

INTERNATIONAL PENAL AND PENITENTIARY FOUNDATION

PROCEEDINGS

of the

Third Meeting of Heads
of Prison Administrations

Lisbon 22-27 september 1969

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Third Meeting of Heads

of Prison Administrations, 3rd Meeting

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1. — Meetings of Heads of Prison Administrations.

The meeting held in Lisbon from the 22nd to the 27th September 1969 was the third of a series inaugurated in Rome in October 1964 and continued in Paris in September 1967. (1)

Each time, on the initiative of the International Penal and Penitentiary Foundation and thanks to the generous assistance of the governments concerned and of their prison administrations, the heads of the services responsible for the treatment of prisoners in the many participating countries were able to meet and to compare their experiences in a concrete and most useful way.

In Rome, the subject chosen for study at the practical level was the organization of prisoners' working activities and sanitary assistance in prisons.

In Paris, the subjects discussed were the public relations of prison administrations and the sexual problem in the prison environment.

This time, in Lisbon, the delegates of seventeen countries and of three international scientific organizations dealt with the problems raised by the treatment of women prisoners, on the one hand, and by «institutionalized» young adults, i.e. young adults committed to prison after one or more periods spent in boarding-schools of a re-educative character, on the other hand.

The large attendances and the technical character and interest of the discussions and of the conclusions reached showed in the course of these three meetings that the formula adopted for their organization was well chosen and that it was most desirable to continue in the same way.

(1) See the Proceedings of the Rome and Paris Meetings — I.P.P.F. publications Nos. 11 and 15 (Nos. 10 and 14 in French) — Imprimerie Administrative — Nivelles (Belgium) 1965 and 1969.

II. — General Organization.

A. Participants.

The working sessions were held in the Fos Palace, Praça dos Restauradores, Lisbon.

As on previous occasions, invitations had been sent to the member countries of the Council of Europe, the countries represented in the I.P.P.F. and the Secretariats General of the United Nations and the Council of Europe.

The following countries and organizations were able to take part in this Third Meeting of Heads of Prison Administrations: the Argentine, Belgium, Cyprus, France, the German Federal Republic, Ireland, Italy, Japan, Luxemburg, Malta, the Netherlands, Portugal, the Republic of South Africa, Spain, Switzerland, the United Kingdom, the United States of America, the Council of Europe, the International Penal and Penitentiary Foundation, the National Council on Crime and Delinquency — Research Center — California, U.S.A. (observer) (2).

B. Documentation.

The treatment of women prisoners was the object of three introductory reports submitted at the request of the I.P.P.F. by Messrs PINTO (Portugal), WOODFIELD (United Kingdom) and VAN HELMONT (Belgium). (3)

In the same way, the question of institutionalized young adults was introduced by Mme CRUCHO de ALMEIDA (Portugal) and Messrs LE CORNO (France) and CHUDOBA (German Federal Republic). (4)

In addition, the participants had at their disposal a very interesting body of working material on the two subjects, which had been spontaneously provided by the participants representing Cyprus, Italy, the Republic of South Africa and Spain and (on the second subject) by the Argentinian delegate.

(2) See Appendix I.

(3) See Appendix III.

(4) See Appendix IV.



Opening session — 22nd September 1969
The speech delivered by Professor ALMEIDA COSTA, Minister of Justice

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C. Order of Work and Miscellaneous Activities.

The detailed programme of the meeting will be found in Appendix II.

After the opening ceremony, the first two days (22nd and 23rd September) were devoted to the examination and discussion of subject No 1.

The second subject was studied on the 24th and 26th September, while the morning of Saturday 27th September was used for summing up the work as a whole and for closing the meeting.

On Thursday 25th September, the delegates flew to Oporto and then travelled by coach to Viana do Castelo where, thanks to a perfect organization, they were able to spend some pleasant hours of relaxation.

On the other days, the participants also had the opportunity to visit the new penitentiary establishment at Alcoentre, to witness interesting folklore and artistic displays and to attend brilliant banquets and official receptions at the invitation of the Minister of Foreign Affairs, the Minister of Justice, the Mayor of Lisbon and the Portuguese Prison Administration, which offered them the most generous hospitality during the entire meeting.

D. Editing the Proceedings.

The task of collecting documentation, summarizing the oral interventions, presenting the work, writing the synthetic report and editing the Proceedings was entrusted to Professor J. DUPRÉEL, general reporter of the meeting and secretary general of the I.P.P.F. In performing this task, he had the benefit of the assistance of the expert reporters and of the valuable help of a scientific team recruited by M. José GUARDADO LOPES, Director General and including Dr José Manuel MEREIA PIZARRO BELEZÁ and Dr Eliana GERSAO.

III. — Opening Ceremony.

The opening ceremony was presided over by the Minister of Justice, Professor ALMEIDA COSTA. He commenced his opening

speech by expressing the interest and satisfaction with which the Portuguese Government had welcomed the initiative of the I.P.P.F. in convening this Third Meeting of Heads of Prison Administrations in Lisbon, after Rome and Paris.

He went on to stress the importance, in our time, of international exchanges in every field of human knowledge and activity.

Particularly in connexion with the problem of criminality, it was necessary to seek an interdisciplinary solution transcending all territorial limits. Such international cooperation implied a constant and loyal exchange of information, the comparison of results and experiences and a search for means of remedying the shortcomings of the existing methods and laws.

National peculiarities, criminogenic factors and specific forms of criminality could not be neglected, but that fact did not, in Professor ALMEIDA COSTA's view, invalidate international collaboration leading to the formulation of criminal policies which would be all the better concerted and more advantageous for being circumscribed in a comparatively homogeneous environment.

That gave the meeting, which brought together a limited number of highly qualified technicians representing countries similar in culture, a value which was in a certain sense superior to that offered by a meeting of larger dimensions.

The speaker mentioned the interest which had always been shown in Portugal in questions of penal law and penitentiary science. He traced the evolution of ideas, from primitive punitive conceptions down to the thought of a forerunner in the field of modern penal law, the famous MELO FREIRE who, in the eighteenth century, could be compared, according to H.H. JESCHECK, with MONTESQUIEU, VOLTAIRE, BECCARIA and CHRISTIAN THOMASIU.

Since that time, two points in that evolution had been particularly significant: the preparation, in 1864, of a draft penal code, due to LEVY MARIA JORDAO, in the sense of the correctionalism of ROEDER, and the second marked by the publication, on the 1st July 1867, of the Penal and Prison Reform, the first article of which abolished the death penalty for civil crimes (which, in practice, had not been enforced for over twenty years).

In that connexion, the Minister recalled the organization, at Coimbra in 1967, of an international colloquium to commemorate the hundredth anniversary of that measure of reform, the conclu-

sion of which had been quoted in the final report of the Second Session of the United Nations Advisory Group for the Prevention of Crime and the Treatment of Offenders, held at Geneva in August 1968.

In the contemporary period, the Prison Organization promulgated in 1936 was certainly one of the most progressive texts on the subject that had ever been published. The work of Professor BELEZA dos SANTOS, it already took into account the first version of the Minimum Rules for the Treatment of Prisoners, which had been drawn up by the old International Penal and Penitentiary Commission. The tribute thus paid associated a Portuguese jurist with an international institution that was closely connected with the I.P.P.F.

Professor ALMEIDA COSTA gave examples of the evolution of penitentiary concepts in Portugal. A legislative text of the 4th July 1969 provided for regional establishments grouping a whole series of small prisons used for the enforcement of sentences up to six months. That reform was intended to ensure better conditions of observation and treatment, by correct individualization of the judicial decision.

A series of projects were being considered, and the results of the meeting, for which the subjects had been particularly well chosen, was awaited with lively interest.

As for the first subject, how far was female delinquency a different problem from that of men? To what extent could the solutions envisaged for men be applied also to women? What were the particular difficulties resulting from the lack of psycho-physiological and social identity between the two sexes?

As for minor persons committed to prison after having stayed in re-education establishments, it might be wondered whether they constituted a distinct group that should be treated as such.

The Minister pointed out that that question was connected with the topical and delicate problem of the new forms of anti-social conduct on the part of young people.

Though in Portugal, for instance, the prison population had been steadily diminishing for ten years past, the same could not be said of minors twenty-one years of age, who represented 7% of the prison population in 1958, 11% in 1964, 12% in 1967 and 14% in 1968. But it was to be noted that, in the meantime, the total prison population had diminished and that the increase in absolute fig-

res was much less marked : 628, 745, 864 and 967 minor persons interned in 1958, 1962, 1966 and 1968, respectively.

As for women, they represented only about 5 % of the total population, the lowest figure registered in the last ten years.

Having expressed his confidence that the work done in the course of the meeting would prove to be of interest, the Minister, Professor ALMEIDA COSTA, concluded his speech by extending the heartiest welcome to the participants, with the hope that they would take home with them an unforgettable memory of their stay in Portugal.

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M. Ernest LAMERS, Vice-President of the I.P.P.F. and President of the High Military Court of the Netherlands, replied in the following terms:

Mr Minister,

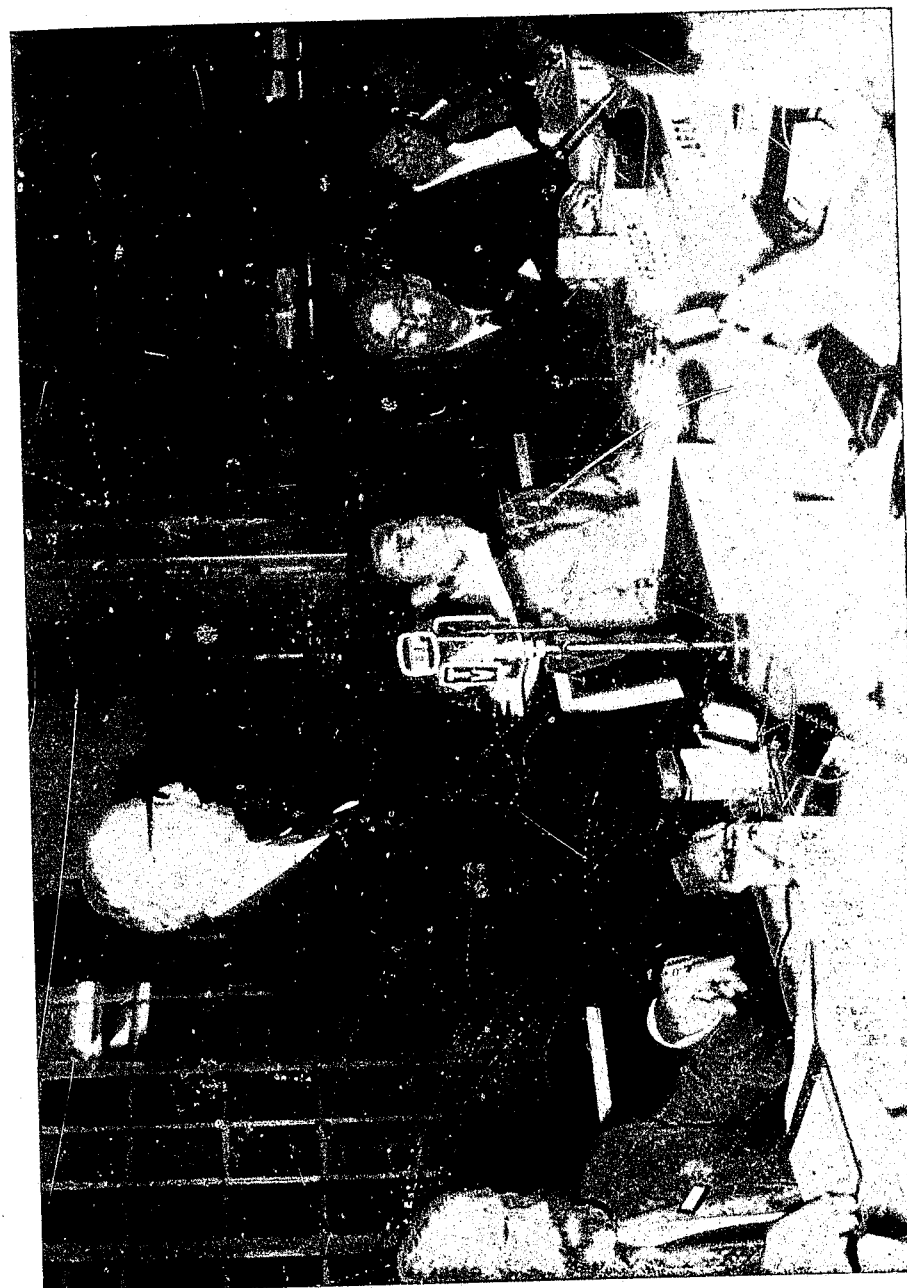
On behalf of the International Penal and Penitentiary Foundation, I have the honour and the pleasure of expressing to yourself personally and to the Portuguese Government our feelings of gratitude for your readiness to welcome to your country the Third Meeting of Heads of Prison Administrations.

We have been deeply touched by the kind words of welcome that you have just spoken, and for that, too, the organizers and the participants wish to thank you.

Thus we are already enjoying the admirable hospitality of Portugal, the great generosity of which is revealed to us by the programme arranged for this week.

The remarkable organization of this meeting will enable us to work in the best possible conditions and to see or — for some of us — to see again some interesting penitentiary institutions, as well as some of the artistic and natural treasures of your beautiful country.

Thanks to your kindness and to the efforts of the Portuguese administration and particularly of our colleague and friend M. GUARDADO LOPES, Director General, who has given up his time unstintingly, this Lisbon conference will be a brilliant succes-



Opening session, speech delivered by M. LAMERS

essor to the important meetings held in Rome and in Paris, the influence of which has been so considerable.

The I.P.P.F. is delighted to be able thus to continue these meetings of Heads of Prison Administrations which, at the international level, constitute an original and most useful initiative.

Ladies and gentlemen,

The presence, at this opening session, of such a body of eminent Portuguese personalities is for us an honour and an encouragement. The International Penal and Penitentiary Foundation greatly appreciates this and wishes to thank you for your interest in its work.

(M. LAMERS then continued in English)

I should now like to continue in the other official language of our conference and, on behalf of the I.P.P.F., to welcome you most heartily to this Third Meeting of Heads of Prison Administrations. First of all, I would extend a special welcome to the official delegates who, with their Governments' approval, have accepted our invitation and have thus shown themselves willing to participate in the discussions on the two items on our agenda. The exchange of knowledge and experience that will result cannot but deepen our understanding of the penitentiary sphere.

Allow me to extend a no less hearty welcome to the participants' wives, who have agreed to lend their husbands moral support in their labours during the next few days.

I am confident that this conference and the excursions that have been planned, including the special programme for the ladies, will not only be a source of happy memories for the future, but will also have a beneficial influence on our work. The renowned Portuguese hospitality to which I have already referred will undoubtedly play its part in making this conference a truly memorable one.

As you know, the I.P.P.F. decided in December 1961 to hold regular meetings of heads of prison administrations. The first conference was held in Rome in 1964 and the second in Paris in 1967 — with great success, I may add.

To complement the international congresses and seminars on criminal law, criminology and penology, at which the more dogma-

tic and theoretical problems are discussed, there is a very evident need for meetings of heads of prison administrations, who, after all, are entrusted with and are responsible for the implementation of penal policy. At such meetings, the problems arising therefrom can be discussed, experiences and ideas can be exchanged and due note can be taken of experiments made elsewhere, either successfully or otherwise.

Criminal and penitentiary policy should be implemented according to proper scientific principles, and that is why the I.P.P.F. considers that, in the light of its statutes, it ought not only to encourage these meetings, but also to organize them.

Their frequency will be determined in part by the rapid changes among the highest officials of the prison administrations in many countries.

Three conferences have now been organized, and only very few of you have attended all three in the capacity of Head of Prison Administration.

Two subjects will be discussed at this conference :

- 1°) the treatment of women prisoners ;
- 2°) the problem of young adults committed to prison after unsuccessful treatment in institutions for minors.

The first has been chosen because it has been too often neglected. This may be attributed to the fact that, in all countries, the number of women in prison is comparatively small and, perhaps, also to the fact that heads of prison administrations are invariably men.

The second subject has been chosen because it is not yet sufficiently realized that these young adults form a category apart. They are often the most difficult subjects to influence, and it is largely this category that produces the professional criminals and recidivists of the future.

Our general reporter, who will be appointed later, will introduce these two subjects in the course of the conference.

Ladies and gentlemen,

I can assure you that the I.P.P.F. is greatly interested in the discussion of these two subjects, which you will be dealing with

as experts. I am sure that the results of this conference will have a positive influence on penal policy in many of your countries.

The I.P.P.F. hopes that the delegates' discussions will be fruitful and constructive and that the ladies will enjoy their stay in this beautiful country.

With the Minister's agreement, I now declare the session suspended for a few minutes.

IV. — Organization of Work.

When the session was resumed, M. LAMERS moved, on behalf of the I.P.P.F., that the conference should be presided over by M. GUARDADO LOPES, Director General, head of the Portuguese Prison Administration.

This motion was unanimously approved by the meeting, which then appointed Messrs P.J. WOODFIELD (United Kingdom), M. LE CORNO (France) and J. STEYN (South Africa) to serve as vice-chairmen.

M. J. DUPRÉEL, Secretary General of the Belgian Ministry of Justice and professor at the University of Brussels, Secretary General of the I.P.P.F., was appointed general reporter.

M. LAMERS congratulated these gentlemen on their election and invited M. GUARDADO LOPES to take the chair.

M. GUARDADO LOPES thanked the participants for having appointed him chairman and said that he was much touched by the honour that had thus been paid to him.

He wished to present his collaborators, Dr José Manuel MEIREIA PIZARRO BELEZA, assistant in the Faculty of Laws at Coïmbra, and Dr Eliana GERSAO, of the Centre of Comparative Law of the University of Coïmbra, who had been kind enough to assume responsibility for the secretariat.

The general reporter was then asked to present a general introduction to the work of the conference.

M. DUPRÉEL considered that the question of the treatment of women prisoners would be the easiest one to deal with. He suggested that two sessions and a half could be devoted to the sub-

ject i.e. the end of the morning and the afternoon of the opening session and the morning of Tuesday the 23rd.

The more complex problem of institutionalized young adults could be treated during three full sessions in the morning and the afternoon of the 24th September and in the morning of the 26th September. A satisfactory balance of the work would so permit to bring it to a successful issue.

This plan was approved by the meeting.

V. — *The Treatment of Women Prisoners.*

22nd September — Morning session

Chairman : M. GUARDADO LOPES

M. DUPRÉEL presented a synthesis of the reports on the *treatment of women prisoners.*

A few general observations were appropriate in the light of those reports :

- 1) It was necessary to provide specific treatment for women sentenced to imprisonment :
 - so far, attention had been given too exclusively to male prisoners ;
 - the psychological and social conditions of women prisoners were different ;
 - women prisoners gave rise to particular problems, especially the problem of young children.
- 2) Owing to the very fact of the small number of women prisoners, there were difficulties in connexion with the improvement of the penitentiary treatment applied to them. Indeed, the proportion of women prisoners (as compared with men) was only
 - 5.4 % in Belgium,
 - 4.1 % in France,
 - 2.5 % in the United Kingdom and
 - 1.7 % in the Netherlands.

The female prison population seemed to be diminishing.

The following remarks were made concerning women in prison and the penitentiary regime :

- 1) Unanimous conclusion : the average social and mental status of women committed to prison was particularly low :
 - it was lower than that of male prisoners ;
 - it was noted that the level of education was low, that there was a lack of vocational specialization, that there was a large proportion of psychiatric cases and that the number of prostitutes was very great.
- 2) Most women prisoners were sentenced to comparatively short terms of imprisonment :
 - (in the United Kingdom : 45 % under six months ;
34 % from six months to two years).
 - Security problems were not important in the case of women prisoners : in many cases, detention did not seem to be really indispensable.
- 3) For the simple reason that the intellectual and professional level of most women prisoners was very low, the penitentiary regime was very often based on domestic work such as cooking, laundering, needlework (mending) and elementary handicrafts.

A reform might therefore be outlined in the following terms :

 1. For women, it seemed possible to envisage quicker and more audacious changes of regime than for men, owing to the greater tolerance on the part of public opinion and to the possibilities in the matter of personnel. The less severe security requirements in the case of women worked in the same direction.
 2. Special importance should be attached to care of a medical nature (physical and psychiatric).
 3. At the same time : systematic efforts to provide vocational training over and above the traditional household activities.

4. Preference for attenuated forms of personal restraint, particularly with a view to solving the problem of young children accompanying their mothers.

That implied a considerable development of social assistance (after-care) for women discharged from prison or subjected to a probationary regime.

Such assistance implied the existence of reception institutions (transition between prison and free existence) and also the services of qualified personnel, even in rural areas. Too often, such resources were limited to urban centres.

5. Importance should be attached to scientific research with a view to arriving at a better definition of the *characteristics and needs*, both psychic and social, of a prison population which, more than its male counterpart, had so far been treated in an almost entirely empirical manner. Like men, women should benefit from the tendency to base treatment no longer on arbitrary classifications into homogeneous groups.

Effective work for the purpose of social rehabilitation in the case of women subject to penitentiary action demanded more systematic consideration of the specific characteristics of each individual case.

To sum up, it seemed interesting to examine :

- 1°) the type of personnel, the methods and the types of establishments that should be used for modernizing the treatment of women offenders under institutional or partly institutional conditions, according to the views stated above ;
- 2°) how the standard of vocational training provided for women prisoners might, in practice, be raised ;
- 3°) whether it might be opportune and possible to reduce the imprisonment of women still further and in a systematic way. If so, what medico-social equipment and what substitute measures should be envisaged?

Having thanked M. DUPRÉEL for his general outline of the question chosen for study, the Chairman invited the reporters to develop the essential points of their statements.

Mr WCODFIELD (United Kingdom) pointed out that a useful body of data on the subject proposed for study was available in his country. He referred to his report and recalled that nine studies of various aspects of female delinquency had been recently undertaken. Three had been completed, while six others were still proceeding. They were above all descriptive studies showing the importance that should be attached to medico-psychiatric treatment, which played a more significant part for women prisoners than for men. On it depended the nature of the personnel to be recruited and also the type of buildings that should be made available.

It would thus be understood that, at the present time, his administration was most anxious to have a hospital, and not a penitentiary establishment, built for women. At the same time the personnel, consisting essentially of medical practitioners, would be trained to provide treatment of the hospital type.

The personnel, at all levels, should preferably include members of both sexes. Many women prisoners came from problem families and had no normal ideas about sexual relations. In Paris, two years previously, a certain number of ideas on the subject had been developed in connexion with prisons for men, and they might be applied to advantage in the case of women prisoners as well. (5)

In the United Kingdom, the experiment consisting in permitting women prisoners to wear their personal clothing while in prison had been found to give highly satisfactory results. Similarly, the use of non-institutional forms of treatment had proved beneficial, particularly for avoiding the dispersion of families and the separation of children from their mothers.

Public opinion seemed to be in favour of that development.

The second reporter, M. VAN HELMONT (Belgium), was then asked to speak.

He emphasized the particularly complex nature of women offenders' personality.

Generally speaking, the quantitative importance of female criminality as compared with that of men was steadily diminishing. That, no doubt, was to be explained by the incidence of so-

(5) Reference to the Proceedings of the Second Meeting — Paris — 1967. See note (1).

cial legislation and by the comparative lenience shown by the judges. Certain forecasts had not materialized, notably the expectation that the greater part played by women in economic and social activities would necessarily lead to a corresponding increase in female delinquency.

It was very difficult to define exactly what a regime specifically adapted to the female personality ought to be; however, if only on account of women's maternal role, forms of semi-liberty should be provided whenever possible.

As in the case of men, too, it was to be emphasized that a scientific approach to each individual case was necessary. In that connexion, M. VAN HELMONT drew attention to the interesting nature of an experiment that was being made in Belgium. It consisted in establishing effective cooperation between the Prison Administration and university research teams sent out by the faculties concerned to study in the field, i.e. in the prisons, the many problems of individual treatment for prisoners.

M. PINTO (Portugal), the third reporter, thought that when tackling the problem of penitentiary treatment for women one should consider that a woman was like a novel: particular attention should therefore be given to her specific personality and then to her criminal personality.

The reporter recalled the stages that must be followed in any process of social reintegration: observation with a view to making up the personality file, the plan of treatment and affectation to the most suitable institution, and progressive adaptation of the conditions of life in the institution for the purpose of preparing the prisoner for the return to free life.

He thought that the prison administration should have a certain autonomy with regard to the execution of that programme and that efforts should be made to arouse interest in it on the part of the prisoner herself.

Minimum surveillance should be regarded as a first step towards free life, and the prisoner's work should be based on her particular aptitudes, with the object of social promotion, i.e. a form of vocational training which would give her greater aptitudes than those she had had on her committal to prison.

In that connexion, M. PINTO referred to his written report containing data concerning the experience gained in Portugal.

The next speaker was Mr BISHOP (Council of Europe), who hoped that the various subjects would be dealt with in succession, in a logical order based on the introductory plan submitted by the general reporter.

The Chairman agreed and asked M. DUPRÉEL to make his suggestions for the afternoon's work.

The general reporter suggested dealing first with the problem of the methods to be used for women, as compared with the re-educative techniques used for men. It would then be possible to deal with questions concerning the personnel, the types of institutions and the choice between institutional and non-institutional treatment.

The suggestion was approved by the meeting.

22nd September — Afternoon session

Chairman: M. GUARDADO LOPES

M. di GENNARO (Italy) said that the problem of institutional or non-institutional treatment for women offenders had recently been studied in his country. In that connexion, it had been found that the public, the press and opinion in general showed greater tolerance than in the case of male offenders.

Women criminals were considered less dangerous, and it was desirable that they should be sent to prison as little as possible. If imprisonment was absolutely necessary, the offender should be subjected to a comparatively free regime allowing for her sensitivity, which was greater than a man's.

A detailed study of women's reactions to their environment was necessary.

M. TONNA (Malta) had been struck by Mr WOODFIELD's assertion that the treatment to be applied to women should be essentially of a medical and psychiatric nature.

Would not that procedure lead to inequality of treatment, a sort of discrimination according to the offender's sex?

M. DUPRÉEL did not think so. In general, the recommendations made with a view to improving the penitentiary treatment

of women applied equally well to men. But, as had been said elsewhere in connexion with young adults, women prisoners were far less numerous than men, and it was therefore materially possible to make use, in their case, of denser and ampler curative and re-educative measures than those that could be applied to the great mass of men prisoners.

M. ALLEWIJN (Netherlands) felt that, in English at any rate, the expression « penal treatment of women » was unfortunate, for it implied an idea of punishment and suffering. He thought it necessary to make a clear distinction between treatment in prison, in an institution or outside an institution. A stay in an institution was often inevitable, but it should not necessarily be confused with committal to prison. For women as well as men, individual treatment accepted by the offenders would be the solution of the future.

