and governments of the potential dangers involved in such substances and of the urgent need for putting them under efficient and constantly up-dated control.

7. All States are urged to provide more data and exchange of information as to all aspects of the problem of drugs so that the control systems can be scientifically and factually based.

8. The United Nations Fund for Drug Abuse Control /UNFDAC/ should devote resources for evaluating intervention programmes. Therefore it is recommended that UNFDAC is given increased resources inter alia for this purpose.

## Appendix II

Extract from: "The Phenomenological and Contextual Analysis of Violence" by F. H. McClintock in *Studies in Criminology*, Vol. XI (Council of Europe, 1974).

Five broad classes of violence at the situational level can be distinguished, under which it is suggested that several important sub-classes should be distinguished for the purpose of understanding and dealing with the phenomenon of criminal violence against persons:

I. Instrumental violence:

a. Violence in furtherance of property crime (robbery, etc.);

b. Violence in furtherance of some forms of sexual coercion (rape, and indecent assault);

c. Violence to avoid individual arrest.

II. Interpersonal violence:

a. Prior personal relationship of permanence or of some duration;

b. Prior personal relationship of a casual or transitory nature.

III. Destructive and sensational violence:

a. Local community level;

b. National and international levels.

IV. Ideological and political violence:

a. Local community level;

b. National and international levels.

V. Community disturbance and disorderly conduct:

There is, of course, overlap between these classes and, on a practical level, information will not always be available or even obtainable so as to enable one to place every criminal event in its appropriate sub-class. In this classification it is suggested that the aim should be to isolate the main situational clusters of violence, rather than to obtain a unidimensional and exhaustive classification. The fifth class, dealing with disorderly conduct, we have described as "a threshold" class in that the elements of social behaviour are not ignored but are mainly minor in character. Not to include this class would unduly limit a discussion on the phenomenon of criminal violence. In addition it has to be taken into account in considering the legal and other control systems. It can also be regarded as the "grey" area between recorded criminal violence and the "dark figure".

It should also be noted that this classification does not specifically distinguish between violence to persons and damage to property. This, I suggest, is an advantage, as the two kinds of crime frequently occur simultaneously or are in other ways inter-related. It can therefore be used for either or both classes of crime. Further it is suggested that this classification gives the basis for the study of offender and victim relationships, or the victimology of violence, in more precise and meaningful ways: for example, under the heading of interpersonal violence it is found that the law often imposes a distinction of "offender" and "victim", in a situation where such labelling goes against the social reality. Finally, this classification takes into account not only certain aspects of the social context in which the criminal event occurred, but also something of the motivation behind the act. For the purposes of those responsible for the control system, the intention might be known, inferred or assumed; from the research and the phenomenological point of view it provides the basis for study and investigation, both of those involved in the criminal event and of those involved in operating the control system.

### Appendix III

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