In the Netherlands, already, there were hardly any more women in the prisons. Their treatment could often be given in hospitals, for women offenders were less dangerous than their male counterparts from the security point of view.

M. DUPRÉEL drew M. ALLEWIJN's attention, and that of all the participants using the English language, to the fact that the expression « penal treatment », in French « traitement pénitentiaire », should include all forms of treatment of delinquency: it was the treatment suitable in each individual case, in prison if the subject was dangerous or if his personality made it necessary, in a hospital-type institution or in liberty if the case permitted.

It seemed to him, after reading Mr WOODFIELD's report, that the Lisbon meeting might be a turning-point. While the penal treatment of women had generally lagged behind that of men, owing to their small numbers and their dispersion in local prisons, it was possible, today, to reverse the situation.

In the coming years, it might be possible to take measures to place the women's regime ahead of the men's. That would be facilitated financially by the small numbers of women prisoners and would be psychologically acceptable owing to the less dangerous character of women offenders. Public opinion was certainly readier to accept daring reforms where women were concerned, and thus the re-educative treatment of women would become a pilot experiment, whereas it had always been neglected almost everywhere.

Mr BISHOP wished to make three remarks:

- First of all, what exact sense should be given to the terms « women » and « women offenders »? Would it not be a good thing to exempt from criminal status certain misdemeanours which were still in the code and, with the evolution of ideas, were undergoing a change of character?
- There was much talk of the low level of criminality among women, but the figures quoted were total figures. Should not certain statistical distinctions be made according to their age and the nature of their offences?
- Lastly, as women offenders were women whose acts came under the criminal law, the types of methods to be used for them should be better defined. Hospitals, which had been already mentioned, were sometimes had places for treatment owing to the psychological atmosphere that was found in them.

M. DUPRÉEL fully appreciated the need for defining more explicitly the expression « women offenders », but why was Mr BISHOP in doubt as to the meaning of the word « women »?

Mr BISHOP replied that he had been anxious to stress the fact that there were women whose offences had nothing whatever to do with their sex. Distinctions could and should be made between various types of behaviour.

M. DUPRÉEL pointed out that that was connected, for women as much as for men, with the vaster problem of the difference between apparent criminality and real criminality. In the case of female delinquency, it was certain that the existing disequilibrium would be appreciably altered if prostitution were included in the statistics in the same way as common-law offences.

M. SPIELMANN (Luxemburg) recalled that if there were far fewer women offenders than men, that was partly due to the part played by the public prosecutors, who tried to avoid sending women to prison, and then of judges who, whenever the law permitted, and making allowance for the situation of women, would sentence them to imprisonment with stay of execution or to pay fines. Condemned women were also more readily granted a free pardon.

M. VAN HELMONT (Belgium) offered a warning against the definition of methods of treatment in the absence of a sound scientific basis. More thorough methods of observation were necessary if empiricism was to be avoided.

M. di GENNARO thought it was wrong to favour women systematically, but, as M. VAN HELMONT had suggested, scientific work was necessary. He too emphasized the strange phenomenon of the widening difference between the rates of male and female criminality at a time when the economic and social evolution tended towards equality between the sexes.

M. DUPRÉEL explained, notably in the light of Swedish experience, that the raising of the standard of living of the working class led to a reduction in the number of women who worked outside their homes and who were therefore more likely to become offenders. But that class of the population was more numerous than the middle class, in which the number of women working had shown a spectacular increase, though only small numbers were actually concerned. The result was that, despite the equalization of male and female status, women were still better protected against the risks of delinquency.

Mr ALEXANDER (United States) wished to communicate the results of the inquiries and experiments conducted in the United States for nearly forty years past. It had been found that the strategy to be used with regard to women was very different from the strategy applied to men. That was due to the nature of women's aspirations, which were directed not towards the means of earning money (the major preoccupation of men), but rather towards the foundation of a home, finding a husband, having children and living in a pleasant house.

That justified the attribution of an important part to domestic economy in the development of women.

The personnel employed should therefore be capable of giving domestic training to women prisoners and, in general, the provision of vocational training outside the prison should be envisaged: secretarial work, etc.

The Chairman suggested that the meeting should pass on to a discussion of the problems of personnel and the qualifications required.

M. SPIELMANN thought it appropriate to make a distinction between the personnel responsible for the custody of prisoners and the personnel responsible for their education.

M. DUPRÉEL thought there was no doubt that the personnel responsible for the custody of women prisoners should consist of women. The problem of their qualifications was more important.

M. di GENNARO envisaged the question on a general level. If, in principle, the personnel responsible for the custody of the prisoners should consist of women, that did not exclude the possibility of employing men for certain particular duties, such as responsibility for security outside the establishment. But in such cases, the male personnel should be very carefully selected.

M. PINTO, who agreed with the previous speakers concerning the need for having female personnel responsible for the custody of women prisoners, emphasized that in his report he had not excluded the employment of technical agents, psychologists, etc., of the male sex.

M. PAIVA (Argentine) said that in his country, the outside security staff was always composed of men. Surveillance inside the prisons was always entrusted to specially trained nuns.

M. DUPRÉEL suggested discussing the question of the management of an establishment for women.

Mr WOODFIELD expressed doubt as to whether that problem could be settled in an absolute manner. He thought that a man was indicated for such an office, but it was necessary to make allowance for local custom, and the candidate's sex should not be the decisive element for selection.

M. DUPRÉEL thought that the solution depended essentially on the personality of the available candidates: the person selected should be the one most suitable in every respect; his or her sex, alone, should not constitute an advantage or an obstacle.

The Chairman expressed complete agreement and stated that Portuguese practice was based on the same principle.

The meeting then decided to deal with the question of the architecture of establishments for women.

M. di GENNARO pointed out that few systematic studies on penitentiary architecture had appeared. There was an important work published by the American administration, but its data could not always be used, for economic reasons and also owing to the small number of women prisoners, which often made it impossible to envisage the building of a special establishment.

Mr ALEXANDER said that the manual referred to by M. di GENNARO was about twelve years old. It had become outdated and had been withdrawn from circulation, for the United States had arrived at new views concerning penitentiary architecture.

Essential importance was attached, today, to the place where the establishment should be built: the district must necessarily be one with cultural and educational resources.

M. VAN HELMONT emphasized that in the case of women open establishments were favoured *a priori*. Security was less necessary, and one could more readily envisage the provision of semi-liberty sections in the immediate vicinity of conventional establishments, but somewhat outside them.

M. DUPRÉEL asked that the interior conception of women's establishments should not be neglected. Women, he said, were more sensitive than men.

Mr TERRY (Ireland) was particularly interested in those architectural problems because his country was to build a new central establishment for women in two years' time. It was thought that that institution should, in principle, offer conditions of accommodation corresponding to what the average woman prisoner would like to have in her own home, without any superfluous luxury. Security arrangements might be simplified, except for a special section for difficult prisoners.

The Chairman and M. PAIVA insisted on the need for providing maternity and nursery sections, and M. di GENNARO mentioned the reasons for making the prisoners work in community rooms, rather than in individual cells.

M. del YERRO (Spain) referred to the documentation supplied by him on the characteristics of the new prison in Madrid, where four groups of prisoners would be formed according to the following criteria:

1. Physical or mental anomalies;
2. Subjects likely to exert a harmful influence on the others;
- 3 and 4. Normal subjects, subdivided into adults and young adults.

23rd September — Morning session

Chairman: M. LE CORNO

M. DUPRÉEL was in favour of an exchange of views on the subject of women prisoners' clothing, referring to what Mr

WOODFIELD had already said about the wearing of personal clothing.

Mr WOODFIELD drew a distinction between two sub-questions in that connexion: firstly, what was to be done when the prisoner's personal effects were not in good condition? A woman prisoner should be allowed to buy others. But what? That gave rise to the problem of good or bad taste. Some women prisoners were anxious to wear men's clothes ...

In England, generally speaking, attempts were being made to allow women prisoners complete freedom in the matter of clothing, and the results were good.

According to M. di GENNARO, clothes were a most important element for a woman's self-confidence, and it was therefore advisable, in prison, not to depart from contemporary realities, so as to avoid creating an artificial atmosphere.

In Italy, women on remand were allowed to wear their own clothes, whereas condemned women were required to wear a uniform that was not too unlike the clothes worn outside. It was important to avoid encouraging the homosexual tendencies of certain prisoners.

M. TONNA attached great importance to institutional discipline, for personnel and prisoners alike. Both groups should be made to wear uniform. The authorization of personal clothing might well cause jealousy.

M. LE CORNO, Chairman, was in favour of the humanization of clothing, especially for women prisoners. In that connexion, a conclusive experiment had been made in the central prison for women, in France: the general atmosphere had been very much improved by the opening of a hairdressing saloon, the authorization of «make-up», etc.

M. DUPRÉEL maintained that one might adopt a mixed system conciliating the views of the partisans of uniform and those of the advocates of personal clothing. For instance, there might be several models of uniform, leaving a certain choice to the women concerned. Like the uniform worn by the staff, such models should make allowance for the evolution of fashion.

Mr ALEXANDER thought it worth mentioning that there were teachers of dressmaking in the prisons of the United States. The prisoners were issued with patterns and could choose their models, after which they were able, if they wished, to make their clothes themselves. Moreover, that system has a certain educative aspect.

Mr WOODFIELD remained in favour of authorizing women prisoners to wear their own clothes. Consulted on that point, the prison personnel confirmed that the prisoners behaved better under that system.

Mr STEYN (South Africa) said that in his country uniform was worn on weekdays and for work. But on Sundays and for receiving visits, prisoners were authorized to wear their own clothes. If they had none, they were supplied with clothes by the administration.

M. DUPRÉEL approved of that system, but drew attention to the dangers of total vestimentary freedom in the event of visits, which might facilitate attempts to escape, for instance.

M. PINTO was in favour of the system described by Mr STEYN and recommended it to the meeting.

M. CHUDOBA (German Federal Republic) said that there were two uniforms for prisoners in his country: one for work and the other for the week-end. For visits, personal clothing was sometimes authorized.

M. di GENNARO was in favour of giving priority to personal freedom in the matter of clothing, because the security problem hardly arose in the case of women. In Italy, the abolition of striped uniform had not led to any increase in the number of escapes attempted by women.

Mr BISHOP stressed the importance of the question that was being discussed because, he said, clothing was extension of the personality, particularly in the case of women. It contributed to a person's picture of himself, and it was necessary to avoid everything that might destroy the prisoner's personality.

From that point of view, the system described by Mr ALEXANDER was particularly interesting: by making her own clothes, a woman prisoner had an opportunity of expressing herself.

The Chairman then invited the meeting to pass on to the discussion of the problem of vocational training for women prisoners.

M. DUPRÉEL, more precisely, asked the participants to determine what types of training would provide women with better possibilities of rehabilitation than those available at present.

M. VAN HELMONT spoke of the difficulty of giving women prisoners instruction in interesting trades: the intellectual level

was often very low. That being so, the teaching of domestic science, as at St Andries, in Belgium, seemed effective.

Mr WOODFIELD mentioned that alongside training in house-keeping, which also existed in his country, attempts were to be made to encourage women to take up the filing of public documents, notably by the punched-card process.

Mr ALEXANDER said how useful it was to approach the labour services, which could indicate the type of work that offered a chance of rehabilitation and was suitable for prisoners with such and such personal characteristics.

A hotel school would make it possible to instruct those who were capable of waiting at table in restaurants and cafés. There was a great demand for such people.

At a higher level the promotion of doctors' and lawyers' secretaries should also be envisaged.

M. PINTO was anxious that vocational training should be given with the object of social promotion, so that the prisoner might, after her discharge, pursue a trade of higher standing than the one she had at the time of her committal to prison.

M. di GENNARO recalled that the employment specialists attached major importance to the workers' motivations, and a study recently undertaken at the request of the United Nations showed a definite tendency on the part of women to return to their homes.

That fact should be borne in mind, and one should not try systematically to train women prisoners to become factory workers.

M. PAIVA confirmed that a scientific study of life in the outside world was useful when it came to setting the trend of training facilities in prisons.

Mr STEYN reported that in South Africa vocational training for women prisoners was essentially individual. It varied from one area to another: in rural areas, domestic training; in urban areas, training for industrial work.

M. VAN HELMONT, like Messrs ALEXANDER and STEYN, stressed the need for individualizing the process of training. For that purpose, good case-observation was necessary; in particular, it should bring the psychological factors to light.

M. DUPRÉEL thought that the reason why the problem of women in prison had not been given much attention was that wo-

men prisoners were less numerous than men : the situation might therefore be reversed and new methods might be tried out for women precisely because there were so few of them.

M. TONNA feared that that (which had been suggested by Mr WOODFIELD) might threaten the social equality of men and women.

Mr WOODFIELD pointed out that he had said that women had been found to need psychiatric treatment more often than men. And they could be given that treatment more easily because they were less numerous than men prisoners.

M. TONNA was not convinced, and he thought that the maximum effort should be directed to the treatment of men, who were more numerous and also more dangerous.

Mr TERRY said that two aspects of the problem of women must be considered : first the question confronting the Court and then the treatment meted out in the institution. As far as passing sentence was concerned, there could be no question of making a distinction between men and women. Treatment, however, could be individualized as far as possible, according to the needs observed.

M. di GENNARO emphasized that although, in our time, there was legislative equality between men and women, discrimination was to be noticed in practice. In fact, attempts were made to avoid sending women to prison.

M. DUPRÉEL's view was that there was no real discrimination, but rather individualization, the effect of which was recourse to measures other than imprisonment in the case of women.

Mr STEYN maintained that imprisonment should be decided upon only if no other solution was possible and that that policy could be pursued more easily in the case of women.

(It was then suggested that the discussion should turn to the problems of medico-social equipment for the purpose of non-institutional forms of treatment.)

M. SPIELMANN considered that the personality file was more important in that connexion for women than for men.

Mr ALEXANDER reported that in the United States there were institutions for drug-addicts in which, at certain times, espe-

cially for the purpose of group therapy, men and women could be brought together in the presence of a psychotherapist.

Mr WOODFIELD was very much in favour of abandoning the absolute prohibition of all contacts between men and women in the course of penitentiary treatment. Complete separation had been abolished in his country, and that had been found advantageous, notably for better individualization.

M. TONNA declared that those who had taken part in the recent Wakefield seminar had, like himself, been very much interested by the techniques of treatment which were applied to mixed groups. But the technique of group counselling should not be allowed to give rise to situations that made the staff appear ridiculous.

M. di GENNARO thought it might be useful to recall the distinction that must be made between group therapy, of which Mr ALEXANDER had spoken, and group counselling, which had been mentioned by M. TONNA. Group counselling could be organized by the prison personnel.

Mr BISHOP drew attention to the work in those fields that had been done by Maxwell JONES with patients in hospital, which was rather different. But it contained an explanation of the value of mixed groups and proof of the fact that, in that type of experiment, it would be possible to show less hesitation than in the past.

The important thing was to have the personnel necessary for directing discussion groups. It had sometimes been found that certain officials were better group-counsellors than the psychotherapists themselves : it was therefore advisable to see who was available before making an experiment.

Vi. — *The Problem of Institutionalized Young Adults.*

24th September — Morning session

Chairman : M. GUARDADO LOPES

At the Chairman's request, the general reporter presented a synthesis of the reports on the second subject to be dealt with by the meeting.

The chief points that had been stressed were the following :

1. The writers of the reports had wondered whether young adults who had been interned in re-educational institutions formed a group apart, a distinct category which should be given specific treatment during detention and after discharge, i.e. treatment different from that applied to those who had not been placed in such institutions during their minority.

The initial formulation of the subject for discussion seemed already to answer the question in the affirmative : « the problem of young adults committed to prison after unsuccessful treatment in institutions for minors ».

At the scientific level, however, there arose the question whether a problem really existed at all.

2. In the light of the reports submitted by *France, Portugal* and the *German Federal Republic*, an affirmative, though subtly qualified, reply seemed justified.

3. *Quantitatively*, it seemed that almost a third of the young adults (17/18 to 21 years of age) detained in France, Great Britain and the German Federal Republic, as against 11 % in Portugal, 15 % in the pilot centre at Liria, in Spain, and 18 % in Belgium, consisted of individuals who had been interned during their minority in establishments under the control of the juvenile service (penal sector).

4. *Qualitatively*, there were hardly any differences to be noted in the average duration of detention of the two groups.

5. As for the *behaviour of those detained in the establishments*, the French and Portuguese reports (confirmed by the observations made in the Benelux countries) were in agreement :

Young people who had been interned in establishments for minors (referred to here as « experiences subject ») adapted themselves to detention comparatively well : they had learned how to behave in order to avoid trouble and to obtain advantages or favours without making any real effort to change their personality.

They were greater hypocrites than the « true first offenders » ; they were more « institutionalized » and retained in themselves a spirit of revolt which made them highly impervious to techniques of re-education (cf. the Belgian study).

6. Evidence of that state of affairs was given by the reports :

- No greater number of disciplinary punishments for « old offenders ».
- No greater number of successful escapes.
- Rather more of the « experienced subjects » reached the « confidence » level (Portuguese report).

Moreover, they were glad to be in prison and to have left behind the juvenile regime : prison, for them, was a more « virile » regime ; it had the advantage of lasting for a definite length of time, and they hoped to find fewer educative measures, i.e. more possibilities of idleness and laziness (French report).

They preferred uniformed supervisors to educators, whom they considered too patronizing (French report, Benelux).

They had a certain feeling of superiority over their co-prisoners for whom prison was the first experience of detention (French report).

Thus, the « experienced subject » was « institutionalized » and, at first sight, a prisoner who caused the staff no special trouble.

7. But a specific problem arose in so far as difficulties began as soon as attempts were made to act on that category of young prisoners in an effective, beneficial manner.

Indeed : — it was found that « experienced subjects » were less ready to take an interest in the vocational training provided for them ;

- they showed themselves to be passive with regard to activities of that kind and took an interest in them only for the sake of favours or of good marks for early discharge (French and Portuguese reports) ;
- they showed a disturbing familiarity with the tests and managed to falsify their results, thanks to the experience of such tests that they had acquired (French report).

That agreed with the scientific observations made by Professor Roger HOOD, of Durham University (Great Britain), on « social maladjustment » bound up with prolonged institutional experiences (quoted in the Portuguese report).

8. However, those observations must be tempered by the remark that, in the long run, the results obtained *materially in the course of detention* were practically the same for the two groups (identical success rates for vocational training).

9. There were marked differences in the results of treatment after discharge :

a) In France, according to a study limited to the Oermingen Penitentiary School Centre :

- 75 % of the subjects who had been placed in an institution during their minority relapsed into crime within five years of their discharge ;
- 50 % of those who had been subjected to any measure of supervised education relapsed into crime ;
- only 30 % of the « first offenders », i.e. those who had undergone supervised education, became recidivists.

Of course, those figures needed to be interpreted prudently, for the group under consideration was very homogeneous and the subjects most seriously affected biologically and socially were those who, already in their childhood, went astray. It would be tendencious to say that their recidivism was due to their internment in institutions for juvenile offenders. It was however to be noted that that treatment had not prevented them from resuming their unlawful behaviour.

b) The Oermingen findings were confirmed by the Portuguese data :

- 51 % of failures among the « experienced subjects » as against
- 36 % in a reference group of « first offenders ».
- The proportion of failures rose to 62 % if only those young people who had previously spent at least six years in re-education institutes were taken into consideration.

« Failure » was to be understood as an actual sentence of imprisonment passed during the first five years after discharge.

There was therefore a problem directly bound up with the struggle against recidivism, in the broadest sense of the term ;

- it was necessary to know the subjects' past history during their minority, in order to make an adequate classification

- under an open regime
- under a closed regime
- according to the level of education ;
- it was necessary to concentrate the available means, *penitentiary* and *post-penitentiary*, on the most difficult cases.

The Benelux Penitentiary Commission, which had considered that problem at its 38th session, held in the previous April, had arrived at the conclusion that it would be necessary to achieve more effective co-ordination between the action taken during minority and that carried on afterwards under the adult regime.

In various countries, notably those of the Benelux group, there was a real caesura between all that was done for minors in difficulty and what was recommended for them, as though they were « first offenders », when they reached their penal majority and continued to break the law.

To sum up, and to direct the discussion into the appropriate channels, M. DUPRÉEL suggested that the following points should be examined in succession :

I. — Did the manner in which the problem had just been stated call for any remarks ?

Were there any countries in which « institutionalized » young adults gave rise to a quantitative problem different from that mentioned above (a proportion of young prisoners amounting to between 10 and 30 per cent) ?

II. — What could be done to prevent the institutionalization of young prisoners ?

- a) The problem of the co-ordination of re-educative treatment for minors and young adults.
- b) The principles to be promoted for treatment in the institution and in freedom (during the enforcement of the sentence and during the post-penitentiary probation period).

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The Chairman then invited the national reporters to comment on any points contained in their statements.

M. LE CORNO emphasized how difficult it was for the penitentiary services to criticize what had been done before they came into operation. Recidivism among young people was a matter for special anxiety, particularly in the Paris area.

M. LE CORNO then referred to the difficulty of taking over those subjects who were accustomed to detention: that was an additional reason for arranging for the transmission of the offender's personality file from service to service, throughout his career.

The Chairman, M. GUARDADO LOPES, noted that in his country, too, the juvenile services objected to the transmission of files to those who would have to deal with the same subjects later on.

Mme CRUCHO de ALMEIDA, the second reporter, showed the usefulness of a systematic study of young people with a view to their treatment. She referred to interesting experiments that had been undertaken, one in Canada by the Department of Corrections and the other in London, in Northways Home, a specialized institution.

The first of those experiments consisted in splitting up those released on parole into three classes, according to the amount of attention they required, and in fixing accordingly the number of individuals entrusted to each tutor (maximum, medium or minimum). The results were better than those obtained when the cases were distributed without allowing for the more or less serious need of supervision.

The Northways Home experiment was that of a specialized centre which took in a small number of former Borstal boys with a long institutional history that affected their ability to form normal relationships with other people. It had been found that it was possible to influence the socialization of the subjects thus treated and to arrive at a lower rate of recidivism than in the case of boys who had not had the benefit of that post-institutional assistance.

It was therefore possible to conceive, on a similar basis, of autonomous forms of treatment for heavily institutionalized boys and thus to avoid having to intern them in establishments for young adults.

M. CHUDOBA, the third reporter, referred to the importance, from the point of view of delinquency, of the age groups 18 to 21 years and 21 to 25 years. He drew attention to all the data furnished in that connexion by the report that he had submitted.

M. di GENNARO asked the essential question whether institutionalized young adults really formed a specific group, thereby justifying a distinct form of treatment. Were those young people different from those who had not been previously interned but had undergone other measures? Should particular methods be used for them or, on the contrary, should the techniques already used for other subjects be intensified? In the latter case, the existence of a really autonomous group might be questioned.

The Chairman recalled what Mme CRUCHO de ALMEIDA had said about the possibilities offered by a selection of cases for the purpose of individualized treatment of the kinds indicated by the second reporter.

M. VAN HELMONT made a general remark: those young adults who were sent to prison after having stayed in establishments for the protection of the young were in fact old offenders. It ought, therefore, to be possible to make their old files available, so as to facilitate contact by a good knowledge of their personality.

M. TONNA regarded the initial wording of the subject under discussion as ambiguous: was the failure due to treatment in institutions for minors or, on the contrary, to the offender's personal characteristics?

M. DUPRÉEL also thought that there was a risk of confusion if one spoke of the problem of young adults committed to prison after the failure of their treatment in institutions for minor offenders. It was not a case of blaming the juvenile services but of noting a general failure: the fact of being in prison after a previous stay in an institution. The failure consisted in not succeeding in becoming normally integrated into the social and professional environment. The meeting was examining what was to be done for young adults who, despite their age, had already become institutionalized.

M. ALLEWIJN, like M. di GENNARO, wondered whether a special regime was really necessary for institutionalized young adults.

In the Netherlands, out of 2,700 sentenced prisoners, 1,000 were between 16 and 20 years of age. Of the latter, 40 % had been in institutions providing supervised education.

Some of those young people had been placed in the establishments on account of their parents' conduct: that was a different

thing from criminality, and therefore it would be dangerous to regard all such cases as cases of recidivism.

An inquiry made of the governors of the Dutch prisons had shown that the longest sentences were passed on institutionalized subjects. They were conformist, pseudo-adapted individuals, who observed the prison rules but concealed their feelings. They had no direct negative influence on the other prisoners, but they avoided work and tried to get others to do it.

They came from antisocial families and had no affective links with other people.

In conclusion, there was no reason to place those subjects in a special prison. But the treatment as a whole ought to be changed so as to give a less disciplinarian education, a more democratic system of co-operation, based on the acceptance of responsibility. It must be possible to make mistakes and to learn by them.

Mr WOODFIELD mentioned a vast piece of research work that was being undertaken by Charlotte BANKS in the United Kingdom and was soon to be published.

It consisted in identifying 1,000 young adults in re-education establishments and following them for at least four years in order to see whether there were any statistical correlations between the data of the various cases. The work brought to light the difficulty of distinguishing between successes and failures: a special method of calculation, with a descriptive basis, would have to be developed.

Another thing that had been noted in the course of that research was the very marked positive correlation between the time spent in any institution and the subsequent behaviour of the subject. The longer the stay in the establishment had been, the greater, it seemed, was the likelihood of failure.

In reply to a question asked by Mme CRUCHO de ALMEIDA, Mr WOODFIELD made it clear that he was speaking of a stay in any institution, without distinction.

There followed a discussion in which Messrs WOODFIELD, di GENNARO, VAN HELMONT and DUPRÉEL took part and from which it appeared that Mr WOODFIELD had simply cited the first indications of study in which he had not been concerned personally.

The figures furnished evidence of the fact that there was a relationship between internment in institutions and recidivism. It was impossible, however, to deduce any necessary relation of cause and effect between the two phenomena. As had already been stated in the introductory report, a prudent interpretation, allowing for the intervention of other elements, was necessary.

Mr BISHOP remarked that it was instructive to note that the second subject for discussion was less well known than might have been expected.

It would certainly be elucidated by Dr BANK's study that Mr WOODFIELD had referred to. But that was a very vast piece of work which could not be summarized.

It must be admitted that it was difficult to establish relations of cause and effect between the various aspects of criminal behaviour.

As for the means of changing the existing situation, one could only make forecasts, the validity of which could not be verified.

But it was encouraging to note that the prison administrations were seriously tackling the problem of the effectiveness of the methods used.

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24th September — Afternoon session

Chairman: Mr WOODFIELD

The first speaker was M. KATSUO (Japan), who outlined the results of an inquiry conducted in 1967 on the characteristics of young offenders interned in 31 Japanese institutions. The object of the inquiry was to find certain criteria for establishing categories of offenders. Certain relations had been discovered between the offender's age at the time of committing his first offence and entering an institution, on the one hand, and recidivism on the other hand.

The work had led to the suggestion that young offenders should be classified in four groups:

1. Those to be placed in an open institution ;
2. Prisoners under 25 years of age, needing cultural training ;
3. Prisoners under 25 years of age, needing vocational training ;
4. Sick prisoners requiring medical or psychiatric care.

Mr ALEXANDER, who had visited Japan several times, had been struck by the merits of the vocational training given to Japanese prisoners. It was highly realistic and extended to about a dozen different professions, in keeping with Japanese culture.

Mr STEYN was interested in the duration of treatment in prison. In itself, that duration was not a cause of recidivism : it was the offender's personality that was the essential element. Young people who had been interned in re-education institutions tended to form a distinct group, but that could be discouraged by making discipline sufficiently strict.

M. ANDONIOU (Cyprus) mentioned the existence, in his country, of a reformatory for juvenile offenders up to 16 years of age and of an establishment for young criminals between 16 and 21 years of age.

The young inmates of the reformatory could be sent to prison by the Court. The data contained in their files were taken into account in deciding what kind of treatment should be applied to them.

The speaker described certain characteristics of criminality in Cyprus, where crimes were committed less by young people than by adults. In prison, however, certain contacts between young and older prisoners were authorized, and that practice had proved useful.

M. PAIVA thought that, in general, the young offenders committed to prison were already institutionalized. An Argentinian study on the influence of the factors that had come into play before the age of 18 years had shown close connexions between the delinquency of young adults and their juvenile antecedents, above all in urban areas. There was hardly any juvenile delinquency in the country areas.

Mr WOODFIELD was anxious to have a clear explanation of the sense of the term « institutionalization ». He understood it to mean the fact of being accustomed to life in an institution.

M. DUPRÉEL thought the term referred to the case of an individual who had been changed, socially damaged, by a long stay in an institution, not necessarily of a penal nature. If that had occurred during the first years of his life, the repercussions were considerable. It seemed, indeed, that institutionalization was to be regarded as an unfavourable element. Attempts should therefore be made to avoid it, notably by better co-ordination of the treatment of minors and adults.

M. SPIELMANN wondered whether the meeting should not also examine the problem of the influence of orphanages. Institutionalization early in life, up to the age of 12 years, might be more dangerous in certain orphanages than in re-education institutions with a good system of observation and guidance.

M. di GENNARO hoped that his point of view would be noted : the meeting should confine itself to the problem of institutionalization in establishments for supervised education, and not elsewhere. The question of orphanages, etc., was interesting, but could not be envisaged within the limits of the subject that was being dealt with.

M. TONNA disagreed ; he would prefer the phenomenon to be considered in its broadest sense.

M. LE CORNO was more inclined to share M. di GENNARO's view that institutionalization, as studied by the meeting, should not include the fact of having been at school, even in a strict boarding-school or in an orphanage under public assistance.

M. GUARDADO LOPES was in favour of giving a fairly broad sense to the notion of institutionalization, without however extending it to aspects that were too remote from the actual work on which the meeting was engaged. For that purpose, it would be necessary to have information that was not available under the circumstances.

M. DUPRÉEL recommended a common-sense solution. The meeting should not get away from this subject, which was limited, but at the scientific level institutionalization could not be completely dissociated from a more general sociological phenomenon : the influence of an artificial (and therefore abnormal) environment on the formation of the personality.

Mr WOODFIELD's opinion was that two aspects of the problem should be considered :

- a) It was necessary, first of all, to try to get a better knowledge of the past history of those who were committed to prison, so

that penitentiary treatment might be directed along better lines.

- b) Afterwards, one should try to find out what could be done to prevent prisoners from acquiring the characteristics which were deplored in the case of institutionalized subjects.

Mr ALEXANDER spoke of applied studies that were being undertaken in the United States, where, for instance, a group of psychiatrists and educators had systematically studied a group of 200 boys between 16 and 17 years of age. Their work had made it possible to identify four categories :

- 1) Emotional youths, not yet mature, dependent on their parents or on the previous institution ;
- 2) Neurotics, pessimistic and anxious ;
- 3) Subjects showing loyalty to a gang ;
- 4) Individuals with no culture in the sociological sense of the term : negroes, Indians isolated mountain-dwellers, subjects who had no communication with their environment because they had « another vocabulary ».

The findings had made it possible to define the characteristics of the personnel most suitable for working with the subjects belonging to the four categories :

- For group 1), a supportive staff was suggested.
- With group 2), a firmer staff was necessary.
- With group 3), an authoritarian staff was required.
- With group 4), it was necessary to have agents who were close to the common people and were familiar with the jargon of the uncultured population groups.

In the course of a second stage, it was asked whether that system, applied with appropriate specialists, was preferable to the old system. The valuation was still proceeding, and the results were being compared with those obtained in other institutions forming the reference group. In the case of after-care, in particular, the experiment included the provision of the best possible care at the level of social assistance in the broad sense for the young people belonging to the four categories referred to above. The prisoners belonging to the reference group followed the normal course of treatment organized for the subjects staying in the other institutions.

Mr WOODFIELD thought it might be useful to draw attention to an experiment that was being conducted in a psychiatric prison in the United Kingdom, where two different regimes were applied, one very free and the other considerably more severe. The results were to be compared. It was to be noted that the boys were distributed between the two groups at random.

Mr BISHOP expressed great interest in that type of research, and particularly in the distribution of prisoners between a free regime and a severe one. It was indispensable to be in a position to refer to different types of treatment in order to assess their effect.

M. VAN HELMONT again emphasized the need for abolishing the impassable barrier between observation conducted at the level of supervised education and observation continued in prison. Scientific observation should be carried out in the light of all the available data, without exception.

Mr BISHOP shared M. VAN HELMONT's views on the drawbacks of not having access to the data collected under the juvenile regime.

M. DUPRÉEL noted the concordance of opinion on the subject and referred in the same connexion to the new Belgian law on the protection of the young, which prohibited the communication of young people's files to any authorities other than those responsible for the protection of the young. That made useful following up impossible.

M. SPIELMANN stated that in the Grand Duchy of Luxemburg the draft law on the protection of the young, which was based on the Belgian law, nevertheless differed from it on that point and permitted the communication of files to the authorities responsible for collecting information on the personality.

Mr WOODFIELD wished to point out, however, that in certain cases it was advisable to refuse to communicate the files of young subjects.

Mr ALEXANDER added that in the United States there was a similar problem regarding the difficulty of useful following up. Attempts to improve the situation had been made by having recourse to data furnished by the social-security authorities.

M. DUPRÉEL, in his capacity as general reporter, suggested that the meeting should go on to examine the problem of measures for the prevention of institutionalization. In that connexion, he described a successful experiment made in Belgium, at the young people's establishment at Jumet, which took in adolescents only

for the night and permitted them to attend various schools and educational centres during the day.

What was to be done at the prison level ?

Surely it was necessary to avoid the traditional error of punishing recidivists more severely, instead of seeking quite different means, such as probation, for instance ?

M. SPIELMANN, who agreed, pointed out that that depended largely on the Courts.

M. GUARDADO LOPES stated that in Portugal, since the 4th June 1969, there had been a law permitting the communication to the Court of judgement the results of the observations made during the period of detention on remand. He was convinced that the magistrates would take those data into account, particularly so as to decide in favour of non-institutional solutions.

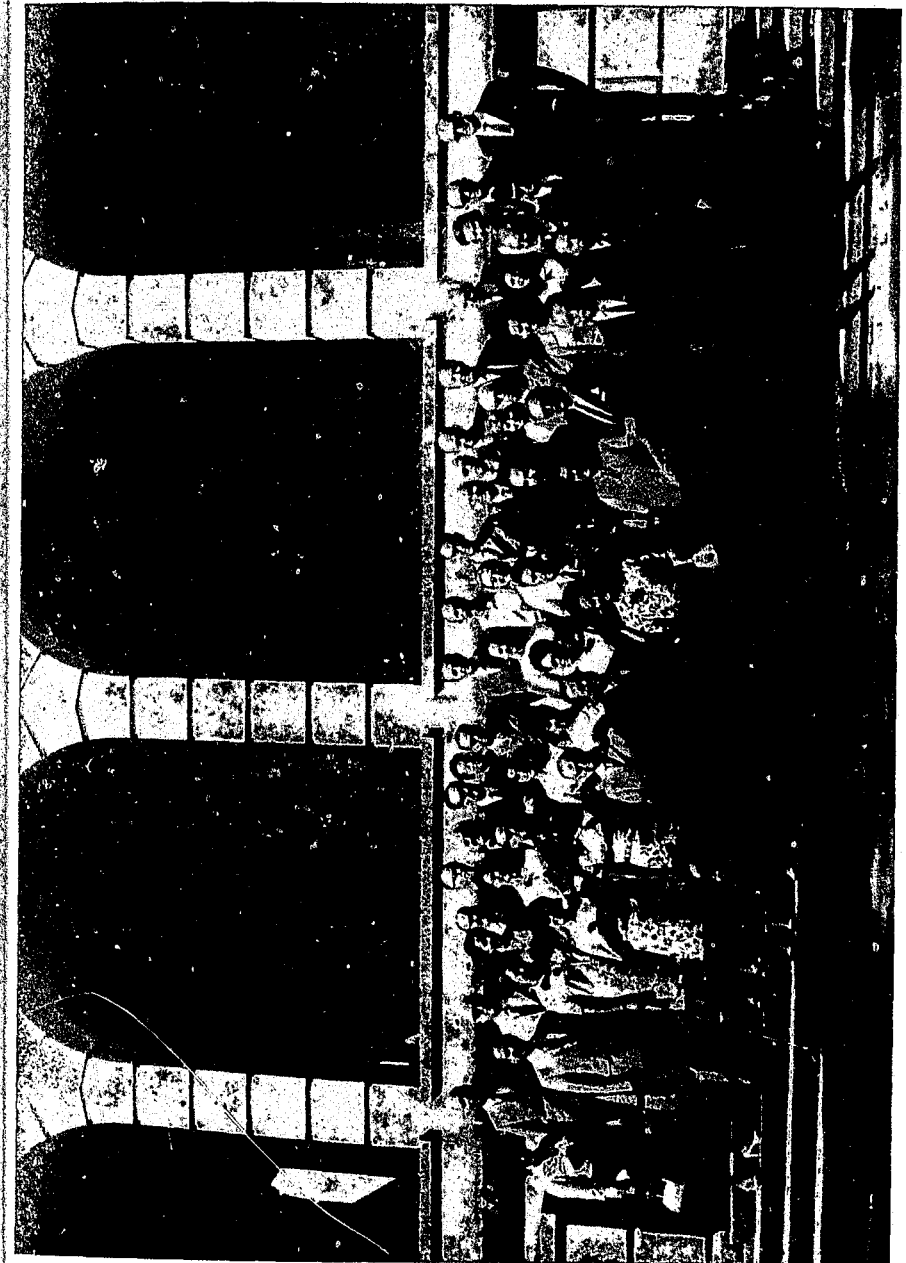
M. TONNA thought it necessary to emphasize that there was a certain type of individual whose nature drove him to crime. For such people, repressive sanctions should be maintained. For the others, one might envisage the modern methods that had been described, such as probation, but they should always be used with caution.

M. di GENNARO recalled that, ultimately, it was the judge who was competent to decide on the type of measure to be applied. But it was necessary to enlighten him completely in order to guide him in making his choice, and that was where the difficulty lays. The English example of the caesura in the proceedings and the prohibition to use certain elements of the file at the indictment stage should be followed.

M. ANDONIOU was happy to state that in Cyprus every offenders awaiting judgment was examined by a psychiatrist and was questioned by the social assistant. The results of the examinations were made known to the Court.

M. del YERRO said that he too was in favour of good co-ordination of methods. At the penitentiary stage, all the information collected during minority should be available.

Mr BISHOP thought there were two ways of tackling the problem of preventing institutionalization. First of all, committal to prison could be avoided as far as possible. Afterwards, when imprisonment was resorted to, a better organization of the detention establishments might be attempted.



The participants at Viana do Castelo (25th September 1969)

He dwelt on the second aspect of the problem, emphasizing that certain institutions were too bureaucratic. It was necessary to react against that, and the information given by Mr ALEXANDER was very interesting: certain types of offenders should be identified, and both the personnel and the methods should be adapted to those types of offenders.

Mr ALEXANDER agreed and showed that the system of classification in groups with regimes adapted to their characteristics was already a solution and that collaboration with the universities could only improve the prospects of success.

M. CHAPPUIS (Switzerland) showed that the planned reform of the Swiss Penal Code made allowance for those pre-occupations. It enabled the judge to apply to young adults either an ordinary sentence or a measure of education through work, enforced in a closed establishment or under a regime of semi-liberty. The actual placing of the offender was not decided upon by the judge: it came within the competence of the administration responsible for the enforcement of sentences.

26th September — Morning session

Chairman: Mr. STEYN

M. DUPRÉEL asked for a decision on the question whether young adults who had already been in an institution really formed a distinct group. So far, the opinions expressed tended mainly towards regarding them as a category of prisoners who were in need of specially individualized treatment.

M. TONNA thought that internment in an institution could not always be said to have been the cause of the failure constituted by committal to prison. The peculiarities of the offender himself played a decisive part, and it was desirable to provide for transition between the juvenile regime and that of a prison for young adults.

M. di GENNARO also wanted a clear conclusion to be reached: did young adults form a particular category of offenders requiring a different form of treatment?

In his view, they were above all difficult subjects (and not the only ones) who needed treatment according to their personality.

M. VAN HELMONT shared that view: he advocated individual treatment rather than treatment by categories. It was always

a bad solution to concentrate all the difficult cases in one and the same establishment.

M. DUPRÉEL, at M. di GENNARO's request, explained that, in his view, when institutionalized subjects were said to be « difficult », that did not mean their way of behaving in the institution, but the difficulty of applying a resocializing treatment to them successfully.

Mr TERRY emphasized that it was generally agreed today that young people from 18 to 20 years of age were much more developed than they used to be at the same age. They were almost adults, and the Courts were not disposed to apply longer sentences to them than to adults for the sake of subjecting them to treatment.

Mme CRUCHO de ALMEIDA maintained that institutionalization made the approach to young people more difficult. Internment in an institution might strengthen their delinquent attitudes and develop the behaviour of a professional criminal.

M. DUPRÉEL, in connexion with what had been said by the previous speakers, recalled that in many countries special regimes for young adults already existed, i.e. a transition between the system applied to minors and the ordinary prison. That had often been arranged by the prison administrations themselves, without any direct intervention on the part of the legislators.

He would like M. LAMERS, at whose suggestion the subject had been chosen for discussion, to make known his feelings on the matter.

M. LAMERS noted that the use of the word « category » made false conclusions possible. It could not be said that the institutions for minors had failed for the type of subjects that was being discussed at the meeting. Often, too, those young people had been interned in various types of establishments. What could be said was that the institutional environment was not effective in their case: it was necessary to find other means of action and to convince the judges that they should make use of different techniques.

M. del YERRO gave some information on Spanish legislation and judicial practice with regard to the application of indefinite measures to young people. In the Liria prison for young offenders, the length of internment depended on the result which was thought to have been attained.

M. TONNA spoke again of the exact sense of the word « failure ». Did it mean a failure during internment in an institution or

later on? If recidivism were taken as the criterion, could it be imputed to the regimes to which the subject had been subjected?

Mr WOODFIELD noted that the sense of the word « failure » was hard to define, in all languages. He would prefer the use of the expression « those with a past history » and to speak of the treatment required by the subject's antecedents.

M. DUPRÉEL welcomed Mr WOODFIELD's intervention. It was by working on a question that one was able to define it better. The word « failure » contained a certain idea of reproach. It ought to be banned from the meeting's discussions, and it should be recognized that, fundamentally, it was the problem of the institutionalization of certain young prisoners that was being discussed with the object of finding a solution.

M. VAN HELMONT was of the same opinion and emphasized the importance of the contribution of scientific research towards the creation of a system of real penitentiary treatment.

M. ALLEWIJN declared that he was convinced of the fact that there was no reason to treat institutionalized young adults as a special group. The delegates' exchanges of views on that point had been useful in elucidating the matter. In the Netherlands, new principles were being applied in the treatment of prisoners, and it was interesting to refer to them in connexion with the subject under discussion.

- Specialized officials had been instructed to provide the magistrates with information on the regimes and possibilities of the prisons for young offenders.
- A selection centre examined the offender's personality and expressed its opinion concerning classification and treatment.
- The treatment was given a certain voluntary character: its object was made known to the young prisoner, who had the opportunity to choose his type of institution. No one was obliged to stay in an open prison or to go to a training camp.
- The prisoner was given responsibilities in the life of the institution.
- Alongside the mere supervisors, educators in plain clothes had been introduced. They were called « group leaders » and formed the basic staff responsible for the treatment.
- As for the members of the specialized staff, they were asked no longer to concern themselves only with diagnosis, but also with active treatment. Co-ordination between the specialized staff and the subordinate personnel was ensured by the ap-

pointment of a liaison officer. Prisoners could express their opinions in an uncensored journal.

All that helped to create a better therapeutic atmosphere.

Mr ALEXANDER, who was very much interested by the work of the meeting, thought that the aim in view was « to interrupt a criminal career ».

Particular attention should therefore be attached to the young people's motivations, so as to act on their behaviour in the future and to give them their « last chance ».

The creation of prisons, two centuries ago, had been an immense advance as compared with the errors of former times, but new methods should be found today, in co-operation with the scientists and the magistrates.

M. ANDONIOU could not see very clearly how a magistrate could be told what type of measure to order, for example with a view to avoiding the committal of an offender to prison. What would happen if public opinion were against that procedure?

It seemed to him to be difficult, in practice, to interfere with the judge's action.

M. DUPRÉEL thought the delegates' suggestions might extend to the legislative field: the law might give the judge a wider choice of measures to apply to offenders. It might also organize vocational training which would enable specialized magistrates to avail themselves fully, and with full knowledge of the circumstances, of the new possibilities that would be made available to them for the treatment of prisoners.

Mr WOODFIELD agreed with M. ALLEWIJN concerning the principle of allowing prisoners a certain possibility of choice in the matter of their treatment.

Nevertheless, he did not exclude the idea of a comparative authoritarianism to avoid a situation in which, through facility or laziness, many subjects preferred a conventional prison to an open centre, which was more dynamic and exacting.

The return to an ordinary prison should not be facilitated.

With regard to staff organization, the speaker was mistrustful of a separation between the educators and the supervisors: everyone should take part in the work of treatment and should be informed of the methods used.

M. ALLEWIJN said that in the Netherlands there was no intention of making a rigid division between the two categories of staff. It was merely a case of two different careers, and it was possible to change over from one to the other.

It was also necessary to take into account the mentality of prisoners who found it difficult to like their supervisors. A distinction between the supervisors and the staff responsible for treatment was therefore advantageous.

Speaking on behalf of M. MANCA (Italy), M. di GENNARO thought it was perfectly possible to influence the judge in the choice of the measure to be taken in terms of the legal system in force. He recalled that probation had developed at the penitentiary level before being legalized. One of the subjects to be dealt with at the Eighth International Congress on Penal Law, in Rome, would in fact be the part played by the judge in the enforcement of sentences. The division of procedure was also to be discussed.

M. del YERRO emphasized how useful it was to have the whole staff of the same establishment working together as a team. The basic agents were in direct contact with the prisoners and could therefore give the specialized personnel a great deal of interesting information.

M. TONNA defended the view that the offender's personal history should not be submitted to the judge in all cases. The offence committed, and nothing else, should be taken into account, except in the case of a young offender who had come from an institution for minors or a recidivist for whom lack of responsibility was alleged.

M. LAMERS, referring to the proceedings of the last Bellagio colloquium, maintained that the judge should not only be informed of the personality of the accused in special cases.

M. ANDONIOU mentioned the research conducted in his country with the object of creating a hospital with an open regime, in which young prisoners who had not committed serious crimes would be accommodated.

M. DUPRÉEL, the general reporter, was invited by the Chairman to state the conclusions of the debate. He said that it was difficult for him to say anything in anticipation of the synthetic report that he would submit at the closing session.

He thought that the ideas expressed and the information collected would enable him to submit to the participants a very interesting general view of the question that had been studied.

The Chairman, Mr STEYN, thanked all those present at the meeting for their useful contribution to the discussions.

VII. — Closing session — Saturday, 27th September 1969.

Chairman : M. GUARDADO LOPES

The Chairman having invited him to speak, M. DUPRÉEL, Secretary General of the I.P.P.F. and general reporter of the meeting, presented a synthesis of the proceedings in the following terms :

It is my agreeable and perilous duty to try, in a very short time, to give you a synthetic outline of our work and of our conclusions.

I will deliberately confine myself to the *new* and *original* elements that our discussions have contributed to the questions whose nature and general aspects have been amply described in the preparatory documents and in the general report.

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We have dealt with two general subjects. The first, « *The treatment of women prisoners* », was at once the simpler and the more paradoxical of the two. *Simple*, because it was concrete and apparently well known already. *Paradoxical*, because it was the small number of women in prison that justified the inclusion of the problem in our agenda.

Indeed, owing to the small number of women prisoners, the penitentiary system in their case is more rudimentary, less varied, less sophisticated (in the good sense of the term) than in the case of men (especially in small countries).

There was therefore good reason to react against this underdevelopment of the treatment of women offenders and, as administrators and specialists, to examine what should be done.

It has been our privilege to have at our disposal the reports submitted at the request of the I.P.P.F. by Messrs PINTO (Portugal), WOODFIELD (United Kingdom) and VAN HELMONT (Belgium). In addition, a very useful body of working documents has been made available to us by the representatives of South Africa, Cyprus, Spain, Italy and Japan who have been present at this conference.

Fruitful exchanges of views have elucidated and enriched these contributions in the course of the three sessions devoted to this subject of study.

What are the chief ideas that have been expressed in our discussions ?

Women offenders, and more particularly women prisoners, give rise to problems of rare complexity.

In their case a higher degree of priority is to be given to medico-psychiatric treatment than where men are concerned.

Special attention must be attached to the *motivations* of women, which are not the same as those of men. It is by making allowance for these motivations in every field (preoccupations about the future, choice of work, interior decoration of the establishment, general appearance of clothing, desire for a certain elegance in personal appearance, etc.) that we can hope to influence the behaviour of women prisoners in a useful and durable way.

It has been said in the course of our discussions that it is necessary to use for condemned women and especially for women prisoners a different « strategy » from that which is used for men. Penitentiary action should, for instance, seek to make possible the realization of the family dream of many women prisoners : a husband, children and an agreeable home.

That justifies us, therefore, in attaching importance to the various branches of domestic economy in planning our programmes of readaptation intended for women.

It would be a mistake to try systematically to train women prisoners to become factory workers or even employees at a time when, in a certain number of countries, wage increases and the raising of the standard of living of the working class are reflected by a tendency, on the part of women, to return to their homes.

But the adaptation of treatment to the needs of each particular case remains essential, and it is necessary that, wherever it seems opportune, each woman prisoner should be provided with the vocational preparation best suited to her situation, with the object of social and cultural promotion.

This leads us to one of the original suggestions that have come from this meeting, namely the idea that, since women are much less numerous in the prisons and, in general, constitute a less serious social danger (comparative indifference of public opinion),

advantage might be taken of this to reverse the evolution of the history of penitentiary techniques and to give women the benefit of a treatment more intense and more daring in its conception and methods than that applied to men.

Of course, this does not mean making a discrimination, by law of regulation, in favour of women (which would be shocking), but, as has already been done for young adults in most countries, making use, with more generous means than are available at the present time, of medical, psychological and social observation techniques, as well as all the methods of individualizing treatment that can be successfully used when applied to *small groups* in modern establishments that are well equipped with personnel and material.

Pilot experiments might be attempted, notably as regards the normalization of the affective and emotional atmosphere in the centres of detention.

It has been suggested that the constitution of mixed groups of men and women should be envisaged for the purpose of group counselling or even group therapy.

In the same spirit, we have once again been reminded of the uselessness of providing for a certain number of posts for men in the personnel of women's sections, subject to the precautions and the especially careful selection that are demanded of the administrators when they embark on this policy.

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It is impossible for me to quote all the numerous suggestions as the interesting remarks concerning those main ideas. They can be founded in the Proceedings of this meeting.

Nevertheless I wish to point out:

- the obvious favour for the methods of treatment in liberty conditions, total or partial, when dealing with women prisoners (this mainly by reasons of the very crucial and often most dramatic problem of young children requesting the care, the presence and the normal activities of a mother);

- the attention concerning the selection of the head of prison for women: man or woman. We already said that the personality is a criterion of more importance than the sex;

- that interesting ideas have been explained here concerning the specific internal architecture of the prisons for women; this architecture should be more deliberately designed in order to favour a better convenient climate for women than to meet the security criterions;

- that the question arising about the clothes to be used, uniform or no uniform, has been carefully looked after and that clever solutions have been proposed, all proceeding from the care for normalisation of the environment in the prisons for women.

The Proceedings of the Third Meeting of Heads of Prison Administrations will show up a wide range of the most topical ideas concerning the treatment of the female delinquency and I believe as concerns that subject, we have achieved our aims.

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The second question on our agenda was much more complex, more original but also more difficult to deal with: « *The problem of young adults committed to prison after the failure of their treatment in institutions for minor offenders* ».

Our basic documentation consisted of the preparatory reports submitted by Mme CRUCHO de ALMEIDA (Portugal), M. LE CORNO (France) and M. CHUDOBA (German Federal Republic) and of the working documents presented by the representatives of the Argentine, the Republic of South Africa, Cyprus, Spain, Italy and Japan.

First question: was it really a problem?

The reply was in the affirmative, but the problem does not exist inside the establishments — on the contrary.

Young prisoners who have stayed in re-education institutions during their minority are in general fairly easy prisoners. Born in

the Seraglio, they know their way about it. Used to detention, they know what to do to remain on good terms with the staff and to obtain favours with the least possible trouble.

Consequently, the problem lies elsewhere. It lies in the difficulty of reaching these young people in their deep ego and of acting beneficially on their personality.

In this connexion, some striking formulas have been suggested to us.

The object to be attained with these young people, who are recidivists from the criminological point of view, is the interruption of their criminal career and their reinsertion into a normal economic and social circuit.

It has also been pointed out, very rightly, that the subject chosen for our attention was not so much the problem of the *failure* of the treatment undergone by these young people under the regime of the protection of minors.

In this delicate field, we must indeed ask ourselves what is meant by failure and success.

These are judgments of value whose arbitrary and fragile character is well known to the sociologists and statisticians.

Very wisely, our conference has fallen into line with the idea that the young offenders that we are concerned with are in fact « subjects who have already had one or more experiences of trouble before being committed to prison ».

For various reasons, sometimes connected with themselves and sometimes due to outside causes, they have left the normal family environment and have been subjected to the desocializing regime of institutions including not only establishments for minor offenders, but also orphanages, hospitals or various types of boarding-schools.

The stay in such institutions for a large part of their lives (and for young people a few years at once represent a considerable and decisive period) often leads to what, in a pessimistic sense, the specialists call « institutionalization ».

Thus the problem we have studied is that of young adults who are committed to prison after one or more previous stays in boarding-schools of a re-educative character.

Actually, it was useless to introduce the notion of failure into this subject. Its sense is ambiguous and seems to imply, *a priori*, an unfavourable judgment on the juvenile services.

The fact of institutionalization implies in itself a problem case and, if you like, a failure of society with regard to the individual who is suffering from it.

This being agreed, how are we to fight against this process of disintegration of the personality ?

In two ways. First, by avoiding the automatic committal to prison of young offenders who already have a judicial past in institutions for young people, and by having recourse to various methods of treatment in liberty.

Then, if this form of treatment is impossible, by improving the atmosphere and the action of prisons for young offenders by extensive individualization, by adaptation of the staff to the cultural, professional and character peculiarities of the types of young people that are to be treated, and, finally, by flexible methods allowing for possibilities of choice and the assumption of responsibility by the prisoners.

This action must develop at the legal and judicial, as much as the penitential, level.

The magistrates should have the possibility of facilitating this approach to the problem and should be induced to avail themselves of it.

Such, very briefly summarized, are the practical, human and, in certain respects, new views that have been expressed and motivated in the course of this Third Meeting of Heads of Prison Administrations.

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Having finished his synthetic report, M. DUPRÉEL, speaking on behalf of the International Penal and Penitentiary Foundation, expressed to the Portuguese Government, to the Portuguese Prison Administration, and particularly to its Director General M. GUARDADO LOPES and all his direct collaborators at the scientific and administrative levels, the gratitude of all the participants for the very generous and efficient organization of the meeting. It had considerably facilitated the accomplishment of an important body of work.

M. Miguel Angel PAIVA, National Director of the Federal Penitentiary Service of the Argentine, speaking on behalf of those

participants who had come from countries outside Europe, then delivered the following address :

Mr Chairman, Ladies and Gentlemen,

Coming from regions which, though remote, are close in spirit, many of us have sat this conference table, at first perhaps with feelings of nostalgia, far from home and traditional customs. However, the constancy of two very positive facts has greatly facilitated our mission and helped to make its accomplishment an infinitely agreeable task.

From the moment of our arrival and during our entire stay in Portugal, cordiality, understanding and kindness have been the constant attitudes that we have encountered, both inside and outside this magnificent palace in which our meetings have been held.

We have been shown the spiritual wealth of these people who are so attached to their traditions and so respectful of their ancestors' memory.

Our eyes have been feasted by the magnificent places and landscapes which Nature has revealed to her conquerors, from whom, in all circumstances, we have received marks of infinite kindness, not only from the authorities who have given us full support, but also from the simple villagers who, with legitimate pride, have danced and sung before us, showing that all of them — children and adolescents, their elders and the aged — found happiness in our company.

I believe, therefore, that I am expressing the feelings of all of us who have come from afar to this noble, chivalrous nation, in saying how deeply grateful we are for the kindness that has been showered upon us.

Thank you, Mr Director General : we shall carry home with us an unforgettable memory ; allow me to call for hearty applause to punctuate our sincere expression of gratitude.

The official languages of this conference are two in number ; the task of the many participants who use them daily is a very simple one, for they have only to express their ideas in the usual way. For the others, like myself, the effort has naturally been greater, but all the difficulties have been surmounted, thanks to the natural and constant cordiality which has always marked these meetings of the I.P.P.F., in which a timely gesture and a friendly smile can make any language comprehensible, however difficult it may be.

The information gained from this meeting has been instructive and fruitful. Responsible for the re-education of those who are interned in our penitentiary establishments, we have met together to discuss the treatment of prisoners and of young people who relapse into crime in adult life despite the treatment they have received in special establishments for minors.

The Secretary General of the I.P.P.F. has clearly stated the conclusions reached, but of all the opinions expressed the most interesting one is that, fully aware of the importance of our mission, we all know that those who are entrusted to our care for the purpose of re-education are human beings, created by God in His own image, who feel, rejoice and suffer in the same way as everyone else, and that many of them have fallen on account of their human weakness and others owing to psycho-physical deficiencies, sometimes without being able to explain the causes of their errors.

To study each case as we have done : such is our mission, the proper accomplishment of which should be regarded as an apostolate.

Every country, according to its customs, its means and its possibilities, has shown its anxiety to co-ordinate our action, by offering and collecting interesting information.

In connexion with young adults imprisoned in our penitentiary establishments, our country has presented a vast sociological study conducted realistically on the basis of statistics, which, very often, do not bear out our theories.

Next December, there will be held in Buenos Aires, the capital of my country, a Latin-American conference similar to this one. It is being organized by us at the request of the United Nations. I should like to say that if it is marked by the same atmosphere of cordiality and comprehension, in an exchange of ideas as frank and clear as has taken place here, we may be confident of its success.

Before I close, allow me, Gentlemen, to express in all modesty a wish and an aspiration : that other Latin-American countries may soon be represented at these positive meetings of the I.P.P.F. I am inclined to think that they would be happy to take part in them.

In conclusion, I wish to express on behalf of my Government my thanks for the invitation which has enabled me to take part in this conference, which has brought together personalities who-

se competence is acknowledged throughout the world and who are profoundly identified with penitentiary action.

Ladies and Gentlemen, I thank you.

M. ALLEWIJN, Head of the Netherlands Prison Administration, associated himself, on behalf of the English-speaking participants, with M. PAIVA's expression of gratitude.

In humorous vein, he said that he was at once highly honoured and rather surprised at having to speak on behalf of the English-speaking group.

He emphasized that the organization of the conference and the preparation of its programme had shown the Chairman to be an excellent ambassador of his country. The most favourable conditions had thus been created for holding a conference of a very high standard — not only because all the participants had flown to Oporto, but above all because the meeting had been so well prepared.

It could not be said that the problems chosen for study, the treatment of women prisoners and the problem of young offenders with an institutional history, had been solved. The participants could not take home with them a magic recipe for the treatment of the offenders in question. But that was no ground for disappointment. In any case, it was hardly conceivable that a single system of treatment could enable us quickly and effectively to change a person's character and ideas in a manner believed to be correct. Such a system of treatment would be a dangerous weapon in human hands.

But the discussions and exchanges of ideas had prepared a step forward, so that attempts might be made, in future, to perform better the task that faced the penitentiary services.

The Chairman and the organizers had also had the merit of facilitating contact with the Portuguese people. Of course, there were always differences between the peoples of different countries, but it was nevertheless striking to discover that, despite those differences, there were so many points in common, due to the fact we were all men with the same human needs.

The conference had demonstrated the impossibility, at the present time, of organizing society so as to make women's prisons useless, although they were but a poor solution for the problems

encountered. In the same way, it was necessary to study the problems of the institutionalization of many young offenders. But a meeting of colleagues was an opportunity for mutual encouragement, for trying to overcome the problems that were such a cause of anxiety and for exchanging experience. That had been profitable, and the result was therefore successful.

By way of conclusion on the basic nature of the questions studied, the speaker said that it was necessary to remain realistic: good as our penitentiary system was for the prisoners, the best side of a prison would always be the outside.

In his words of thanks addressed to the Chairman, M. ALLEWIJN included the reporters, the members of the secretariat, all the collaborators of the various organizations, the interpreters, the ladies who provided the participants with information, the coach-drivers, the photographers, etc.

He found kindly words for the general reporter M. DUPRÉEL, saying that he was inimitable in as much as he could understand better than the participants themselves the ideas they had in mind and that he managed thus to clarify their own conceptions.

He insisted that his thanks were addressed to M. GUARDADO LOPES not only in his capacity as Chairman, but also in his capacity as host to the conference, a role in which he had been admirably assisted by Mme GUARDADO LOPES.

M. ALLEWIJN declared that his experience had shown him how much the proper running of an establishment depended on the governor's personality, character and mentality, and also on the attitude of his family. Thus, having been privileged to approach the members of the Chairman's family, the participants were certainly convinced that Portugal must have one of the best of all penitentiary systems.

The speaker also emphasized how interested his colleagues and himself had been in visiting the penitentiary institutions at Alcoentre and in the commentaries given to them, notably by M. PINTO and Mme CRUCHO de ALMEIDA.

In conclusion, he recalled that, at the opening of the conference, the Portuguese Minister of Justice had welcomed the participants to his country. Speaking on behalf of his colleagues, it was now his turn to sum up his feelings in the words « Obrigado Senhor e Senhora GUARDADO LOPES ».

Finally, having been asked to express the feelings of the French-speaking group, M. CHAPPUIS, Secretary General of the Department of Justice and Police of the Canton of Vaud (Switzerland), delivered the following speech :

Mr Chairman,

Ladies and Gentlemen,

It is my pleasant duty to express to the Portuguese Government through you and more particularly to yourself. Mr Chairman, our very hearty gratitude for the generous hospitality and the cordial welcome that you have offered to us and to our wives in your beautiful country. You may be sure, Mr Chairman, that we have been very much touched by this.

My colleague M. ALLEWIJN, representative of the Netherlands, has just spoken of all the interest, on the scientific level, that is offered by a meeting like the one that we have been taking part in during the past week. This scientific interest is undeniable. But it is not the only interest of such a meeting, which offers a valuable opportunity of getting together, not only round our conference table and within the narrow limits of the subjects on our agenda, but also — and I might be tempted to say above all — outside this room, insofar as personal relations are established between the participants and may be extended in time long after our meeting has come to an end.

As heads of prison administrations, we may sometimes have a certain feeling that we are isolated in our work, by reason of the peculiar character of our mission and of the interest — as a rule very slight and not always favourable — of public opinion.

That being so, it is all the more valuable to find a meeting such as this one, which enables us, beyond our frontiers, to establish useful and agreeable contacts, not only at the technical level, but also at the level of simple human contacts, with those who, in other countries, are confronted with the same problems as ourselves.

In this connexion, Mr Chairman, you and your collaborators have displayed your consummate art. You have done everything possible to create that atmosphere around us.

The many receptions to which we have been so kindly invited, your wish to allow us to take part in your life by giving us an idea of your beautiful country through its original and still living folklore, popular songs, dances, fados of poignant melancholy, bull-fights, through its splendid history, its art, the beauty of its landscapes, the wealth of its cuisine or the subtle variety of its heady wines, through its sunshine which has always been with us and, above all, through the natural courtesy of its inhabitants — all this has helped to create that easy, smiling atmosphere which, at the level of what I have called human relationships, has ensured the complete success of this meeting in Lisbon.

Allow me, too, to say how much our wives have appreciated all the kindness that you have bestowed upon them. Hardly had they passed the threshold of their hotel rooms than you bade them welcome with a magnificent bouquet of roses. Since then, you have never ceased taking care of them, not only by offering them the most generous hospitality and including them in all the invitations you have given us, but also by organizing for them a whole programme of excursions and visits full of interest and pleasure, in Lisbon and in the surroundings of your beautiful capital.

The ladies have been delighted with their stay in your country, and there is no doubt that their presence and the relations that they have thus been able to establish between them have also helped, to a great extent, to create the atmosphere necessary for the full success of our meeting.

May I say, in this connexion, how much our wives and ourselves have appreciated the kind attention of Mme GUARDADO LOPES throughout our stay in Lisbon? She has gained the sympathy of us all, and we wish to express to her our deep gratitude.

This week spent in Lisbon has been so full and rich, and it has passed so quickly — rather like a dream — that we can hardly believe that it is already over and that the time has come for us to part.

In a few hours' time, we shall be leaving Portugal to return to our several countries, where we shall find the preoccupations and worries of everyday life and, for many of us, the already dull weather of early autumn. We shall take with us the gifts and sou-

venirs that you have bestowed upon us, notably the beautiful medal commemorating our meeting.

But we can assure you, Mr Chairman, that it is above all in our hearts that we shall keep the warmth of Portugal's welcome — a fragment, as it were, of your bright sunshine.

Once again, M. and Mme GUARDADO LOPES and all of you, our Portuguese friends who have taken such pains to make our stay here perfect, we thank you for your welcome. You may be sure that we shall always remember it with the greatest pleasure.

After these addresses, which were loudly applauded, the meeting heard the closing speech delivered by the Chairman, M. GUARDADO LOPES, Director General of the Portuguese Prison Administration :

Ladies and Gentlemen,

For nearly a week, in the beautiful rooms of the Palacio Foz in Lisbon, the Highest representatives of the penitentiary services of seventeen countries, members of the International Penal and Penitentiary Foundation or of the Council of Europe, have met with the representatives of those institutions almost daily, to discuss two problems of undeniable interest in the field of penitentiary action.

There are not many of us, but a similar level of civilization and our common interest in penitentiary problems have made possible a fruitful and valid exchange of impressions and experiences, such as can hardly be undertaken in international meetings attended by large numbers of people.

In the penitentiary field, we all speak the same language, no matter whether we express ourselves in French or in English. Nevertheless, how many differences must be borne in mind! Indeed, the problems are not the same in every country.

The subjects chosen for this meeting are of the greatest interest for Portugal, as H.E. the Minister of Justice has already emphasized.

The average number of prisoners, which had been steadily diminishing for fifteen years, dropped heavily in the course of the last decade. This diminution has not been noted to the same extent as regards women and young adults.

I think I may assert that, from the statements of the experts who have carefully studied the subject and from the interventions of the participants, all of them well informed, it is clear that there is a fundamental need for a far deeper study of the problems included in our programme.

And though, almost everywhere, the characteristics common to women offenders are determined by reasons due to their very nature, social evolution, which differs from country to country, largely conditions the tendency of the penitentiary treatment — in the broadest sense — whose object is the social reintegration of sentenced offenders.

The common feature of the failure of juvenile treatment — if indeed we may speak of failure — does not seem to justify the reduction to a common denominator of all the penitentiary internments of young adults who have stayed in establishments for minors. The differences, perhaps, are even more marked when the concept of institutionalization is broadened.

As far as young offenders, and all others, are concerned, it is only the study of each case that will make it possible to identify those who, to use the terminology of one of the experts, exhibit characteristics that justify distinct regimes.

In this connexion, I should like to repeat that a very recent law has made it possible, in Portugal, to observe accused persons before the passing of judgment, thus enabling the Courts to consider a medico-psychological and social study of the offenders. We are trying in this way to start on observation during the judicial phase, as a means of better individualization of the penal reaction.

As it is impossible to carry out such examination in every case, the law provides for this procedure in the case of minors who are detained for more than six months under sentences or security measures, in the case of adults subject to sentences or security measures lasting more than two years, and whenever the Court makes a request in that sense.

Bearing the needs in mind, the Portuguese Government proposes to publish in the near future a law intended to replace the prison organization of 1936, regulating the enforcement of sentences within wider limits, whether it is a question of institutional or non-institutional treatment, and creating the necessary conditions

for the scientific observation of accused persons and sentenced prisoners.

Ladies and Gentlemen,

After what has been said by our general reporter, it would be pretentious to enlarge upon the results of our work.

Allow me, however, to discharge a debt of gratitude by thanking the International Penal and Penitentiary Foundation, which is so well represented by my good friends Mr Vice-President LAMERS and Mr Secretary General DUPRÉEL, for having accepted the Portuguese Government's invitation to organize the Third Meeting of Heads of Prison Administrations here in Lisbon. This decision has given me the great pleasure of welcoming you to my country, renewing old and solid friendships or making new ones, and returning to some extent the hospitality I have so often received.

I must also thank the Council of Europe for sending a representative in the person of Mr BISHOP, who has already left. His interventions have been a very valuable contribution to our discussions.

Similar thanks are to all your Governments, which, by sending representatives, have given us the benefit of your countries' experience and of your competence.

In addition to the scientific value of the results of an international meeting, there are personal relationships and exchanges of opinions of the greatest interest, which often mark the beginning of technical collaboration of the highest importance. Personally, I have often had occasion to take advantage of such circumstances.

I should be particularly happy if the friendly atmosphere of our meeting and our Portuguese hospitality had helped to strengthen or to establish such collaboration. That would be enough to justify the Lisbon meeting, even if the scientific work, the discussions and the synthetic report had not been of the high standard that we have all appreciated.

Allow me, now, to thank the Portuguese Government, and in particular H.E. the Minister of Justice, Professor Mario Julio de ALMEIDA COSTA, for having taken, from the outset, such a lively interest in our meeting and for having enabled it to take place in such favourable conditions.

I also wish to express to you all my gratitude for having chosen me to be your chairman and also for the valuable contribution you have made to our discussions, thanks to your competence and experience, thus making my task so easy.

Your kind remarks about Portuguese hospitality have touched me deeply.

A special word of thanks is due to all those who, though not members of the public service, have been good enough to give their very generous assistance in arranging for some of the most interesting times that we have spent together.

Lastly, it remains for me to thank the experts and all those who have contributed to the success of our meeting, not forgetting my devoted collaborators in the organization service, the secretariat, the translation service and the other departments. To all of them, I say « Thank you ».

As I think I have said already in the course of our discussions, we are often prisoners of words and of the senses they take on in each country.

Here in Portugal, we have a word which is supposed to be untranslatable (though I do not think that is quite true) and has often been sung by our poets.

It has an affective, nostalgic content, sad but not disagreeable, fatalistic too. It recalls good old times and absent friends. It is the word « SAUDADE ». I venture to say that it is with « SAUDADE » that I bid you farewell and declare the meeting closed.

APPENDICES

- I. List of participants.
- II. Programme of the Meeting.
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 1. Report presented by M. J.R. PINTO
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 1. Report presented by Mrs CRUCHO de ALMEIDA
 2. Report presented by M. LE CORNO
 3. Report presented by M. CHUDOBA

APPENDIX I

List of participants

I.P.P.F.

Mr. Ernest LAMERS,
Vice-President of the I.P.P.F.
President of the High
Military Court of the Netherlands,
THE HAGUE.

Prof. Jean DUPREEL,
Secretary General of the I.P.P.F.
Secrétaire général du Ministère de la
Justice — BRUXELLES.

Council of Europe

Mr. Norman BISHOP,
Head of the Criminal Problems Division,
Legal Affairs Directorate,
Council of Europe — STRASBOURG.

Argentina

Mr. Miguel Angel PAIVA,
Directeur National du Service Pénitentiaire
Fédéral, — BUENOS AIRES.

Belgium

Mr. Marcel VAN HELMONT,
Directeur général des Etablissements
pénitentiaires et de défense sociale
Ministère de la Justice,
BRUXELLES.

Cyprus

Mr. Onisiforos ANDONIOU,
Head of the Cyprus Prison Administration,
Central Prisons,
NICOSIA.

France

Mr. Henri LE CORNO,
Directeur de l'Administration pénitentiaire,
Ministère de la Justice,
PARIS.

Federal Republic
of Germany

Mr. Götz CHUDOBA,
Ministerialrat,
Chef de la Section de l'Exécution des
Peines,
Ministère de la Justice de Hesse,
WIESBADEN.

Ireland

Mr. Patrick A. TERRY,
Principal, Prison Division,
Department of Justice,
DUBLIN.

Italy

Mr. Pietro MANCA,
Directeur général des Institutions de
Prévention et de Peine,
Ministère des Grâces et de la Justice,
ROME.

Mr. Giuseppe di GENNARO,
Directeur de la 1ère Section du Centre
d'Etudes pénitentiaires,
Ministère des Grâces et de la Justice,
ROME.

Japan

Mr. Ryozo KATSUO,
Director of Correction Bureau,
Ministry of Justice, — TOKYO.

Luxemburg

Mr. Alphonse SPIELMANN,
Premier Substitut du Procureur d'Etat,
Délégué du Procureur général d'Etat pour
la Direction générale des établissements
pénitentiaires, — LUXEMBOURG.

Malta

Mr. Joseph TONNA,
Director of Prisons,
Malta Civil Prisons, — PAWLA.

The Netherlands

Mr. Pier ALLEWIJN,
Director, Head of the Prison Administra-
tion, — THE HAGUE.

Portugal

Mr. José GUARDADO LOPES,
Directeur général de l'Administration
pénitentiaire, — LISBONNE.

Republic of
South Africa

Mr. Johannes-Cornelius STEYN,
Commissioner of Prisons,
PRETORIA.

Mrs. Anne-Liese MÜHL,
Senior Female Officer,
Department of Prisons,
PRETORIA.

Spain

Mr. Jesus GONZALES del YERRO,
Directeur général des Prisons,
Ministère de la Justice,
MADRID.

Switzerland

Mr. Jean-Claude CHAPPUIS,
Secrétaire général du Département de jus-
tice et police du Canton de Vaud,
Département de Justice et Police,
LAUSANNE.

United Kingdom

Mr. Philip-John WOODFIELD,
Assistant Under Secretary of State,
Prison Department-Home Office,
LONDON.

United States of
America

Mr. Myrl E. ALEXANDER,
Director, Bureau of Prisons,
Department of Justice,
WASHINGTON.

Observer

Mr. Ernest Albert WENK,
Associate Director, National Council on
Crime and Delinquency,
Research Center,
DAVIS (California-U.S.A.).

Experts

Dr. Roberto PINTO,
Director de Cadeia Penitenciaria de Lisboa
(Portugal)

Dra Maria Rosa LEMOS CRUCHO de
ALMEIDA
Adjunta do Instituto de Criminologia de
Coimbra (Portugal)

And the representatives of Belgium, France,
Federal Republic of Germany and United
Kingdom.

Secretariat

Dr. JOSÉ MANUEL MEREIA PIZARRO
BELEZA
2.º Assistente da Faculdade de Direito de
Coimbra - Portugal

Dra. ELIANA GERSAO
Investigadora do Centro de Direito Comparado
Universidade de Coimbra - Portugal

Mme Antoinette BINON
Secretary, I.P.P.F.,
Ministère de la Justice,
BRUXELLES (Belgique)

Organization

Dr. ORBILIO BARBAS
Chefe da 1.ª Repartição da Direcção-Geral
dos Serviços Prisionais — Portugal

Dr. ADOLFO ANTONIO MAXIMO
CORREIA DE LACERDA DE SEIXAS DE
ASSIS TEIXEIRA
Director da Cadeia Central de Lisboa —
Portugal

Dr. JOAQUIM BRITO LEAL DE
OLIVEIRA

Director da Colónia Penitenciária de Al-
coentre — Portugal

Dr. FRANCISCO JOAQUIM TEIXEIRA
JARDIM

Chefe da Repartição Administrativa dos
Cofres — Portugal

Dr. OSVALDO DA SILVA BRANCO
Chefe da 2.ª Repartição da Direcção-Geral
dos Serviços Prisionais — Portugal

Dr. DARWIN DE VASCONCELOS
Chefe da 4.ª Repartição da Contabilidade
Pública — Portugal

Dr. FRANCISCO JOAQUIM PIRES
Inspector dos Serviços Prisionais de Mo-
çambique — Portugal

Dr. ALBERTINO DOS SANTOS FONSECA
ALMEIDA

Inspector dos Serviços Prisionais de Angola
— Portugal



Reception and artistic display at Alcoentre

APPENDIX II

Programme of the meeting

Monday, 22nd of September :

10.00 h. — Official opening of the discussions and first working
to session.

12.30 h.

15.00 h. — Working session. First question : *The penal treatment*
to *of women.*

18.00 h.

21.00 h. — Dinner given by the Foreign Office Minister at the
« Palacio das Necessidades ».

Departure from Hotel Tivoli by coach at 20.45 h.

Tuesday, 23th :

9.30 h. — Working session First question.

to
12.00 h.

14.30 h. — Visit by motor coach to the new « Penitenciaria de
Alcoentre ».

Departure from Hotel Tivoli by coach.

Dinner offered by the Prison Administration at the
« Penitenciaria de Alcoentre ».

Return to Lisbon about midnight.

Wednesday, 24th :

9.30 h. — Working session. Second question : *The problem of*
institutionalized young adults.

to
12.30 h.

15.30 h. — Working session. Second question.

to
18.00 h.

18.30 h. — Reception given by the Mayor of Lisbon at the « Estufa Fria » (Parque Eduardo VII).
Departure from Hotel Tivoli by coach at 18.00 h.

Thursday, 25th :

7.00 h. — Excursion by plane to Oporto and by motor coach to Viana do Castelo.

Departure from Hotel Tivoli by coach at 6.30 h.

Lunch at the Santa Luzia Hotel in Viana do Castelo and cold buffet at the « Caves da Real Companhia Vinicola do Norte de Portugal ».

Return to Lisbon by plane about 9 p.m.

Friday, 26th :

9.30 h. — Working session. Second question.

to
12.30 h.

Afternoon : Free afternoon.

Preparation of documents.

20.30 h. — Dinner given by the Minister of Justice at the « Castelo de S. Jorge ».

Departure from Hotel Tivoli by coach at 20.10 h.

Saturday, 27th :

9.30 h. — Discussion of the conclusions and closing of the
to Meeting.

12.30 h.

APPENDIX III, 1

The penitentiary treatment of women

Report presented by M. J. ROBERTO PINTO

Director of the Lisbon Penitentiary

The « International Penal and Penitentiary Foundation », publishing the « Modern methods of penal treatment », created principles and directives which have not grown old. To these we will have to resort independently of the years passing, when certain penitentiary problems come to our mind and when we have the necessity of considering more carefully various aspects of those problems.

The treatment of offenders in prison, with the maximum or minimum conditions of safety, with a bigger or smaller limitation of liberty, continues to present, here and there, definitive specialities that, on one side, takes us to the frontiers of the strange and of the disencouragement and, on the other side, leads us to persist in the experience, in an effort and in a desire to attain the aim that the administration has as object.

Subordinating the prison regime to the superior interest of the social reintegration of the offender, by observing the principle of « Minimum Rule » 58 (*), the task of the penitentiary administration, in relation to all offenders, widens itself always more, far beyond the simple duty of carrying out the decision given by the proper judicial body.

Therefore, the object is not simply to establish the difference between types of offenders : whatever those offenders may be, the principle of individualization of penitentiary treatment, affording the consequent variety of regimes, cannot be attained, without the profound knowledge of his personality, intimately connected to the causes of the criminal act. The observation at the beginning of the carrying out of the legal punishment, always up to date due to considering what should be considered during the stage of carrying out the legal punishment, maintains its validity and all the regime of offender's treatment, after all, depends of it.

(*) See transcription in appendix.

We shall not have to raise here the matter of the proper entity to decide upon the classification.

Likewise in this study we do not seek to include what is embraced in the field of judicial activity up to the moment in which the penal sentence is passed imposing to a woman a certain penalty to be carried out in penitentiary institution.

We have as object, in fact, the administration's power to make an offender dependent of this or that establishment or, when it is not as much, the possibility of subjecting the offender to a considered-suitable regime of carrying out the legal punishment, in order to obtain from the legal punishment the result of social reintegration desired.

And for this reason we do not believe that, — as to basic principles of women's penitentiary treatment, having in mind the necessity of preparing beforehand a plan of social reintegration — we should have the opinion that there is any difference to be made between what has been thought, said and tried in the field of men's penitentiary treatment.

It remains to be known if, as to women, the treatment methods should have special characteristics. There are types of their criminality to be considered, and there are also characteristics of their personality which we cannot underrate. We have to consider these to build the idea of the penitentiary treatment of women offenders.

The problem of arrangement in series, as a way of separating the women prisoners taking into consideration the age, relapse, mental and physical state, in the case of women is the same as in the case of men. The classification, making groups of women convicted as to the possibilities of a suitable treatment, taking into consideration «personal factors of disadjustment and positive qualities of the women convicted with a view to their social reintegration, is after all, the basis of that treatment, which, such as in the case of men, justifies all the penitentiary administration activity.

Thus, it seems that penal infringement should be considered as the exteriorization of a personality. This personality has to be defined. We should start from this definition for the action of the improvement to be conducted during carrying out the legal punishment.

However, if we visualize the problem of the treatment of women offenders, an attitude imposes itself since the beginning: to keep away from the prison the offenders without imputability,

as for them the measures adopted situate themselves in the field of the psychiatric therapeutic which superimposes itself and, besides that, conditionates all action of improvement to be undertaken.

As to the imputable woman, even when besides the penitentiary treatment a proper medical therapeutic should be combined with it not only for reasons of illness but also by imposition of the characteristics of her personality, the plan of that treatment will involve very special aspects: establishment type, establishment regime, occupational activities (embracing the possibilities of professionalization) and penitentiary staff.

There does not exist the problem of the type of the establishment dependent of the nature of the legal punishment applied. As is stressed in the work «Modern methods...» (1), the retributive criterion of the legal punishment, taking into account the corresponding regime more or less distressing of the institution has been substituted by the criterion of the fundamentally reeducative purpose of the penal sanction. Although in certain cases, it has not been possible to «eliminate reminiscences of the distressing character, what is certain is that we may consider as generally accepted the types of establishment capable of allowing the most proper conditions for the carrying out of the legal punishment, having in view, above all, the reintegration of the offender.

For women also, the problem of establishment's safety or, at least, the problem of sections of different safety, according to reasons relating to the offender herself, has a high importance.

The intentions of escape are not unusual between the female population of prisons. The possibility of reaching a regime less limited, either of the medium safety or of the open regime — when the observation having been made, there are no reasons for the integration, from the beginning, in the open regime — will serve usefull as factor of improvement and of observation to be exploited. And if, in fact, such collaboration is attained, we may say as the superintendent of «Clinton Farms»: «The success of the programme of an institution is measured by the capacity and ability of each individual to assimilate new objectives and new spiritual values. When the offenders know that they will respect themselves; when responsibility and liberty of action is given to them they are capable of performing their best acts» (2).

(1) «Modern methods of penal treatment», page 71.

(2) Neuman, «Prision Abierta», page 292.

On the other side, it is necessary to consider the problem of the establishment's localization, having in mind the advantages of not placing it too far away from towns of a certain development: collaboration of outside persons, being able to usefully help the action of the establishment's means (specialized doctors, voluntary visitors, professionalization officers, for example), contact with the outside (visits of relations, contacts with persons who may help the life of an offender after release), experiments of occupation outside the establishment during the stage prior to the definitive release, in half liberty regime, which with time, may be generalized.

Let us place ourselves in the position of a penitentiary administration that receives a woman convicted to a certain legal punishment of confinement or subject to a certain measure of safety implying a confinement for a period more or less long.

It should be noted now that the convicted women in short sentences serve their sentences in sections for women in the local prisons.

It should be considered that whether there is or not more than one establishment for women, we should organize the prisoner's file on personality before decisions are taken as to the prison life of the convicted woman.

For the purpose, the centre of observation or of selection has a top position in what concerns the plan of penitentiary treatment.

When the penitentiary administration does not dispose of a centre of observation, the assignment of the prisoner to a certain establishment or to the only existing central establishment implies that the prisoner's case is studied there.

In accordance with that study, the prison life of the prisoner starts then.

That establishment may always inform the central administration when it ascertains the convenience of transferring the prisoner to another institution, considered as more suitable in accordance with the conclusions reached in that study.

The treatment plan is, thus, specially dependent of the prison institution in which it was made. The individualization will have, in this manner, its proper place in everything that is desired to carry out. It will materialize, in the possible measure,

the desire put forward in a recent study of Professor Filippo Gramatica (3) who defends the execution of a measure adapted to the requirements of each individual, through an individualization resulting from his personality, expecting thus to attain his improvement. This will be obtained, says the author, « par la correction de ses impulsions à la délinquance et par le renforcement de sa possibilité de résistance à des causes ou attirances qui, si elles sont secondées, conduisent à la manifestation de son antisocialité ». If « l'observation de la personnalité en toutes ses valeurs devra en effet être à la base de l'application des mesures adoptées », in his own words, we cannot think in a different manner as to the details of individualization in the penal measure applied.

And because penitentiary treatment took an important place in relation to repressing, we will have to repeat the words of M. Jean Dupréel: « Qui dit traitement suppose une connaissance du sujet auquel il doit s'appliquer, connaissance de sa personnalité, de son milieu, de ses besoins. Une observation médico-psychologique et sociale des détenus est donc indispensable » (4).

To the study of the offender, relating now to the case of women, will correspond, therefore, a plan of carrying out the legal punishment, conceived with basis in the conclusions reached. And either one has various establishments, of bigger or smaller capacity, permitting a proper distribution or one can only dispose of one, capable however of allowing the integration of the prisoner in the group most advisable for her personal case.

A classification of the prisoners will help in their distribution. This classification, however, will be more of an administrative nature than of a scientific nature. In this classification there should be a conjugation of circumstances: on one side, aspects of age, of physical and mental health, of the prisoner being pregnant or accompanied by a child of age under three years, of capacity for work; on the other side, aspects of dangerousness and of safety, of social level, of family ties, of professionalization advantages and also even of social promotion.

The aspects of age and of health will have, in many cases, to lead the prisoner to an institution disposing of means ca-

(3) « Les facteurs criminogènes de droit pénal » in « Annales Internationales de Criminologie », vol. 7 - n° 1 - 1968, page 62.

(4) « Bulletin de l'Administration Pénitentiaire », XVIIème année, n° 6, page 331.

pable of solving the problems arising out of the assistance required by her own condition.

If senility corresponds to the age or if senility, without corresponding to the age, is premature, a suitable regime is necessary when there not having been — evidently — a declaration of irresponsibility, the Court decides to apply a penal sanction. The problems of the treatment of such prisoners are placed in the field of the medical treatment of the speciality: it will be necessary to place the prisoner in a suitable establishment or, in case such is not possible, her treatment under specialized medical supervision will be secured, with reflection, therefore, in all the regime of carrying out the legal punishment to be established.

As to the aspect of physical and mental health, the problem will not be dealt with in a different form from what may be considered in the basic principles of penitentiary treatment: proper institutions for the medical treatment of the patient or, when such is not possible, sections of the prison establishment disposing of medical assistance and of proper treatment means.

As to the circumstances of pregnancy or of the presence of children under three years old, the regime of carrying out legal punishments depriving of liberty will be conditioned by the state of the prisoner and by children's interest. This commands the Portuguese Penal Code (Art. 113) and our Prison Organization (art. 103) (5).

The cares required by the newborn child imply, very particularly, the cares to be given to the future mother; the presence that should be demanded of the mother together with the children will be the opportunity of giving her the guidance on the cares that she should have with them.

The special position of the prisoner constitutes, therefore, the basis of a regime dependent totally on the fact of relating to a woman that is about to be a mother or that has already children to bring up.

(5) — Penal Code, Art. 113: «The carrying out of legal punishments depriving of liberty relating to pregnant women or with children under three years, will be modified in accordance with the state of the prisoner and the interest of the children».

— Prison Organization, Art. 103: «The regime of prison maternity hospitals will be that of the common prisons for women with the alterations determined by the state of the prisoners and by the interest of the children».

However, the assemblage of the aspects age, dangerousness and safety, work, social level, family ties and social promotion will constitute a whole to be considered specially.

We believe that none of these aspects may be considered isolatedly. The basis of a programme of treatment will have to stand on the whole of those various aspects with the supremacy only of the one which in each case is considered as prevailing.

As that programme of treatment involves the execution in a suitable establishment or in separate sections of the establishment available, the whole problem of the integration of the prisoner in a certain establishment or in a certain section is, thus, totally dependent of the study made.

And in this outline, it may even be said that the aspect age — appears naturally — requiring special care in the cases of young offenders, considered in relation to older offenders.

Without we failing to remind the vote of the Snd United Nations Congress, which took place in London in 1960 and which stressed the convenience of the limitation of the expression «juvenile offenders» to the cases of infringements covered by the Penal Code, we have to accept that as to girl-offenders the programme of their penitentiary treatment has an important place.

And more than in any other cases the case of each one of them will be informed in a relevant manner, by the criminal act committed, final result of various antecedents, in which these or those factors take a bigger or smaller importance. Particularly in the case of juvenile offenders we will have to face the endogenous or exogenous motivation of the criminal act as Seeling stresses (6). Therefore, all the plan will be outlined with the aim of obtaining the neutralization, taking advantage of the favourable age for receiving an action of improvement which it is desired to carry out.

Should the juvenile offender be totally separated from the women offenders of a superior age?

It seems that, in many cases, the separation is advisable, but we should not forget that in many other cases the presence of older women is capable of contributing to a compensation: sometimes for example, an inferiority feeling may be overcome by an overvaluation resulting from contacts with persons of different ages and mentalities.

(6) «Traité de Criminologie», page 141.

In any case, the criminal act and the consequent penal sanction applied take a relevant place in respect to the regime to be adopted, taking into account the data received through the study of the personality.

The age-aspect involves beforehand, only by itself, a corresponding separation of juvenile and adult women, nevertheless it does not lead to relegate to an inferior place the aspects of dangerousness and of sociability.

In fact, in the field of dangerousness intimately connected with sociability, the regime will be subject to the prisoner's safety requirements and to the longer or shorter confinement period imposed, which will allow a longer or shorter action.

And if, in the cases of women seriously offenders within the field of crimes against persons — the majority of cases being simply accidental and without risks of relapse — an action of treatment is required having as object to lift the morale and to preserve, up to the extreme, the personal qualities not affected, the problem is different in the cases of offenders in crimes against property and against honesty, relapse, vagrants and equalized.

The social factor will have had in these crimes an important role, but the valuation of the measure in which the woman-offender had conscience of the error of her conduct will condition all the treatment-programme. It is perhaps in this aspect that the case-woman most differs from the case-man.

It is only very seldom that women belong to gangs of offenders. If they appear in these bands it is more as mistresses of the active members or in an aiding capacity, helping to keep stolen things, giving the necessary collaboration to hide their companion.

Thus, we have to think that the unsocial woman-conduct, mainly when she maintains a certain youth, will reveal itself not by a criminality materialized in the practice of acts typically criminal but by an activity aiming to obtain what she desires and which will materialize in bad conduct or prostitution (7). By those means they are able to obtain ambioned objects and clothes; they are able to get entertainment, amusement and pleasures they have desired; they are able to succeed in the satisfaction of their wishes of various nature, which normally would be far beyond their resources; they are able to face the needs of their keep, in the neighbourhood of great misery.

(7) «Les jeunes délinquants dans le monde», de M. et H. Veillard-Cybudsky, page 45.

And if we consider carefully the cases that appear in the female prisons, we will soon note that, in the majority of cases — as the authors just named stress — they have their origin in affective crisis that, for this or that reason, had an important part, at a certain moment, in all the activity of those women in their life in liberty. The desintegration of the paternal home, the desintegration of their own home, the lack of a person giving her proper advice in the critical moments, the lack of professional interest or the disadjustment in relation to her profession, the ambition as to what may be beyond her acquisitive power, all this constitutes the most common frame of the woman-offender that is not able or does not want to solve those crises through an activity of prostitute.

Is not able or does not want to, we said. In fact, either due to her age or physical appearance she will not secure that or due to her nature, due to sexual uninterest in relation to the other sex, she is not prepared to look for the solution of her case through that activity.

Hence her entering the world of crime, into which she came, many times, due to a simple infringement apparently of a minor importance, but which is not more, after all, than the first exteriorization of a long criminal activity. And either it is achieved her intimate modification accompanied by what may overrule the causes of her criminality, subjecting her to prison institution or we will have, soon, a habitual offender without possibilities of reversion.

From this the origin of those women specially aggressive mentioned by Seeling (8), having profound sentiments of hate, for whom the others are enemies who they attack with insults, slauder defamation and perfidious attacks, going as far as poisoning. Also from there, will appear the owners of houses where minors's prostitution actively takes place, they themselves former prostitutes linked, many times, with individuals of the most suspicious nature.

Evidently, we do not intend mentioning the types of women-offenders or all the factors to be considered in the problem woman-offender.

We only intend to stress the general lines that should be considered, when the problem is seen from the angle of the prison institution in relation to the prisoner confined.

(8) Seeling, *op. cit.*, page 100.

We will not consider systems of carrying out of legal punishment which do not involve institutional confinement—watched liberty, suspension of legal punishment, proof regime — as we consider them outside the scope of this work.

And the matter thus put, it is the moment to ask what should be the action of the penitentiary treatment to be executed during the carrying out of the legal punishment.

It should even be asked what the woman's reaction is to her confinement in a penitentiary institution.

The mental perturbation occurred as a consequence of losing her liberty will not be greater than in the case of men. Taking place, in the majority of cases, in the initial stage, it may however take place in later stages of serving the legal punishment. Although requiring the services of the doctor of the speciality, the improvement of the health state and even the cure are obtained, in the majority of cases, with a change of occupation, with the change even of establishment, creating in the prisoner other prospects and interests.

In any case, that mental perturbation should not be underestimated, so much more that it will be bigger or smaller according to the type of establishment in which the offender is confined.

And if in cases of well proved dangerousness and in cases of necessary safety against escape, an establishment of maximum safety is required, in the majority of cases, the medium safety or even the type of open establishment may correspond better to the requirement of carrying out the legal punishment.

In this way, and from the beginning, an idea of confidence is created and deposited in the spirit of the prisoner. And, when this is not immediately at the beginning, at least after a progressive evolution in the carrying out of the legal punishment, in the spirit of the prisoner will be created the confidence that progressively is deposited in the collaboration that she is giving to the carrying out to the treatment plan.

On its turn, the establishment of medium safety permits the distribution of prisoners by the most different activities: some may occupy themselves on agricultural works, others on cattle-breed works, others on complementary occupations of the agricultural-cattle exploitation (milk and cheese-dairies, fruit establishment), yet others on industrial and handicraft industries suitable for women.

CONTINUED

1 OF 2

Thus the problem of the professional activity during confinement comes to the surface.

Let us go back, in this chapter, to the «Modern methods of penal treatment». Let us recall the commentary of M. Le Clerc, transcribed in note (4), page 126: «The idea is not necessarily to teach somebody a trade, for either he has learned one already or he will not carry on, after returning to ordinary life, the trade that has been taught him. It is to subject the prisoner to a hardworking, regular life, which will give him a taste for work ».

Work is the best moralizing factor and has — we think — in the case of a woman a place equally important. By maintaining the profession and habits of work, by necessary professionalization, as aider of all action of improvement that it is desired to carry out, work has in that action a superior role.

Intimately connected with her original social milieu, with the qualifications of the prisoner, with her natural inclination, with the convenience of she being led to a certain occupation, having always in mind the post-prison life, women's prison work is a factor of the most importance to be considered.

And her integration in the treatment-plan is conditioned — we think — by an aspect that although linked to all that treatment plan nevertheless is not a factor of small importance in the action of social reintegration it is desired to obtain.

It has been written, due to the fact having been continuously verified, that after the last world wars — the wars of 1914 and of 1939 — woman obtained progressively a higher independence and personalization.

Let us note men's mobilization imposed by the requirements of the state of war and the consequent integration of women in occupations that extended for years, they are being channelled to activities that before they were not allowed and creating in them new habits and prospects of raising to positions considered as a restrict privilege of man up to not many years ago.

Workers, office employees, graduates of medium and superior courses, journalists, politicians and even women entrusted with missions that by their risk, no one would suppose suitable to a woman, we cannot ignore this reality in penitentiary matters.

And that because, in many countries, up to a certain time with a female criminality limited to prisoners of an inferior social level, are appearing offenders with a different intellectual

background, forcing the prison establishment to face the problem of carrying out the legal punishment in relation to them.

Besides this, — and the aspect is not of a minor importance — the woman's position in the social milieu having changed, with the nearly total disappearance of maid servants and the interest that many prisoners show in obtaining an intellectual and professional preparation superior to the one they have in the moment they enter prison, the penitentiary administration has to equip itself to be able to correspond to the present requirements of social reintegration of the woman offender.

Thus, it seems, that it is not sufficient to have a unspecialized occupation during the serving of the legal punishment, many times guided in the direction of simply using the manpower, under the idea that at release it will be easy to obtain an also unspecialized occupation that the free world naturally should use.

We will have to provide occupation for the offenders of a higher intellectual background or specialized in certain professions, that if not identical to their professions or intellectual preparation corresponds, as far as possible, to their capacity and to their professional habits: the offenders that come from an inferior social milieu should be channelled in the direction corresponding to the present position of the woman in society. The professionalization has to be guided in the direction of the true promotion — we are, after all, repeating the basic-idea that treatment has to aim at the social reintegration foreseen in the plan made at the beginning of legal punishment — providing more knowledge and a professional preparation for the offender capable of securing her place in the free world.

In this way, in the field of professional formation and improvement as well as in the field of education, and also in the field of moral improvement of the offender woman, the action to be exercised has to be deep: the causes of criminal conduct should be specially considered once more, and they will always be present as to what it may be desired to do in relation to that woman.

As to women offenders, there may not be more than to advise an obedience to the principles of « Minimum Rules » 65, 66, which provide, equally for men and women, the idea outlaid in Rules 58 and 59 (*).

(*) See transcription in appendix.

And as to everything that can be made in that direction in the field of penitentiary treatment from the individual action to the treatment of the group, nothing can or should be excluded.

In fact, if the individual treatment, by the direct contact, in singular colloquy cannot be put aside and constitutes the first step for the eventual integration of the prisoner in the group to which she freely decides to join, the group treatment should be adopted in the measure that it is thought to be suitable to women offenders that may benefit from that treatment regime.

A the same time, we will have to consider the aspects of the occupation of the not occupied time, this occupation should be seen from the point of view of entertainments and of the widening of their knowledge.

In the first case, aspects of gymnastics, music, singing should require special attention from the directing entity; in the second case, the widening of school qualifications, the complementary courses of professionalization, the courses by correspondence, the development of artistic inclinations (drawing, painting or hand-work beyond the simple execution) will create new interests and new possibilities of employment after release.

In both cases, the use of a library in exact accordance with the provisions of Rules 40 of « Minimum Rules », and the practice of religion as provided in Rules 41 and 77 (*), are factors that should specially be taken into account.

Also as to women, it will be put into practice what is being made everywhere for prisoners of the most different categories: « The useful occupation of the spare hours, with voluntary work (hobbies) is also encouraged by the installation of work-houses for the spare hours, of voluntary attendance ... (9).

Prison regime may have developed itself in accordance with the requirements of the plan conceived beforehand, successively adapted to the circumstances verified through that development.

The experiments of a bigger liberty or a bigger responsibility successively made, in an atmosphere as near as possible to free life will have succeeded in creating the material and psychological conditions foreseen, as ideal in the report F.I.P.P. (10).

(*) See transcription in appendix.

(9) « Modern methods ... », page 139.

(10) Dr. J. Guardado Lopes, « Aspectos da Política Criminal em Alguns Países da Europa », page 256.

Then the conditional liberty follows, the final test of the treatment plan, under the charge now of the services of aid and guidance that are proper to the treatment regime not institutional.

In any case, all the effort to be made during the carrying out of the legal punishment depends much of the staff having as duty to carry out and collaborate in the execution of the treatment plan.

The general problems of their selection, professional preparation and formation are the same in the establishments for women and in the establishments for men.

It should only be asked if we should give preference to female officials or if it is convenient to dispose also of male officials.

We think that the « Rules of General Application » of « Minimum Rules » (46 and following) are entirely applicable to the case of women, however we think that the exclusivity of female staff in fields of direction and watchery should be specially considered (*).

We have to give our agreement to that principle, widening it even to the various categories of staff in direct contact with the prisoners.

This agreement is not opposed to the collaboration of staff of the male sex when professional reasons impose that collaboration or when male officials of establishments for men have accidentally to contact with female prisoners.

The professional reasons are those of the doctors, who in many cases have to be used due to the specialization involved. They are also those of the male officials who, although not regularly, have to visit the women prisoners: for example the officials of the social services, voluntary visitors of other services and experts of professionalization.

That is to say: the limitation of « Minimum Rules », in fact, justified when those Rules were set out, maintains entire validity, with only the adaptation imposed by circumstances through the prudent criterion of the directing authority.

CONCLUSIONS

1. — Independently of the sentence passed, the Penitentiary Administration shall have always the possibility of establishing

(*) See transcription in appendix.

the regime of carrying out the legal punishment it considers more suitable to the treatment of the woman offender.

2. — That regime has to be based on an observation made either in a specialized centre or in the establishment itself and will endeavour to follow the treatment-plan resulting from such observation.

3. — Whether the Penitentiary Administration disposes of several establishments for women whether it disposes of one or two central establishments, that treatment-plan will be regarded in respect to the separation by groups in order to avoid prejudicial contacts to the carrying out of the plan conceived.

4. — The « Minimum Rules » will be observed as to women in as much as their principles were set out distinction of the offender's sex, as they do not present difficulties constituting an obstacle to their application to women-offenders.

5. — Independently of the existence of maximum-safety establishment, it is considered to be most convenient to develop the collaboration of the prisoner in the direction of we integrating her in a regime of half-safety or of open-establishment, as a preparation for her life in freedom.

6. — The professional occupation should have as aim the future of the prisoner above all. Thus the aspects of the position of the woman in society should be specially considered. The prisoners should be allowed a professional and intellectual training corresponding to the possibilities they have of taking up a place, superior, may be, to the one they had at the time of imprisonment.

7. — The woman's prison-regime during pregnancy, during the 3 months after childbirth and during the time she has her child with her, has to be subject to the state of the prisoner, to the interests of the child, to the maternal education-background she should be allowed.

8. — The intervention in the prison life of the woman should belong to the female staff. As an exception, contacts with persons of the other sex may be allowed for professional reasons specially.

9. — The occupation of the spare time should have particular care not only in order to raise the morale of the prisoner but also to develop her tendencies and preferences which may contribute, most useful, for her social reintegration.

APPENDIX

MINIMUM RULES

40 — Each establishment should have a library for the use of all the categories of prisoners and sufficiently provided with instructive and entertaining books. The prisoners should be encouraged to use them as often as possible.

53 — 1) In a mixed establishment the women's section should be placed under the direction of a responsible female official, who should have under her care all keys of this section of the establishment.

2) No official of the male sex should enter the women's section unless accompanied by a female member of the staff.

3) The vigilance of women prisoners should only be entrusted to female officials. This however does not exclude that officials of the male sex, namely physicians or tutors, for professional reasons, carry out their duties in establishments or sections for women.

58 — The purpose and the justification of legal punishment and measures depriving from liberty are, in a last analysis, to protect society against crime. This purpose will not be attained unless the period in which the offender is deprived from liberty is used to obtain in all the possible measure, that he once free not only desires but is able to live respecting the law and providing for his needs.

59 — For that purpose, the penitentiary regime should avail itself of all curative, educative, moral and spiritual means and also any others, and of all forms of assistance of which it may dispose endeavouring to apply them in accordance with the needs of individual treatment of the offenders.

65 -- The treatment of individuals convicted to legal punishment or measure depriving from liberty should have as purpose, as much as the duration of the conviction so permits, to create in them the will and abilities which will allow them, after release, to live respecting the law and providing to their needs.

This treatment should strengthen their own respect and develop their sense of responsibility.

66 — 1) For this purpose, it is necessary to resort, namely, to religious assistance in the countries where this is possible, to education, to professional guidance and background, to the methods of individual social assistance, to advice relating to employment, in accordance with the individual needs of each prisoner. It is advisable to have in mind the social and criminal past of the prisoner, his physical and moral capacities and abilities, his personal inclinations, the duration of the sentence and the prospects of re-adaptation.

2) In relation to each prisoner convicted to legal punishment or to a «measure» of a certain duration, the director of the establishment should receive, as soon as possible after the prisoner enters the establishment, complete reports on the aspects mentioned in the above paragraph. Those reports should always include the report of a doctor, (as far as possible specialized in psychiatry), on the physical and mental conditions of the prisoner.

3) The reports and other pertinent data will be placed in an individual file. This file will be kept up to date and organized in a way that it may be consulted by the responsible staff each time it may be necessary.

71 — (1) The penitentiary work should not have a distressing nature.

2) All convicted prisoners will be subject to the obligation of working, taking into account their physical and mental capacity, as determined by the doctor.

3) It is necessary to give the prisoners a productive work sufficient to occupy them during a normal period of a day's work.

4) This work should be, as far as possible, of a nature maintaining or raising their capacity of earning honestly their lives after release.

5) It is necessary to give a useful professional background to the prisoners who may take advantage of this, particularly to the juvenile ones.

6) Within the limits permitted by a rational professional selection and the requirements of the penitentiary administration and discipline, the prisoners should be able to select the kind of work they wish to do.

77 — 1) Measures should be taken to develop the education of all prisoners capable of benefiting of it, comprising religious education in the countries where it is possible. The education of the unable to read and of the juvenile offenders should be obligatory and the administration should provide carefully to this end.

2) As far as possible, the education of the prisoners should be combined with the system of public education so that they may continue their education without difficulty after release.

APPENDIX III, 2

The penal treatment of women

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Introduction.

1. The problems of crime and the penological treatment of offenders in England and Wales are, as elsewhere, largely concerned with men. Until comparatively recently the custodial treatment of women and girls had received all too little specific attention. But it is now accepted policy that the problems of dealing with female offenders merit separate study and that custodial facilities should be specially developed to deal with them. This paper is mainly confined to the arrangements in England and Wales for custodial treatment although it deals also with some aspects of after-care and the future possibilities of developing non-custodial and semi-custodial penalties. Since in England and Wales women and girls are accepted and treated in a unified system it is convenient to deal also with the younger (15-20 years) age group among female offenders.
2. The total number of women and girls in custody in England and Wales at present is about 800. This total has not varied significantly in the last thirty years although it is somewhat low at present. About half of this number are adult women serving sentences, mostly under eighteen months. Roughly a further quarter is composed of girls in the borstals. Very rarely has the

total figure exceeded one thousand. A number of factors bear on the probable future trend. There is an increasing reluctance on the part of public opinion and the courts to contemplate the imposition of custodial sentences on women, especially those with young children. The effect of the Criminal Justice Act of 1967 which, among other measures, provided for suspended sentences, is also tending to diminish the number of women and girls in custody. Conversely, demographic growth and the possibility that improved and more comprehensive treatments will tend to encourage committals are factors which promote an upward trend. The probable result in practice is expected to show that the number of women and girls in custody in the foreseeable future will remain generally static with a tendency to diminish rather than increase. In that event the total of women and girls serving sentences should stabilise at about six hundred; four hundred in prison and two hundred in borstal. In addition to this there will inevitably be a number of females on remand.

3. Only one woman in every 17,000 of all women 17 years of age is imprisoned for an indictable offence. For every woman in prison under sentence there are about 40 men. Similarly only one girl out of every 5,000 in the population in the 16 to 20 age group is received into a penal establishment. But female offenders received into custody generally require treatments that pose particularly difficult problems. This is especially true of the younger age-group.

Research.

4. A fairly comprehensive programme of research is at present being pursued in England. Particularly there are long-range studies into the medico-social make-up of offenders in the main female prison at Holloway; a sociological study of women at Styal, the closed prison serving the north of England; a study of girls sentenced to borstal or detention centre training; the employment history and family problems of women in prison; and, finally, an index of women to provide statistics and information about the effect of the Criminal Justice Act 1967. The results of these studies are not yet available, but the Home Office Research Unit, which has established a special section to study fe-

male crime and offenders, has recently completed several studies. One is of female young offenders aged 16-20 years sentenced to borstal or detention centre training. The others related to the recognition of a group of women convicted of indictable offences in the London area in 1957 and a statistical description of all women under sentence at the beginning of 1965.

5. The former study concluded that :

« The outstanding feature of the description of the girls sentenced to borstal training or to detention in the detention centre is the large number of psychiatric cases sent to borstal where they can receive little treatment other than the sympathetic rapport, understanding and guidance of the lay staff. This is probably the most important feature of any treatment, but undoubtedly in many cases help from a psychiatrist or some form of medication would be beneficial both to the girls and to the staff. It may be that the environment of a closed borstal is harmful to these girls. It is surprising that, with so many different types of girls under one roof — the ex-mental hospital girls, those whose offence included violence, the drug-takers, approved school absconders, etc. — there is not more difficulty and disturbance than there is ».

A noteworthy feature of the population was the very disturbed background of most of the girls. Half the girls in both types of institution came from broken homes.

The findings also suggested that :

« In spite of small numbers in some groups it is obvious that » first offenders, whatever treatment they receive, do better » than girls with previous convictions ».

This conclusion was suggested by the following table.

First offenders :

| | Number | Reconvicted | |
|---|--------|-------------|------|
| Ex-borstal girls with after-care | 2 | 0 | |
| Ex-detention centre, with after-care | 10 | 0 | |
| Ex-detention centre, without after-care | 9 | 1 | |
| Girls put on probation at higher courts | 64 | 13 | 20 % |
| Girls with previous convictions : | | | |
| Ex-detention centre, with after-care | 81 | 23 | 28 % |
| Ex-borstal, with after-care | 127 | 37 | 29 % |
| Ex-detention centre without after-care | 69 | 25 | 36 % |
| Girls put on probation at higher courts | 78 | 32 | 41 % |
| Total | 440 | 132 | 30 % |

6. As will be seen :

« it appears as if girls who receive statutory after-care may » keep out of the courts more than those who do not have » this help, but the differences are not statistically significant » and more information is needed to know if after-care is » so effective. If after-care does play a part in keeping down » the rate among borstal girls to that of girls from detention » centre, in spite of their longer and worse offence histories, » it might be thought that the girls put on probation would » benefit in the same way. This does not appear to be so. » It may be that the time spent by the after-care officer on » these girls is much greater than in the usual supervision » cases. Certainly a great amount of time was spent on » a small proportion of the girls released from borstals, and » this has implications of importance to the probation and » after-care service ».

Further study is being given to the after-care aspects of these findings.

7. The study of female offenders in the London area was concerned primarily with the statistics of re-conviction as related to particular offences and age groups. It found that :

« 77 % had no previous conviction. A third of all offenders were under 21 years of age ; a subsidiary rise in numbers was shown for women in their late 30's and early 40's. 89 % were convicted of larceny. The penalty received for the 1957 offence included 28 % discharged or bound over, 37 % fined, 26 % put on probation and 8 % imprisoned. The proportion imprisoned was much higher for those with previous convictions (29 %). 21 % were reconvicted within 5 years. The rate for those with more than one pre-conviction was twice that of offenders with one pre-conviction and four times that of first offenders. The first offenders under 30 not only re-offended more than those over 30 but did so more quickly ».

8. More specifically, there were two points of particular interest.

Firstly, offenders in the under 17 group usually committed their offences with others of similar ages whereas adults were rarely in company. Secondly, there was a subsidiary rise in offences by women in the late 30's and early 40's which may be associated with physiological changes or changes in family circumstances.

9. The basic information provided by the descriptive study of the female prison population on a single day (i.e. 1st January 1965) is usefully summarised in the following table.

Offences by type of prison.

| | Holloway | Styal | open | local | Total | |
|-----------------------------|------------|------------|------------|-----------|------------|------------|
| | | | | | number | % |
| Murder | 1 | 7 | 2 | 1 | 11 | 2 |
| Violence | 9 | 12 | 28 | 1 | 50 | 9 |
| Breaking & entering | 14 | 10 | 7 | 2 | 33 | 6 |
| Aggravated Larceny | 16 | 20 | 15 | 4 | 55 | 10 |
| Simple Larceny | 45 | 52 | 42 | 6 | 145 | 27 |
| Receiving | 7 | 4 | 4 | 1 | 16 | 3 |
| Frauds, False Pret. | 32 | 21 | 40 | 2 | 95 | 18 |
| Other Indictable | 9 | 12 | 9 | 1 | 31 | 6 |
| Total Indictable | 133 | 138 | 147 | 18 | 436 | 81 |
| Assaults | 2 | — | 1 | 2 | 5 | 1 |
| Stealing etc. | 1 | — | — | — | 1 | 0 |
| Cruelty to children | 5 | — | 1 | 2 | 8 | 2 |
| Brothel keeping | 2 | — | — | — | 2 | — |
| Offences by prostitutes | 18 | 13 | — | — | 31 | 6 |
| Drunkenness | 10 | 2 | 1 | 3 | 16 | 3 |
| Other non-indictable | 10 | 7 | 4 | 4 | 25 | 5 |
| Total non-indictable | 48 | 22 | 7 | 11 | 88 | 17 |
| Civil | 2 | 1 | — | 3 | 6 | 1 |
| Total | 183 | 161 | 154 | 32 | 530 | 100 |

Young Offenders.

10. At present the courts in the United Kingdom may sentence girls aged from 15 years up to and including 20 years to borstal training. In the case of those aged 17 years up to and including 20 years this will be the normal custodial disposal except when the present offence is sufficiently severe or when there are other circumstances in the girl's criminal history which lead the court to impose a sentence of imprisonment, normally for up to six months or over three years. In practice the majority of prison sentences for young offenders are for three months or less and these young prisoners are kept apart from adults and treated as

a separate group. Following the recent closure of the one detention centre for girls, borstal and prison are the only custodial disposals now open to the courts. The detention centre was closed because it was considered that the limited treatment facilities available there and the relatively short sentences imposed were inadequate for the highly disturbed girls received. The alternatives are normally the longer borstal sentence, non-custodial treatment, or, in rare cases; short prison sentences where there seems no other appropriate course.

11. Young offenders sentenced to borstal training are liable to be detained for an indeterminate period of not less than six months and not more than two years depending on the offender's response to training. At present the average period of training is about 12 months.

12. One of the findings of the research study of borstal girls in 1963 (when the detention centre was also functioning) indicated that only two of the girls then undergoing borstal training had never appeared in court before. 20% had five or more previous appearances, 5 girls had already served a prison sentence and 70% had previous experience of institutional life, including hospitals. This research also studied the social characteristics of these girls. Two-thirds were aged 18 or over; their average intelligence was found to be rather low in performance compared with non-delinquents; less than half came from homes which were complete at the time of their reception into borstal; only a quarter were actually living with their parents or relations; and with over a quarter there was delinquency in a close relative, a parent, husband or sibling. Thus there was a very high proportion of disturbed family backgrounds amongst these delinquent girls. The girls themselves bore out this pattern of disturbance. A quarter had been patients in mental hospitals or had received other psychiatric treatment; a significant number were known to be regular drug takers; and some of the drug takers, although none of the mentally disturbed, had been involved in crimes of violence. The three categories, those who had had mental treatment, violent offenders and serious drug takers, all of whom obviously required special treatment for their different types of disturbance, accounted for a large proportion of the girls. An analysis indicated that the remaining girls who did not belong to these highly disturbed groups seemed to divide into those who were conventional «hooligan» types and those seemed unable to manage their sexual life, and who already had families or who were pregnant.

Adult Offenders.

13. It has for some years been the practice of the courts not award custodial sentences to men or women appearing in court for the first time except in serious cases. It was not surprising therefore that the research study of 1965 indicated that only 13% had been sentenced to prison for their first proved offence. Many had had a large number of previous treatments, particularly including probation and earlier sentences of imprisonment, 8% having 25 or more previous proved offences. But the majority of women in prison are not serving long sentences. Just under half are serving sentences of six months or less and 34% of over six months and up to two years. The number of women serving sentences of over four years is very small. The majority of women in prison are there because other treatments have failed.

14. Less information is at present available on the social characteristics of women in prison. The long range studies referred in paragraph 4 will, it is hoped, provide useful information on which policy developments can be reliably based. Meanwhile it is apparent that a large proportion are housewives who may or may not have been recently employed. Those in employment at the time of sentence are mostly in unskilled work or personal service. It also appears that on the whole women in prison are of low or at most normal intelligence and as with the younger group their performance does not match up to their innate ability. Many are inadequate and a significant proportion are psychiatrically disturbed.

15. All custodial treatment creates problems for families particularly in cases where there are young children involved. The separation from one or both parents can be severely traumatic for children and have serious social consequences. It has already been observed that research has identified the lack of a stable home background as an element in the personal circumstances of many delinquents. The separation of mother from child poses this difficult problem in a particularly acute way. Invariably the custodial authorities are confronted with a dilemma. Separation is obviously undesirable, yet it can hardly be maintained that prison is a suitable environment for young children particularly as they grow older and more conscious of their surroundings.

16. The research study of 1965 showed that although 30% of women in custody had no children, 376 had between them over 1,000 children. The age distribution of these women indi-

cated that many of the children must have been of an age when they needed care whilst their mothers were in prison; indeed a number of children are likely to have been in the care of Local Authorities before their mother was in prison. Our present policy, which is under review, is that children who are under nine months at the time of their mother's sentence may normally be kept with her in prison until they are two years old. Some latitude may be allowed to meet the needs of individual cases (e.g. when a sentence is shortly to expire).

17. As has been remarked some children are already in care when their mothers are committed to prison. The child care services are responsible for the welfare of any children who do not accompany their mothers and there is close consultation between them and the prison authorities. It seems probable that it will be found that non-custodial sentences in all but the most serious cases best meet the overall needs of the family and society and special study is being undertaken in this field. Meanwhile the prison authorities will continue to act or seem to be in the best interests of mothers and children in deciding in particular cases whether a child may be retained in custody with the mother.

Custodial Treatments.

18. While we accept that harmful social consequences may result from custodial sentences in some cases there must always be certain offenders for whom custodial treatment is essential. This is true of men or women, and for both our prison system is based on the principle that the only punishment that an offender should suffer is the deprivation of his or her liberty. There is no policy punishment within prison apart from that for offences committed whilst in prison. The regimes of those in custody are therefore devised, as far as possible within the resources available, for the beneficial treatment and training of individuals according to their needs.

19. Clearly women convicted of murder, violence, serious damage to property and other grave offences must receive custodial sentences, both for the protection of the public and as a deterrent to further crime. For very few of these, however, will security need to be the major factor in their regime. Those who are inadequate or recidivist perhaps benefit most from a regime where good order and discipline is taught to those who

find it hard to accept, under a simple and strict management. For those able to accept some measure of personal responsibility, but who need to develop their capacity for communal life and self-control, a more permissive management is found most appropriate under which various forms of vocational training can be included and the more intelligent prisoners offered suitable educational facilities.

20. There are other groups which when received into custody are found to be psychiatrically disturbed, physically ill, addicted to drugs or alcoholics. For these groups full scale hospital services are needed and our current policy rests on the premise that most women prisoners in fact need some form of medical or psychiatric treatment. Medical facilities are also made available for the assessment, and treatment where necessary, of prisoners on remand as the courts frequently require medical reports of offenders before determining sentence.

Non-Custodial Treatments.

21. The importance of devising suitable non-custodial treatments for female offenders is fully accepted but there are a number of difficult problems which have not so far been resolved. However this question, together with forms of semi-custodial treatments, is at present being examined by our Advisory Council on the Penal System. It is as yet too soon to anticipate the results of this study but the social importance of developing such treatments for female offenders is such that any recommendations made may be expected to receive favourable consideration.

22. The main problems which have so far prevented the development of new non-custodial and semi-custodial treatments relate mainly to the geographical scatter of women offenders and the consequential difficulty of providing viable facilities. Another problem is that female offenders are frequently not able to apply themselves to unsupervised work and need the support of staff which it would be uneconomic to provide. But within these limitations it may be found possible to organise some public work or, in suitable cases, homework. It would be wrong to suggest that we are hopeful of finding solutions in this field that will make a dramatic impact on the treatment of female offenders. But we are not unhopeful that we shall be able to make some facilities available for a number of women in urban centres where the incidences of delinquency is highest.

The Future of the Female Penal System in England and Wales.

23. The geographical distribution of female offenders referred to in the context of non-custodial treatments is also a problem in regard to the provision of custodial institutions. In view of the impossibility of providing sufficient establishments to enable us to locate individuals reasonably near their homes we have been forced to adopt compromise arrangements. Thus the female penal system is being reorganised to provide two complexes, one in the north and one in the south, with a wide range of custodial treatments available within each. Where the numbers received, as in the case of girls sentenced to open borstals for example, are very low it will still be possible to provide only one establishment to cover the whole of the country. However closed and open prison facilities, closed borstal facilities and remand centre facilities with adequate psychiatric resources will be made available in each complex.

24. At present our largest closed prison for female offenders is at Holloway in London. It is now over a hundred years old and unsuitable for its purpose. It is proposed, therefore, to redevelop the whole site to provide a wide range of facilities for the southern complex and in some respects for the country as a whole. Thus it is proposed to replace the existing prison by a large establishment of which the main feature will be a hospital. In the hospital accommodation and treatment facilities will be provided for up to 350 women. The facilities will provide a full range of treatment for the psychiatrically disturbed, the physically ill, drug addicts and alcoholics, obstetric and gynaecological cases, surgery, venereal disease, dental and out-patient treatment. The orthodox prison facilities will provide accommodation and treatment for up to 150 women. Within these two basic facilities there will also be provision for remand cases, most of whom require medical assessment, and for girls recalled to borstal training.

25. The redevelopment project at Holloway envisages the eventual clearance of the whole of the existing site although the present prison will have to continue to operate the reconstruction operation. We expect to complete the whole project within about a decade.

Prison and Borstal Regimes.

26. In managing the female penal system we are moving steadily towards more liberal positive regimes. The same is of

course true in regard to male prisoners, but for various reasons it is possible to make faster progress in the treatment of women and girls. On both sides of the system the general trend is towards more imaginative and constructive regimes in which individuals are offered an element of choice. Although the underlying principles of treatment are the same for men and women in custody our policies recognise the special needs of women where they differ from men or where it is possible to go further in the light of public opinion and staff considerations. Thus although on the male side we are proposing to introduce a choice of prison clothing it has been possible to permit women to wear their own clothes. In cases where the woman does not possess suitable clothing or is serving a sentence of six months or more they may purchase clothing at public expense. Normally they are permitted to shop for clothing outside the prison under the supervision of a woman officer.

27. There are other fields too in which it has been possible to offer more latitude to women than to men. For example outside visits under the escort of welfare officers, Church Army Sisters and voluntary prison visitors are more easily agreed. Generally speaking the attitude to women and girls in regard to home leave, hostels, and hobbies is also more relaxed.

28. Of considerable importance to the successful implementation of a progressive policy is the calibre and attitude of the staff. Close attention is therefore being paid to the recruitment, training and re-training of all staff. The women staff in particular will be given appropriate re-training to fit them for service at the new Holloway and in a system which is likely to be dominated by its advanced treatments.

29. We also think that there are therapeutic advantages in men and women in the service working together in female and male establishments. Already two female Assistant Governors have been seconded to work in two male borstals and we are planning for male staff to work in women's establishments, especially in the new Holloway. This is regarded as useful not only in broadening the minds of the staff but in helping those in their custody to develop more normal relationships and thus to benefit therapeutically.

After-Care.

30. We consider it of particular importance that females who have received custodial treatment should be given adequate support after release. At the moment girls sentenced to borstal training

have a statutory period of after-care for two years after their release; prisoners who receive life sentences are released on licence whilst those released after between one-third and two-thirds of their sentences under the parole scheme are also licensed, in each case to the supervision of a probation officer. Other prisoners do not receive statutory after-care but there are arrangements for their voluntary after-care.

31. In our establishments probation officers are appointed on secondment as welfare officers both to assist women and girls while in custody and to make arrangements for their release. These welfare officers, and, indeed, governors and assistant governors, maintain a close liaison with the probation and after-care service. We attach great importance to the provision of adequate support after release and to assist in the re-integration into society of those who have been in our care.

Conclusion.

32. We believe that in the long run the provision of the new and sophisticated facilities for psychiatric treatment and general training at the new Holloway and the increasingly positive approach to training in the system generally will improve the prospects of rehabilitating female offenders. There are of course still areas of the problem which have not been resolved either from lack of knowledge or resources. But we continuously study the results of research and wherever possible apply them in a positive way to the form and content of the treatments we are making available to female offenders. The main lines of our approach to the problem have been set out in this paper and it will be seen that, based on research, we are moving in the direction of increasing our psychiatric and medical resources. This we believe to be the main front on which progress can be made. But we hope also to see beneficial developments in the non-custodial field and in the provision of supportive after-care services.

APPENDIX III, 3

The treatment of women prisoners

Report presented by M. VAN HELMONT,

Director General of the Penitentiary

Administration and Social-defence Establishments

A. Female delinquency in general.

Comparatively little has been written on female delinquency, for it accounts for only a small proportion of crime in general. The studies that have been published emphasize the difference between the biological and sociological features of the two sexes, as well as the fact that many offences committed by women remain undiscovered and therefore escape repression.

Prostitution, however, has been the object of greater attention on the part of the sociologists and criminologists. Some of them regard it as a genuine offence, whereas others regard it only as a dangerous criminogenic state which often leads to delinquency (1).

Adopting the conclusions of Lacassagne and Lombroso, Dr Louis Vervaeck considered as an axiom of criminal anthropology the comparative infrequency of female delinquency — in general six times less common than male delinquency — in several European countries.

That writer made important reservations, however, notably emphasizing that his assertion did not apply to all kinds of offences. He also noted that female delinquency escaped repression more often than male delinquency, and he pointed out that « the number of offences committed by women tends to increase when, for

(1) See Jean CONSTANT - *Eléments de criminologie* - Imprimerie des Invalides, Liège, 1949.

» social and economic reasons, women come to play a more active part in extra-domestic life and in industry, emancipating themselves from male tutelage » (2).

Later on, we shall refer again to this sociological factor, whose criminogenic incidence should become more marked in a society developing in such a way that women play an increasingly active part in it. Contemporary experience has not confirmed this hypothesis.

Both Lacassagne and Lombroso emphasize that female delinquency, though less frequent, is more artful, premeditated over a longer period, and that it often remains unknown and therefore unpunished (adultery, incest, poisoning).

It should also be noted that certain crimes (maltreatment of children) and offences (extortion of titles or signatures, arson) are comparatively frequent among women.

Women also commit specifically female crimes and offences: infanticide, abortion, slander, domestic theft, decoying with the intent to rob, shoplifting.

In determining the general principle governing the treatment of women prisoners, it seems essential to allow not only for the fact that the psychological and social conditions of female delinquency are different from those of male delinquency, but also for important characteristics as regards the intelligence, mental balance and morality.

In this respect, prison observation has shown on the one hand that the average mental level of women prisoners is decidedly lower than that of men, irrespective of the nature of the offences committed, and, on the other hand, that moral and mental deficiencies are more marked in the case of prostitutes.

A more or less marked intellectual weakness is observed in most of these cases. (3).

From the sociological and criminological research that has so far been carried out, it also appears that female delinquency is often unamenable to investigation.

(2) See Dr Louis VERVAECK - Cours d'anthropologie criminelle - Bruxelles - 1949.

(3) L. VERVAECK - Cours d'anthropologie criminelle (op. cit.).

Lombroso confesses that it is not easy to define a female « criminal type », except in the case of prostitutes.

Owing to a certain analogy in the physical, psychological and social causes of their downfall, prostitutes make a scientific approach comparatively easy, making it possible to identify a more specifically characterized type (4).

Pauline Tarnowsky also admits that her investigations in connexion with women offenders have not led to any precise conclusions (5).

Mabel Fernald goes so far as to say that any research that attempts to define a precise type of woman offender is probably doomed to failure (6).

The same difficulties of appreciation are noted in the very interesting study published by Ann D. Smith. (7).

While the foregoing considerations and, above all, evident sociological and demographic reasons suggested a predictable increase in female delinquency, this is contradicted by the actual facts.

From statistics recently prepared in France, it appears that men account for 90 % of delinquency as a whole and for 93 % of sentenced criminals, while the female prison population is continually dwindling, having fallen from 15,9 % as compared with men in 1946 to 4,1 % in 1966 (32.257 prisoners: 30.915 men and 1.342 women).

This situation is all the more remarkable in view of the fact that a recent demographic census shows a slight excess of women over men (24.000.000 as against 23.000.000) (8).

On the 21st February last, there were in the Netherlands 62 women prisoners for a total of 3.675 men, making the small proportion of 1,7 %.

(4) C. LOMBROSO and G. FERRERO - La donna delinquenta - Turin 1893.

(5) Pauline TARNOWSKY - Etude anthropologique sur les prostituées et les voleuses - Paris 1889.

(6) Mabel R. FERNALD & ORS - A study of Women Delinquents of New York in New York State - New York 1920.

(7) Ann D. SMITH - Women in Prison - Stevens & Sons, London 1962.

(8) Robert SCHMELCK & Georges PICCA - Pénologie et Droit Pénitentiaire - Imprimerie Moderne de l'Est, Besançon 1967.

In Belgium, the situation is less favourable. On the 1st March last, the total population of the penitentiary establishments consisted of 6.028 men and 349 women (including abnormal subjects and vagabonds undergoing internment), i.e. a percentage of women amounting to 5,4 %.

I do not intend to dwell at length on the aspects of female delinquency, for this communication is concerned mainly with the treatment of women prisoners. But it must be agreed that, if it is to be really effective, that treatment should be based more on an analysis of the deep causes and the criminogenic processes of female delinquency.

Urgent as it obviously is, this highly complex problem still awaits a satisfactory solution.

This being so, one can only put forward hypotheses, and I venture to suggest a few here :

- better protected by social legislation than they used to be, women are no longer led to commit offences in order to escape from a situation of want or to come to terms with a difficult family situation ;
- increasingly progressive legislation makes women less dependent on their husbands when the latter, unmindful of their duties, keep them in a difficult material situation ;
- it has often been thought that women's increasingly effective participation in social activities confronts them with a more and more serious criminogenic danger. But is this really the case? In fact, most of them often react better than men, finding in more or less remunerative employment an atmosphere of security which keeps them away from criminal temptations. Professor Kempe fully agrees on this point, and he thinks women adapt themselves more easily to the difficulties of life and that they are more idealistic and altruistic than men (9).
- should we not seek a partial explanation of the small proportion of women offenders in the new aspects of prostitution? Though stricter control and legislation have not yet led to any notable improvement as regards the problem of prostitution it is found that the practice is also becoming more and more difficult to detect, for its concealment is being better and better organized.

(9) Misdaad en wangedrag vóór, tijdens en na de oorlog - Imp. Querido - Amsterdam - 1947.

These few remarks are only personal reflexions, which need to be verified and studied more thoroughly.

B. The treatment of women prisoners in Belgium.

I. — General considerations.

In each province in Belgium, women under indictment are placed in a women's remand home, where they stay until the judgment acquires force of law. In the district prisons, these institutions form special quarters which are distinct from those provided for men.

Except in the case of short-term sentences, convicted women are then transferred to the women's penitentiary establishment at St André-lez-Bruges, which is a semi-open institution equipped for taking in various classes of women prisoners.

However, an exception to this rule is made in the case of certain women criminals who are particularly likely to attempt to escape or whose indiscipline is such that they have to be kept in a cellular institution.

The St André pavilion system enables the women to be grouped in separate sections: young prisoners, middle-aged prisoners, old prisoners, vagabonds, abnormal women under internment, sick prisoners, recidivists who are placed at the disposal of the Government on the expiry of their prison sentences.

Though the regimes are differentiated according to the various classes of prisoners, they would be doomed to failure if no account were taken of the peculiarities of the psychological approach, which is far more complex than it is in the case of the other sex.

The majority of these women prisoners have known nothing, even in childhood, of the atmosphere of affectivity that is so necessary for every individual's moral balance, and their resentment is aggravated by the fact that they are deprived of their liberty. These sentiments of frustration are felt all the more acutely as they come from the depths of the unconscious and therefore escape rational analysis, of which the women concerned are in any case incapable, for they lack the necessary intellectual powers.

The psychological structures of these women who are so little favoured intellectually and morally are extremely simple and make them incapable of reacting normally to the incidents and accidents of life.

Their need for affectivity is such that they show themselves to be sensitive to the slightest thing, a witty remark, a smile or a kind word.

This state of mind demands a great deal of tact and delicacy on the part of the staff: women who are in prison for the first time are particularly distressed, and it often takes time and effort to bring them to a state of greater moral quietude. From the beginning of their stay in prison, they look forward, albeit with anxiety, to the time of their discharge. How will they be received by their environment, their husbands, their children, their families, their friends and acquaintances?

They are intuitively more aware than men of the material responsibilities which do not exist in prison; greater difficulties will confront them when they have recovered their freedom.

No matter what class they belong to, most women prisoners are characterized by morbid jealousy as regards both the staff and their family groups. The least favour shown to a fellow-prisoner makes them unhappy.

They are just as jealous of their husbands, their fiancés or their lovers. When visiting them, these men are required to give detailed reports of the way in which they spend their time, the people they see and the slightest incidents of their everyday lives. Women prisoners carry their investigations so far that they often ask another member of the family to keep a check on the movements of those about whom they are anxious.

It is however to be noted that there are few women prisoners who do not receive regular authorized visits, which is not always the case with men prisoners.

At the end of March 1969, out of a total population of 150 women in the St André establishment, 84 were sentenced prisoners, the other inmates being women under indictment, mentally abnormal women under internment and vagabonds.

The crimes and offences committed by them were subdivided as follows:

| | |
|------------------------------------|---|
| theft | 42 (including 7 cases in department stores) |
| murder and homicide | 11 |
| attempted murder | 1 |
| assault and battery | 2 |
| abandonment of a child | 3 |
| abortion | 5 |
| keeping a brothel | 7 |
| incitement of minors to debauchery | 5 |
| public acts of indecency | 1 |
| arson | 3 |
| drunkenness in public | 3 |
| slander | 1 |
| | <hr/> |
| | 84 |
| Civil status | |
| unmarried | 11 |
| married and living on good terms | |
| with their husbands | 19 |
| divorced | 5 |
| separated from their husbands | 15 |
| living in concubinage | 23 |
| widows | 11 |
| | <hr/> |
| | 84 |

II. — A few aspects of the penitentiary treatment.

Scientific observation

Before their arrival at St André, the women prisoners have been the object of a report by the governor of the district prison, to which the psychiatrist's conclusions are usually attached.

At the establishment itself, they are under constant surveillance by the staff, the psychiatrist and the general practitioner. An observation file is thus kept up to date; when required,

this forms the main element of appreciation in cases of possible premature discharge.

Work and practical training courses

The comparative lack of intellectual powers and the marked indifference to the possibility of getting out of the rut makes it necessary to give up deliberately the traditional methods of reeducation that are generally used in prisons and rather to adopt a pragmatic system, otherwise the action that is undertaken will be doomed to failure.

The effort that has to be made to learn a trade discourages these disillusioned, uneducated women, who do not really wish to «go straight». Their lack of self-defence makes them feel confusedly that they will have neither the indispensable determination nor the means to try, by themselves, to improve their situation after being discharged from prison.

Various attempts at vocational guidance have been made at St André, but none of them has really attained its end.

For various reasons, we may ask ourselves whether this is after all a bad thing. Indeed, we must make allowance for the economic evolution of society, which makes increasing use of machines for doing difficult work. As far as women's work in particular is concerned, qualified labour plays less part in production than in the past, so that working women often tend to become mere labourers. With few exceptions, women prisoners have no intellectual, moral or material advantages that might enable them to climb the social ladder. For some of them, rehabilitation consists in becoming good wives and housekeepers: for others, it consists in maintaining or acquiring the taste for work.

Bearing these limitations in mind, the Prison Administration has organized at St André a school of domestic science, which is run by specialists and is equipped with modern material.

A complete course of instruction lasting a hundred hours and given to a group of six prisoners allows for rapid rotation of the pupils, priority being given to young women or to those who are shortly to be discharged.

The courses deal mainly with cooking, etiquette, washing and ironing, keeping and decorating the home, growing vegetables and flowers, domestic hygiene and the household medicine-chest.

Lessons in bringing up children are also given to young women, mothers and those who are expecting children.

Apart from the operation of a farm (50 head of cattle) and the work necessary for the upkeep of the establishment, the other prisoners are engaged in various activities which do not go beyond the level of simple work for private employers: sampling, artificial flowers, glovemaking, the manufacture of cardboard boxes, sewing, etc.

Leisure-time activities

The programme is as varied as possible, not only with the object of avoiding idleness, but above all with that of trying to detect in simple-minded women a centre of interest which might be for them the spark or the starting-point for a new way of life:

- a library of books for ordinary reading;
- subscriptions to the information centre of the Nivelles prison, which makes technical books available to all the prisons in the country;
- fictional films: one showing per week, preceded by an introduction and followed by comments;
- television: two programmes per week (with introduction and comments);
- lectures by members of the governor's staff and by persons who do not belong to the Prison Administration;
- evening courses in the rearing of children;
- choral singing;
- entertainments: rhythmic exercises, dancing, dumb-shows and dramatics;
- group discussions (group counselling);
- various handicrafts.

Maternity section

Confinement in the best possible conditions is ensured by the medical and nursing staff attached to this section and by the modern equipment that it has at its disposal.

Pregnant women undergoing detention in the country's re-mand homes are also transferred to St André for their confinement.

The nursery

In principle, children accompanying their mothers are admitted only if they are under two years of age. Those who are born in the establishment also stay there for the first two years of their lives.

After that time, the governor takes the necessary steps to have them taken in by the families concerned or to have them placed in free institutions.

The two-year limit is not a rigid one, but it is important at that time for young children to be taken away to avoid their remembering their life in prison, which would be a serious moral handicap to them.

In this connexion, it should be noted that the maternal sentiment seems to be far less marked among women offenders than among women in general. Very often, the children are merely a means of attracting attention and commiseration. In many cases, these women actually abandon their children. The efforts made by the public assistance organization to place them in proper homes leave the prisoners indifferent, and they fail to understand that their own conduct may have a harmful effect on the fate of their children.

The regime of semi-liberty

Since 1957, certain women prisoners have been permitted to leave the establishment during the daytime so that they can do normal work for private employers.

The choice is made above all among those who are shortly to be discharged, the object being to put them to the test and to prepare them for their social rehabilitation.

This regime lasts from three to six months, during which the women are kept under discreet surveillance by the social assistant attached to the establishment.

Three tenths of the wages earned are retained to cover the cost of maintenance. The women who are granted the regime of

semi-liberty form a group segregated from the other women detained in the establishment.

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Conclusions

Since the beginning of the twentieth century, penitentiary treatment has made astonishing progress in many countries, thanks mainly to the scientific observation of prisoners, which has made it possible to split them up according to their age, their criminal record and their state of physical or mental health.

Starting from the principle that treatment is facilitated if it is given to homogeneous groups, or at least to groups of comparable and compatible people, the development has been progressively marked by the creation of specialized establishments.

The efforts made hitherto have consisted mainly in improving more and more the methods considered most suitable for each of the entities thus formed, without neglecting individual treatment.

The experiment has been conclusive, for wherever this system has been adopted there has been a notable diminution of recidivism.

It is however an open question whether these methods are not becoming outdated and whether it is not time to reconsider the whole field of penitentiary action. The present system is showing evident signs of fatigue at a time when progress in criminology, psychiatry and socio-psychology is enabling us to make a better approach to the offender's personality.

Therefore it is no exaggeration to assert that the increased help afforded by science may by itself open up new prospects. Indeed, everything goes to show that a period of experiment is approaching its end and that new concepts are necessary.

In course of time, a profound disequilibrium has developed between community treatment and individual treatment, to the detriment of the latter. We have been too anxious to form so-called homogeneous classes because we have referred to criteria of too general a character. It seems more and more obvious that individual psychological and sociological characteristics should be used to a greater extent for conditioning the treatment and should have priority over criteria established according to artificial standards.

A deeper knowledge of each individual will give fresh impetus to group treatment if we associate individuals whose personalities are compatible.

Belgium is starting out on these lines and has just appealed to the university faculties of criminology, psychiatry, psychology and sociology. Groups of professors and research-workers representing these different disciplines will come to study the offender on the spot, in the penitentiary establishments of the university centres. On the basis of the information thus provided, the Prison Administration will be better able than in the past to orientate individual treatment and to obtain the help of more qualified scientific personnel for the formation and treatment of groups.

We are expecting a great deal of these new methods. It goes without saying that the experiment will be extended to women, who delinquency seems to be of a peculiar nature and often unamenable to investigation.

Moreover, more and more people are wondering whether prison sentences are effective at all. In the view of the specialists, they are no longer justified, except for offenders who are guilty of serious crimes and who, for reasons of social defence, cannot be left free.

In this connexion, it may be considered that many women prisoners are not confirmed anti-social offenders who represent a grave danger for society.

It therefore seems advisable to envisage for them, in preference to sentences of personal restraint, such preventive measures as sentences with stay of execution, probation, etc.

As far as women prisoners are concerned — and provided that the sentences passed are not too long — it seems advisable to authorize semi-liberty to a very great extent, so as to enable them to keep in contact with life in free society and thus to avoid being at loose end at the time of their discharge.

APPENDIX IV, 1

The problem of young adults put in prison after their treatment in institutions for juvenile offenders has proved a failure

Report presented by

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Among the population of young adults who have been sentenced by the courts to a period of institutional training it is to be expected that a certain number may have been in institutions for juvenile offenders before. We can say that the committal to an institution for young adults is an indication — admittedly somewhat crude, but in any case objective, and easy to obtain — of the failure of that method of treatment as juveniles. The subject for discussion in this third meeting of the directors of the Prison Administrations sponsored by the International Penal and Penitentiary Foundation is to find out to that extent does this institutional experience to make these young adults into a group apart, with their own characteristics and reactions, thus creating specific problems to the Prison Administrations.

If we admit that these young men are a problem group either because they are difficult to manage while in the institution or because they are difficult to resocialize after they leave it, the first thing we need to know is the frequency of these cases among the population of young adults in institutions. In Portugal the young adults do not constitute a separate legal category. However, we can refer to all the youngsters between 16 years when criminal responsibility begins, and 25, the maximum age for an indeterminate sentence the aims of which are essentially educative, as young adults. Now, among the population of young male adults in institutions, the number of former inmates of reform schools does not exceed 11 % (1). The highest percentage, 17 %, was

(1) This percentage should be considered as approximate for two reasons. First, because the information on which it was based did not include all the prisons (the small local provincial prisons and one Lisbon prison were not included). In any case, we have no reason to suppose that these institutions might include a higher

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found in the Prison School for men at Leiria. This is markedly lower than the percentages observed in some foreign institutions known to us. In 1964 1/4 of the population of the French Prison-School of Oermingen had already been in institutions *d'éducation surveillée*. In the *Jugendstrafanstalt* of Schwabisch Hall in West Germany 1/3 of the boys detained in 1962 had been through an *Erziehungsheim*. In England and Wales in 1966 35 % of the male population of the borstals had already spent one or more terms in an approved school. The corresponding percentage was 31 % among the young male prisoners, although only 12 % among the boys detained in senior detention centres. In *500 Criminal Careers*, the well known work of the Gluecks which analyses the work of the reformatory in Massachusetts, it is mentioned that 35 % of the inmates had already been in industrial schools.

Our privileged position must result, at least in part, from the low rate of juvenile delinquency in this country as compared with other European countries. For example, the number of children of both sexes between 9 and 16 years dealt with by the juvenile courts for a criminal offence in 1964 and 1966 was 151 per 100.000 of the same age group. True enough we can be pessimistic about the value of the statistics of juvenile delinquency and say, as Dr. Mannheim does, that it only shows the degree of inclination on the part of the public and the police to bring juvenile delinquents before the court (2). Leaving aside the accuracy of the statistics, the fact is that the fewer children who are sent to reform schools the less will be the number of former inmates of those schools among the young adults committed to institutions. Another variable which influences this percentage will naturally be the degree of success of these institutions, but on this point there is no information available.

proportion of young adults who had been in reform schools than the others. Secondly, because there are a certain number of young adults whose criminal offences are dealt with by juvenile courts and therefore are subject to juvenile jurisdiction under article 19 of the 1962 Children and Young Persons Act. The number of such cases is nevertheless small. On the other hand, when counting the young adults who have been in reform schools, we should have excluded the cases where the time spent in the school had been short, thus probably reducing the percentage we arrived at. However, the information was not enough to draw such a distinction. Committal to an observation centre and committal to a reform school cannot be taken as corresponding to short-term and long-term detention, at least before the 1962 Children and Young Persons Act. In fact, in the examined sample of young adults whose dates of reception in and discharge from an observation centre were known, 72 % had stayed for more than 6 months and 50 % for at least 1 year.

(2) Hermann Mannheim, *Comparative Criminology*, 1965, 11, 682.

The method followed in the preparation of this paper was to compare a sample of ex-inmates of the Prison-School at Leiria who had been in institutions for juvenile delinquents with a similar number of inmates who had not been in such institutions. Using the files of the institution, we tried to find out whether certain factors emerged which might single them out as a problem group. Using the Criminal Record Office files we tried to find out whether this group showed a higher rate of failures, that is, if they could be considered as a problem after leaving the Prison-School (3). Besides, the 42 current inmates of the Prison-School who had been in reform schools were subjected to a short psychiatric examination. They were also given a psychological test and the same test was applied to a control group of other inmates who had never been in reform schools. We also had the opinions of the Director and the four Tutors of the Prison-School on the group in question.

There was no significant difference between the average length of stay of the two groups of ex-inmates. The average duration of training was 3 years and 3 months, but the range varied between a minimum of 6 months and a maximum of 7 1/2 years.

The Prison-School adopts a degree system comprising four stages: observation, trial, honour group and semi-liberty. The boy who reaches the honour stage enjoys more freedom within the institution, more time spent in association with others, is allowed to take part in group outing and, exceptionally, can be allowed to attend a school outside the institution. This stage is not reached automatically at the end of a certain period; it depends on the behaviour of the inmate, and can therefore be considered as an objective index of the response to the regime and activities of the institution. In the sample we studied half of the inmates reached the honour stage. Assuming that our group is a problem group, we might expect to find in it a lower percentage of inmates reaching the honour stage. What really happened was the contrary: the boys who had been in reform schools attained this stage more often than the others, although the difference was not significant at the 5 % level.

When the number of inmates with the best disciplinary records were compared, no difference was found between the two groups. Whatever the relation between being a model-inmate and

(3) The total sample consisted of 120 cases. However, rates of failure were compared for a smaller sample, so that cases where the test period of 5 years at liberty had not been completed were eliminated.

success after release may be, the fact is that in this category, the boys who had and those who had not been in reform schools were represented in the same proportion. Escapes and attempts to escape also occurred with the same frequency in the two groups.

The Director and Tutors of the Prison-School unanimously agreed that on the whole the former inmates of reform schools showed less interest in learning a trade. In general they were more indifferent to vocational training. According to the opinions of some of the staff, they also were less open in their relations with the staff of the Prison-School. Nevertheless, whatever the initial difficulties might be, the proportion of boys in this group who reached a certain degree of vocational training was not lower than in the control group (4).

In both groups there were plenty of problem-families. Frequently the parents had separated and formed other unions, were alcoholic or extremely poor-occasionally beggars. In a few instances the mothers were prostitutes. More often than the parents were not living together when the boys were admitted to the Prison-School, either through death or separation. However, we could not be sure that group we are interested in were worse off in this aspect than the other (5). There were, true enough, more cases where the father or the mother had been convicted or arrested for some criminal offence, but the difference did not reach the 5 % level of significance. These convictions and arrests were mostly for offences such as disorderly conduct, drunkenness and assault, which are less typical of a criminal sub-culture than theft and other property offences. In one aspect the inmates who had been in institutions for juvenile delinquents differed significantly from the others: a significantly larger number of them had been in asylums or children's homes in childhood.

It is sometimes said that life in closed communities of the same sex brings the risk of producing homosexual manifestations. Could it be said that group we are interested in posed more problems of this kind than the other inmates? In the first group the-

- (4) If we accept the classification of apprentice with practice as an index of vocational training and leave aside the boys who were mainly employed in farming, we can say that 66 % of all the group acquired a certain degree of vocational training, although there was no significant difference between the ex-reform school boys and the other group.
- (5) The rate broken homes was 61,7 % and 61,2 % among the ex-reform school boys and the controls. The rate of illegitimacy was 34 % and 24 %, respectively. This difference is not significant at the 5 % level.

re were in fact more boys classified as homosexuals during their stay at the Prison-School. But again the difference did not reach the 5 % level of significance. On the other hand, the opinions of the tutors were not unanimous on this point.

The same inconclusive result was obtained when the psychiatric histories of the boys were compared. True enough the first group included more psychiatric cases, considering as such those where a diagnosis of mental abnormality had been made, where there had been any attempt at suicide or where there had been some treatment in the psychiatric unit of a prison. However, once again the difference was not significant at the 5 % level.

One of the aims of the institutional training for young adults is to improve the educational standard of the inmates. In our sample, although the general level of education was low, as very few boys had gone beyond primary school education, the group we are interested in could not be considered as a problem in this light. On the contrary, these boys showed a significantly higher educational level than the others, possibly because of the educational training given in the reform schools.

It also appears that our group did not seem to constitute a problem as regards criminal sophistication. These boys had been involved in vagrancy or petty theft more often than in well planned house and shopbreaking. Taking and driving away was rare. This is perhaps partly explained by the fact that the car is beyond the expectation of many of these boys. Another possible reason would be that among us there is no typical adolescent culture, which is discouraged both by rural structure of a great part of the population and by the early employment of young people in productive work. In fact, more than 70 % of the boys from 13 to 14 years are already engaged in productive work. Forms of delinquency linked with juvenile gangs such as motiveless destructions and other acts of collective excitement were not noted. There were also no cases of drug addiction. According to the opinion of the Tutors, the inmates who had been in reform schools did not show a higher degree of criminal sophistication nor was it observed that committal to the Prisons-School would produce, as a psychological reaction, a stronger identification with criminal values.

The short psychiatric observation of the current inmates of the Prison-School who had been in reform schools did not reveal a great incidence of marked disturbances in their physical and mental health, although there were some psychopathic and mentally retarded personalities. A certain social hostility and a certain incapacity to react in the adverse situations in life were re-

vealed as common traits, but the origin of these characteristics seemed to have an earlier origin than the committal to an institution for juvenile delinquents. These characteristics probably rose from the unfavourable family conditions in childhood. Still, the time spent in reform schools did not reduce them; in some cases it appears to have aggravated them.

The questionnaire of attitudes by Sacks was applied to these same boys (excepting a few who had not enough verbal capacity to answer it) and to a control group. The results were analysed only in the five areas considered more significant as follows: attitude to the mother, to the father, to authority, fears, attitude to their capacities and to the future. Excepting one area (that of the relations to authority) the first group revealed less positive or more negative attitudes than the second. The differences, however, never reached the 5 % level of significance.

Up to now we do not seem to have found enough indices or characteristics to isolate the former inmates of reform schools as a group apart, well differentiated from the other young adults undergoing a period of institutional training. It can be, however, that the rate of their reconviction after release may mark them as a problem group, even if we have to admit that reconviction, which can be episodic, does not constitute a very suitable sign of failure.

For the purpose of this work, we considered as success the absence of a prison sentence in the 5 years after release from the Prison-School, and as failure the opposite (6). According to this criterion, 51 % of the boys in our group were failures, against 36 % in the control group. The difference is not significant at the 5 % level. However, the rate of failure rose to 62 % when the boys who had spent a period of 6 years or over in a reform school or in the Prison-School were isolated. In the presence of this significant difference in the rates of failure we are led to conclude that there really is a score of problem cases, consisting of boys who spent long periods in institutions.

We cannot be sure that these boys failed more often because of the long time they spent in institutions — in some cases more than 11 years. The boys whom the reform schools and later the Prison-School found it necessary to hold for longer periods could be precisely those who showed more difficult behaviour patterns. In any case there is no doubt that they failed more often in spite of the long time spent in institutions. But it is likely that a prolonged institutional experience may be itself a source of difficul-

(6) Individuals sentenced to prison for the military offences of theft and desertion were included as failures except, as regards the latter offence, when it had been an isolated act.

ties. Some authors refer to a particular category of inmates for whom the term «institutionalized» was coined. In *Borstal-Re-Assessed* Dr. Roger Hood found them mostly among homeless ex-borstal boys and described them as follows: «They have through lengthy institutional experience become unable to make personal relationships, plan for the future or manage their lives. Their delinquencies are frequently trivial and in many cases they appear to welcome a return to the shelter of institutions. The problem is to help them mature sufficiently so that they no longer need institutional care».

It is probable that the social inadequacy due to lengthy institutional experiences is a general phenomenon and not restricted to some countries. In any case, its intensity certainly depends on social variables as the rate of urbanisation and industrialisation, which in turn, conditions the more or less complex structure of social relations. In Portugal the demands and the stress of highly industrialised and urbanised societies are much less intense, and this certainly helps to bridge the gap between life in institutions and life outside, even after a lengthy institutional period. In the sample we examined of boys who had been in reform schools, more than half went to live, after they left the Prison-School, in rural areas or in small or medium-sized urban centres, and the remaining 42 % in the only two large urban centres in this country. Another factor which may well ease the transition is the controlled environment of the Services. A large proportion of the boys released from the Prison-School are absorbed by the Services for a number of years. The completely homeless boy seems to be rather the exception in our group, a fact which was confirmed by the Tutor's experience. As a rule, in the absence of parents, brothers or uncles would be willing to have the boy in their homes. Family desire for the boy's return to home was also motivated by the need for his financial help.

The escalation of institutional methods can have yet another negative effect, in so far as it may strengthen a Boy's delinquent selfimage. In fact, he can interpret his committal to an institution as a rejection by society and by a process of psychological compensation come to identify himself more deeply with criminal values and attitudes. In this case, his committal to an institution for young adults could act as a source of prestige, a kind of proof that he had attained the professional status of a criminal. As far as we are concerned, this process of criminal identification did not appear to represent a real danger, perhaps because in this country we do not have highly developed criminal sub-cultures, enjoying a considerable prestige.

In Portugal, the young adults who were in reform schools have always been treated in the same manner as the other young prisoners. They form a relatively small group which, as a group, seem to differ markedly from the other young prisoners, although there is a hard score of cases constituted by boys who have lengthy institutional experience whose failure rate is high. It is doubtful that treating these boys as a single group would be the best solution. The boys who were in reform schools are probably too heterogeneous as group to respond well to the same method of treatment. Although we know that at present there is no such thing as a general theory of penal treatment which would allow us to relate forms of treatment and specific treatment needs, we are aware that it is through a continuous improvement in the process of individualisation that better results can be achieved. Starting from this premise, two recent pieces of research achieved results which seem relevant to the group we are discussing.

The Department of Corrections of California conducted an experiment (The Parole Work Unit Programme) which consisted of classifying parolees into three groups, according to the degree of supervision they required, and of entrusting to the parole agents a maximum, medium or minimum number of parolees according to the classification that had been made of their need of supervision (7). Using this system, the result of parole, measured by the number of failures, was improved compared to the conventional system, in which cases were allotted without considering their different need of supervision. This result seems to justify that a programme of more intensive after-care be given, on an experimental basis, to the young adults who were in institutions for juvenile delinquents or, within this group, to the group of cases whose prospects of failure might seem higher, in order to evaluate the results so obtained.

Still in the field of after-care, the second experiment was the opening in London of a home, called Northways, specialised in the after-care of a certain type of borstal boy. It had to deal with boys in whom delinquency was linked with serious problems of personality maladjustment, who were homeless and who had been affected in their capacity to form normal human relations, to plan and organise their free life by the long periods spent in institutions. The development of social maturity was difficult because these boys were extremely distrustful, egocentric and withdrawn, frequently needing to test the sincerity of the staff's

(7) W.R. BURKHART, «The Parole Work Unit Programme: An Evaluation Report», in «British Journal of Criminology», 9, 2 (1969) 125 and seq.

regard for them. The atmosphere of the home was tolerant of the exaggerated attitudes of defiance typical of these highly insecure boys. The intimate, informal atmosphere of the home encouraged the identification of the boys with the staff, while the group discussions conducted by a psychiatrist helped them to achieve a more realistic perception of other people and not to project on them their own aggressive fantasies.

After a period in the home some signs of maturity were noticeable, such as an increased self-respect, a more willing acceptance of authority and better work records. An interesting aspect of this project is that it was a controlled experiment. The frequency of reconviction among the Northways boys was compared with that recorded in a group of equally homeless boys, with the same approximate level of intelligence, the same average age, number of previous convictions and length of stay in institutions. This control group had benefited from the normal borstal after-care. Although the project had been working for only two and half years and the numbers were still small, the Northways boys showed much lower reconviction rates than the controls (8).

Northways Home was planned as a specialised form of after-care to meet the needs of a type of boy who runs a high risk of being reconvicted. Nevertheless, it is possible that this kind of therapeutic community might be used still more advantageously if it were used as a separate form of treatment for highly institutionalised boys. As the organised atmosphere of institutions for young adults seems to increase their social inadequacy, it seems worth trying to submit them after conviction to the therapeutic regime of an institution like Northways Home, instead of a long period of training in an institution for young adults.

It might be said that these cases are quantitatively unimportant. Still, they pose problems, namely the frequency of reconviction, which even in Portugal is high. It seems justifiable, therefore, that we give them priority of attention, and that we concentrate on them the available means of treatment and assistance.

(8) Derek MILLER, «Growth to Freedom», 1964.

APPENDIX IV, 2

The problems set by the young prisoners after the ill-success of their treatment in the establishments of controlled education

Report presented by M. H. LE CORNO
Director of the French Prison Administration.

Do the young delinquents incarcerated after having been placed in an establishment of controlled education, on occasion of a former offence form a special category within the penal population?

In order to determine it, it is advisable to seek if their penitentiary behaviour differs from the comportment of the offenders who have never been subjected to the methods of treatment in the establishments of controlled education.

This research offers an evident practical interest, because if it is established that these young delinquents present peculiar characteristics, certain consequences concerning the regimes application must inevitably result from that.

As a matter of fact — following the penitentiary reform of 1945, recognized by the Penal Procedure Code — the idea of « penitentiary treatment » takes more and more extension in the prisons.

As regards the youngest prisoners, the penitentiary administration's policy aims at the application of methods centered on :

- the study of the offender's personality,
- the raising of scholastic and professional standard,
- the group educative activities,
- the active preparation of the release.

For that reason, there is then a sure relation between the penitentiary systems answering to these rules and the ones which are in force in the French establishments of controlled education.

However, their application in the prisons is realized by very different conditions, on account of the multiple constraints specific to the prison circle and of the special characteristics of the penal population, composed of young adults or minors of age, most of them being recalcitrant, precisely to the treatments established by the controlled education services.

In order to examine how the young offenders who have already been treated by the controlled education methods do react and insert themselves in the penitentiary system, we have to present, one after the other, within the French establishments: the concerned delinquents (I), the characteristics of their comportement in the prisons (II), so as to determine the necessary adaptations of the systems (III).

I. — The detention of young offenders in the penitentiary establishments.

The French prisons enclose a very important number of young offenders. On the 1st of January 1969, were counted 3.073 accused and 2.499 condemned not having 21 years of age and among them 881 had not 18 years (679 accused and 202 condemned).

A/ The penal minority, that is to say, the fact for an offender of having committed an offence before the age of 18 years, determine the competence of special jurisdiction for minors, who may, or ordain controlled education measures or provoke the incarceration of the minor under the detention on suspicion system or decide to pronounce an imprisonment penalty.

Conforming to the provisions of the Penal Procedure Code, it is not distinguished in France — from the point of view of the penitentiary systems — between the minors and the penal majors of less than 21 years old. Further, in the houses of detention where a quarter for young offenders has been established, the accused and the condemned are submitted to an identical daily routine which constitutes especially a notable exception to the traditional rule making facultative for the accused the labour or assimilated activities.

B/ The educative action has for finality the preparation of the offender's re-socialization, which necessitates:

- Immediately after the incarceration, the setting-up of a re-education programme,
- Then, during all the time of detention, the taking into account of the verified evolutions.

The applied methods are, evidently, adapted to the kind of the establishment.

So, in a house of detention for accused and condemned to a short punishment, the prisoner's reception and the social problems to clear up without delay have a special importance while the re-education programme is more improved at the level of the school-prison reserved to the condemned to a long punishment.

In all cases, however, the taking into account of the prisoner's personality necessitates the intervention of a specialized socio-educative team and the settling of a personality dossier, constantly being up to date.

That team is composed of a specialized staff depending on the penitentiary administration (educator, welfare worker and technical instructor) or placed at the disposal of the establishments by the Education Services or by the Youth and Sports Ministry (school-master or physical training master).

The administration is composed of teaching, the professional training, the controlled activities and the penal labour.

1. — The scholastic teaching is justified by the relatively low level of the young prisoners who, for want of a sufficient general knowledge, have no possibility for fulling, at the time of their release, an interesting situation or following a professional training.

This teaching is co-ordinated with the professional sections programmes, when the establishment is endowed with them. It is given by the school-masters of the Education, when it is question of educative courses, while the educators are more specially in charge of giving to the prisoners a basic information on the socio-economical structures of modern life which misappreciation often explains their social maladjustment.

2. — The professional teaching is given according to two forms:

- The apprenticeship of a determined profession reserved to condemned having a sufficiently long punishment to serve and who, consequently, are justiciable to the school-prison,

- The pre-training or the professional initiation for the fluctuant population of the houses of detention (accused and condemned to a short penalty).

Besides, that policy answers to the instructions of the services charged in France of the professional formation in free set for whom the apprenticeship of a profession must be more often preceded by an initiation period.

- 3. — The physical or athletic activities take an important place because they constitute an excellent mean of access to the offenders as well as a wholesome distraction to the constraints of the prison.

Besides, the educators are charged of stirring up the controlled activities, according to the level of the penal population and to the material conditions offered by the establishment.

- 4. — The planning of production workrooms permit to employ, at full or part time, a certain number of young prisoners who remain however individually controlled by the educators and participate to certain group activities.

C/ The penitentiary administration has undertaken in the houses of detention a policy of development of educative quarters whose extent is bound to the recruiting of a sufficiently numerous specialized staff.

Two realizations have been carried into effect in 1968 :

- The Centre of the young prisoners of the house of detention at Bordeaux, which has an architectural branch divided into four groups of 24 prisoners, its educative team comprising :

- 4 educators,
- 2 school-masters,
- 2 technical teachers,
- 1 social welfare worker,
- 1 teacher of physical training.

The ward of the young prisoners at Fleury-Mérogis (500 places) which is acting with 30 educators, technical teachers, school-masters or social welfare workers.

The specialized establishments for the young prisoners are now of 4 :

- the school-prison opened at Oermingen which organization is principally aimed at the accelerated professional training, comprising ten different specialities. After a 45-day observation in closed detention, the young offenders are admitted to the open regime, on decision of the Judge of penalties application, pronounced on commission of classification ; they are then shared out amongst the different detached buildings of 18 places, each of them being put under an educator's responsibility ;
- the closed school-prison at Loos, which receives the prisoners whose affectation to Oermingen cannot be usefully considered ; if the general or professional training occupies there a relatively important place, many prisoners are working on the contrary, in the production work-rooms ;
- the ward of the Central gaol at Toul, reserved to the young sentenced, as a rule unfit for the school-prison regime ;
- and, at last, the penitentiary centre at Ecrouves, for the condemned to a short punishment ; the organization comprises a general scholastic formation and, above all, a professional training in the ten sections of initiation.

D/ There are no complete statistics accounting for the number of the prisoners who, before their incarceration, have been subjects of controlled education measures.

A special study made from an example of offenders of less than 21 years of age, released from the penitentiary centre of Fleury-Mérogis, has given, relatively to their antecedents, the following results :

| | |
|--|--------------|
| — admonition | 23 % |
| — controlled liberty | 9 % |
| — placing into establishment | 6 % |
| | total : 38 % |

When the same person has been the subject of many measures, the gravest only has been retained.

Besides, the age of the first offence is as follows :

| | | |
|---|---|-------|
| — less than 11 years old | : | 1 % |
| — from 11 to 12 years old | : | 1 % |
| — from 12 to 13 years old | : | 1 % |
| — from 13 to 14 years old | : | 5 % |
| — from 14 to 15 years old | : | 9 % |
| — from 15 to 16 years old | : | 11 % |
| — from 16 to 17 years old | : | 12 % |
| — from 17 to 18 years old | : | 9 % |
| — more than 18 and less than 21 years old (penal majors of age) | : | 51 % |
| Total | : | 100 % |

On the criminal plan, it is then verified that there is an important percentage of young prisoners who have already committed many offences, even if they are not juridically recidivists.

Certain minors of age offenders have been admitted, for a limited time (generally some weeks) into an observation Centre during the imprisonment on suspicion or have been treated in an open set, according to a conference of guidance and educative action.

Their behaviour in prison is not specially modified by that measure. It is however question of persons having already committed offences and who have proved that they were not accessible to certain measures of controlled education.

Some others — in a little number by reason of the often pointed out deficiency of the controlled education outfit — have been placed into public institutions of controlled education or into private branch establishments.

We must, in consideration of them, observe that the characteristics fit for the comportment of the older pensioners of the controlled education establishments will influence the treatment according only to the importance of the educative methods used in the establishment ; as a matter of fact, the more the penitentiary treatment is elaborated, the more appear the lines of personality and they must be taken into consideration for the application of the re-education regime.

Subject to this reserve, it is sure that, when the fact of committing new offences takes these prisoners into prison, certain characteristic attitudes are generally noted. That is at least, which has appeared from an experts' meeting held last May, in order to study that question, in the penitentiary administration school, at Plessis-le-Comte.

II. — The characteristic attitudes of the offenders having accomplished a prolonged stay in a controlled education establishment.

At the time of their first incarceration, the young offenders who have, before, been during a certain time in the controlled education establishments, have, at the very first, a very different attitude from that of the other prisoners ;

They paradoxically seem indeed feel, on the beginning, a certain impression of satisfaction, comparatively to their recent recollection of the regime of the controlled education establishments.

- They are not surprised by the prison, for they have heard of it by those who have passed in it, before the application of a controlled education measure and have been, afterwards, admitted into an establishment.
- They have the sensation that they are no longer treated as children, but as men and, in that sense, the regime of the prison seems a manly fashion to them.
- They expect to serve a determined punishment instead of being subjected to a measure which duration is not known beforehand, so that they have the hope to find more rapidly the free life again.
- They expect to not serve educative subjections (teaching, professional training, a.s.o.) and so to spend quiet days in a relative inaction.

That behaviour explains itself by the fact that the older pensioners of the establishments are, for many of them, already well established in the delinquency. It is however question of persons whose personality has been marked by repeated ill-successes often bound to temperamental troubles and to a condition of family inefficiency.

Unstable and, by hypothesis, not much accessible to educative measures, most of them feel a sensation of frustration which explains, to a certain extent, that they have committed new offences. The educators remark that, at the time of their first individual conversations, they adopt a distrustful and reserved attitude; they do not easily admit, for example, their antecedents of controlled education.

They act as old prisoners and are, consequently, susceptible of adapting themselves to their new conditions of life, often observing, at the same time, an enough hypocritical behaviour.

So, with regards to the young prisoners, some defects are obviously emphasized, even if they apparently submit themselves to rules which are enforced to them, they maintain a fundamental spirit of opposition and contestation towards the social order.

A/ *Relations with the staff.*

At the time of the first touch with the educator of the penitentiary administration, the young offender easily assimilates him to his counterpart of the controlled education. From that time, by reaction, he affects, as it seems, to prefer the guardian to the educator. The former, indeed, is for him a new person, who will only require from him the mere observation of the penitentiary discipline, without trying to impose to him physical or mental efforts. He has also an inclination to confide himself more freely, on the beginning, to the social welfare worker than to the educator.

The educator must then devote more time to exercise his influence over the old pupils of the controlled education than over the other prisoners.

That state of things is also explained by the fact that the educator of the controlled education, principally in the observation centres, sends reports to the Judge for minors, which necessarily influences the nature of the relations between the educator and the prisoner.

Moreover, in the controlled education living-in, the educator's part involves, to a certain extent, missions of direct watching which do not exist in the penitentiary establishments.

B/ *Comportment within the penal population.*

Would not the old prisoners of the controlled education establishments have an inclination to group themselves within the penal population?

In fact, the relations they have established beforehand between them, or their origin do not generally involve such a consequence.

If we sometimes assist at attempts of reconstitution of bands in the young prisoners' wards, that phenomenon is explained differently (for example, when many offenders have a common origin, district or town).

On the other hand, many of them feel a kind of complex of superiority towards their fellow-prisoners incarcerated after a first offence.

It seems also that the leaders are not recruited among the prisoners who have been subjected to a playing in an establishment. Nevertheless, the prisoners who possess a leader temper are generally strengthened in their role, when they come from controlled education establishments.

At last, it has been remarked that, by their influence, these young delinquents incited their fellow-prisoners to make use of vexations and exactions over the most feeble elements.

C) *The participation to the educative activities.*

It is noted that the prisoners coming from controlled education establishments have a particularly passive attitude towards the educative activities to which they have already been subjected in these establishments. They only follow these activities as far as they think to find in them an advantage, as, for example, the obtaining of a grace or release or licence measure.

According to this view, some of them skilfully falsify the results of the tests to which they are submitted, in order to obtain their inscription to a scholastic or a professional training presenting a lower level than theirs. They then take profit of the acquired experience in the controlled education services where they have already passed very many tests.

They thus hope to follow the given teaching without making efforts and to pass afterwards the examinations in order to get a reward.

Finally, there is a characteristic comportment of the young prisoners who have stayed a sufficiently long time in the controlled education establishments.

The laid down question is then to know if certain consequences must result from it on the regimes plan.

III. — The adaptation of the penitentiary regimes.

To which extent is it suitable to adapt the penitentiary regimes as concerning the lines of personality which have been just drawn towards the young prisoners previously treated by the controlled education services?

A) According to the regulations, the Penal Procedure Code has, in its D.518 article, provided that the agents of the external services of the controlled education and the social welfare workers depending on jurisdictions for minors are entitled to visit the detained minors in the same conditions as the prisons visitors.

It results that these visits are made in an office out of a guardian's presence.

That disposition practically permits to the educators of the controlled education to keep in touch with the young prisoner in view of an ulterior taking in charge under the controlled liberty regime.

B) The socio-educative team of the prison (educators, technical teachers, school-masters and social welfare workers) must evidently draw consequences of the ill-success verified after the treatment undertaken by the controlled education service.

An information problem then arises; it is going to be solved in France by the systematic communication to the educative services of the houses of detention of the synthetic reports drawn in the observation centres of the controlled education.

Till now, these connections were sporadic, because there is only a year that a sufficiently important rhythm of recruitment has permitted to appoint educators in some quarters organized in the houses of detention for the young prisoners.

C) From the information thus obtained, it will be possible to direct, with a better knowledge of the facts, the young delinquents to any activities of a merely educative type or, on the contrary to

a production work-room, which does not exclude the touches with the educator.

D) With respect to the condemned, the antecedents of controlled education constitute an essential element, on the classification plan, for the choice of the open or closed school-prison.

For example, are systematically kept away from the open school-prison at Oermingen, the young delinquents having committed several flights out of the controlled education establishments or having already obtained a diplom of professional training.

We must note, however that, at time of an essay of the released prisoners of that establishment, 50 per cent of the condemned having been the subject of some measures of controlled education, had committed a new offence within the five years following their release, (75 per cent, if it was question of a measure of placing into an establishment), against 30 per cent for the other prisoners.

It is useless to say that, in these conditions, a certain priority is allowed for the sending in this establishment, well fitted out, of young first offenders.

However, as the young persons condemned to a sufficiently long punishment have, more often than not, judicial antecedents, there are now at Oermingen, 30 per cent of prisoners who have been the subject of a whatever measure of controlled education.

We can then remark that the French Penitentiary Administration gives so the possibility to the young offenders, — even when the chances are tiny — to serve an appropriated treatment.

CONCLUSION

The examined problem is bound to the one, larger, of the strife against the second offence, even, when this latter as in the French Law, is not retained on the legal plan with respect to offences sanctioned by a mere measure.

The Penitentiary Administration is, in fact, confronted with an affluence of young offenders, who are first offenders on the juridical plan and incarcerated for the first time into a prison, but who — if the trials of treatment in a controlled education establishment have failed — often have the astuteness and the

comportment of experienced malefactors, accustomed to the prisons.

Some of them risk to become habitual recidivists and to continue, at their adult age, their punishable activities.

For that reason, it behoves to the Penitentiary Administration in trying, when it is still possible, to re-socialize these young offenders, even if there is only a modest chance of success.

APPENDIX IV, 3

The problem of young adults put in prison after their treatment in institutions for juvenile offenders has proved a failure

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i. — Legal situation in the Federal Republic of Germany.

- 1) In 1953 a new juvenile Court Act was enacted for the Federal Republic of Germany (JCA of 4 Aug 1953 — Federal Gazette, part I, p. 751) in which matters of juvenile criminal law in general, the procedure in matters concerning young persons and the execution of sentences imposed on young persons are regulated. The Reform of juvenile criminal law may be considered as a first step on the way towards the Reform of Penal Law and of the Prison system.
- 2) a) Persons who, at the date of the commission of the act, have not yet completed their fourteenth year of age exempt from criminal responsibility (section 1 para. 3 JCA);
b) A young person is he who, at the date of the commission of the act, was fourteen but not yet eighteen years of age;
c) An adolescent is he who, at the date of the commission of the act, was eighteen but not yet twenty-one years of age (section 1 para. 2 JCA).
- 3) Juvenile imprisonment is imposed by the judge if on the ground of the young person's dangerous propensities revealed by the offence educational measures or means of correction are not sufficient for his re-education or if because of the amount of guilt involved punishment is required (s. 17 para. 2 JCA).

- 4) If an adolescent commits an offence punishable under general law the judge will apply the provisions applicable to a young person if
- (1) the total assessment of the offender's personality with regard to his background shows that his moral and mental development at the time of the offence was still equal to that of a young person,
 - or
 - (2) the nature, circumstances, or motives of the offence show it to have been youthful mischief (section 105 JCA).
- 5) If general penal law is applied to an adolescent the judge may impose, instead of penal servitude for life, penal servitude for not less than ten nor more than fifteen years, and instead of penal servitude for a limited time imprisonment for the same duration (section 106 para 1 JCA).
- 6) Juvenile imprisonment is served in juvenile penal institutions (section 92 para 1 JCA).

The purpose of the execution of juvenile imprisonment is laid down in section 91 JCA as follows :

- (1) By the execution of juvenile imprisonment the person under sentence shall be educated in future to lead a law-abiding and responsible life.
 - (2) Orderliness, work, instruction, physical training, and meaningful occupation in the spare time are the foundations of such education.
The professional efficiency of the person under sentence shall be increased. Workshops for apprentices shall be established. Spiritual care shall be provided.
 - (3) In order to achieve the intended educational purpose the execution of sentences may be carried out in more flexible and, as far as practicable, even free forms.
 - (4) The officers must be suitable and trained for the educational tasks involved in the execution.
- 7) Prisoners who have not yet completed their twenty-fourth year of age and *are suitable for juvenile imprisonment* may serve their prison sentence in a juvenile penal institution (section 114 JCA).
- 8) In case of a person sentenced to juvenile imprisonment, who has completed his eighteenth year of age (adolescent) and

is not suitable for juvenile imprisonment it is not mandatory that his sentence be executed in a juvenile penal institution. Juvenile imprisonment not being carried out in a juvenile institution is served like imprisonment.

- 9) If a person sentenced has completed his twenty-fourth year of age, juvenile imprisonment shall be carried out like imprisonment (*) (section 92 para. 2 JCA).
- 10) The decision on the exception from juvenile imprisonment lies with the judicial member of the prison administration (Vollstreckungsleiter), i.e. the juvenile judge of the court district in which the juvenile penal institution is situated (section 92 para. 3 in conjunction with section 85 para. 2 JCA).
- 11) The Vollstreckungsleiter will acquaint himself with the character of the young persons and adolescents sentenced to juvenile imprisonment and observed their development while serving their sentence. He keeps in contact with the director and staff of the juvenile institution and participates in an advisory capacity in matters of importance concerning the execution of the sentence.
- 12) Under the Directives to the juvenile Court Act agreed upon by the Land Justice Administrations in the Federal Republic of Germany a person sentenced is not suitable for juvenile imprisonment if
- (a) educational influence in the juvenile prison does not promise to turn out a success in his case, or
 - (b) due to his presence, considerable prejudice for the other inmates' education is to be feared (No. 1 of the Directives to s. 114 JCA).
- 13) The exception ordered by the Vollstreckungsleiter (juvenile judge) after careful examination in close co-operation with the juvenile institution shall be supported by a statement of grounds (s. 34 of the German Code of Criminal Procedure) and notified to the person sentenced as well as to the person entitled to educate him. Against such a decision (exception) complaint to the supervising authority of the prison administration is admissible; the complaint is not limited in time.

(*) As of 1st April 1970 an uniform sentence of deprivation of liberty (« Freiheitsstrafe ») will be introduced.

- 14) According to No. 6 of the Service and Prison Rules of 1st Dec 1961 — uniform Administrative Rules enacted by the Land Justice Administrations throughout the federal territory — it is intended to set up «special institutions, or divisions of institutions» for prisoners sentenced under general penal law, who have not yet completed their twenty-fourth year of age. Remaining sentences up to six months may be served by such prisoners in their institution or division thereof even beyond the said age-limit (No. 6 para 2 of the Service and Prison Rules). Those institutions or divisions for «young prisoners» are usually described as «young men's institutions or divisions».

II. — General observations.

- 1) The special institutions, or divisions thereof, in which the principles and methods of the execution of juvenile imprisonment laid down in section 91 JCA are carried out, are, as a rule, to receive also persons sentenced to juvenile imprisonment whose exception from juvenile imprisonment has been ordered by the juvenile judge (Vollstreckungsleiter), in order nevertheless to promote their education with a view to their leading a «law-abiding and responsible life».
- 2) Apart from the prisoner's personality the question of whether and to what extent the educational aim of this kind of penal treatment can be achieved in an individual case will chiefly depend on the period of time available for the treatment, on the prison staff, and on the existing facilities.
- 3) Analogically to the provision of section 91 para. 4 JCA also officers working in institutions or divisions for young prisoners must be suitable and trained for this kind of treatment, the more so as adolescents sentenced under general penal law and persons excluded from juvenile imprisonment will mostly be particularly difficult cases.
- 4) The preparation of an «execution programme» (Vollzugsplan) which requires constant review must be preceded by a thorough examination of the prisoner's personality (reception center, usually placed under the direction of psychologists). It will be necessary to demand efforts of him which require all his energy and make him realise that for proving himself in society similar efforts will be expected from him.
- 5) Moreover, educational groups — guided by social workers — are set up in those special institutions.

Professional efficiency is improved by apprenticeships, training for skilled workers, special advanced training, wherever possible in special training workshops. Instruction and other advancement facilities are provided. Physical training and a meaningful occupation during leisure hours are given the necessary attention. Finally, release is carefully prepared.

- 6) The tasks of the offender's treatment in prison are performed by the federal states (Laender) of the Federal Republic of Germany. The co-ordination of these tasks is the responsibility of the «Strafvollzugausschuss der Länder» (Prison Committee of the states), a permanent sub-committee instituted by the Conference of Ministers and Senators of Justice. To begin with, special divisions for young prisoners sentenced to imprisonment and for persons excluded from juvenile imprisonment were set up in the federal states. The experience gained with those divisions was the basis of an exchange of views and encouraged their wider use.
- 7) It may be expected that by reason of the consequences of the two Penal Reform Acts, in particular the restrictions of the use of short-term imprisonment, some divisions for young prisoners may be extended to special institutions of their own. The following two examples may illustrate by what means, and in pursuance of which aims, the Laender of the Federal Republic of Germany seek to fulfil these tasks.

III. — Examples.

- 1) *Institution for young prisoners at Pforzheim (Baden-Wuerttemberg) (capacity : 131)*
 - a) In setting up the institution the Justice Department of Land Baden-Wuerttemberg acted on the assumption that the maladjustment of young prisoners up to about 24 years of age is not yet irreparably deeply rooted. Rather they may be considered particularly suitable for an educational influence because their development and expectations of life are not yet too strongly consolidated. In general, a young person is still more receptive and approachable with all its consequences both in the positive and negative. In order to prevent that young prisoners are exposed to bad influences, in particular by old «jail birds», and that their re-integration into the social community is made more difficult if not impossible thereby, it is intended to seclude those offenders from adult prisoners as

soon as the necessary conditions with regard to construction and staff have been created.

- b) A first step in this direction has been made by re-opening on 15 Nov 1968, as institution for young prisoners, the former court jail at Pforzheim after its reconstruction. The court jail, dating back to 1901, has been rebuilt and extended from 1965 to 1968. The institution to which formerly offered space for 82 prisoners now has a capacity of 131 posts. Of those, 102 (87 single cells and 5 cells for three persons) may be occupied by young prisoners. In addition there exists still a division for (men) pretrial prisoners out of the court district of Pforzheim where 29 prisoners may be kept, strictly separated from young prisoners. As concerns the constructional arrangement, the school and leisure centre provided in the second floor of the old building as well as a small sporting ground must be mentioned.

There are 7 work-rooms in which approximately 70 prisoners may be occupied.

- c) Under the Execution Programme the following convicted persons are committed to the institution :

Men persons who under s. 92 para. 2 JCA have been excluded from juvenile imprisonment and persons sentenced to imprisonment of more than six months who at the time of their committal to the institution had not yet completed their twenty-first year of age.

- d) With the opening of the new institution it was planned to start new ways in Baden-Wuerttemberg for the treatment of young offenders. To a greater extent than is possible in institutions for adult prisoners treatment is to be carried out with a view to education and, in particular, to forming and shaping the young persons in order to facilitate their re-integration into society.

In turning away from the widely used gradual prison system which, because of its possibilities automatically to acquire a better position, presents the danger of unilaterally favouring well behaving inmates, the aim pursued by such treatment group work. In this connection the attempt has been made for the first time in the Federal Republic of Germany to differentiate prisoners according to groups of offences (or offenders). Such a classification is based on the idea that not seldom the constituent facts of

certain offences reveal personalities which permit to draw conclusions on the behaviour of the offender. So far, three categories, namely offenders against property, offenders by violence, sexual offenders, were created. The groups are supervised by welfare workers who in the interest of as close a contact as possible with the group live in the cell-building itself.

- e) Participation of prisoners in the administration has been introduced in order to educate prisoners to self-responsibility (co-operation in organising leisure time activities, radio programmes etc.). The young prisoners themselves elect four of their fellow-inmates as spokesman for the duration of one month. Re-election is possible not before the expiry of three months.

The spokesmen elected once a week have the possibility to submit wishes, suggestions or complaints to the director. Some of the young prisoners take part in the «Telekolleg» (lessons given over the television).

- f) Another novelty has been introduced by handing to prisoners, for the work performed by them, a cheque as means of payment for use in the institution only which is to replace the former pocket-money that was only credited to the prisoners accounts. By this «money» (cheque) prisoners may do their daily shopping. For that purpose, a kind of kiosk has been provided in the institution. Moreover, prisoners take their meals commonly where attention is paid to good manners at table.

- g) Inside the institution prisoners are chiefly occupied with work for electro-technical industry which is widely spread in the area of Pforzheim. Another group works in two industrial plants outside the institution. It is proposed to set up a workshop for apprentices (semi-skilled workers).

- h) Further proposed is the construction of a penal institution for young prisoners with a capacity of 400 posts. The experience made so far will be utilized.

2) *Institution for young prisoners (434) at Darmstadt (Hesse)*

- a) Based on experiences made in many years with a «young men's division» of the prison at Kassel, the Hessian Justice Department will have accomplished, in autumn 1969, a new building which, with the exception of a small sepa-

rate division for prisoners awaiting trial, is intended to receive young prisoners.

- b) The penal institution at Darmstadt will fill a gap which existed in the Hessian prison system with regard to young persons. In future, «young prisoners» will be committed to his institution, i.e. offenders from 18 to 24 years of age who have been sentenced to «imprisonment» and those persons sentenced to «juvenile imprisonment» who by order of the judge were excluded from juvenile imprisonment because their further stay in a juvenile institution does not promise any success or even presents a considerable danger for the other prisoners. In order that the aim of their resocialization may be achieved special help of a socio-therapeutic nature is required.

It is in conformity with international rules that institutions, in particular juvenile penal institutions and those for young prisoners, be erected in the so-called «pavilion style» so that a better classification can be made. The pavilion style best meets the basic requirement of group education to form closed educational groups. In the institution it is planned that constructive work be done in modern workshops (the so-called «Werkhof») and also vocational training be carried out. The printing works of the institution will be available to the whole Hessian Justice Administration (Ministerial Gazette, forms etc.). Work, instruction, physical training and meaningful activities during leisure hours will serve the purpose to re-integrate young prisoners into society.

Work and leisure time activities in the community, with separation at night (single cells) in order to prevent criminogenic factors, are internationally recognized essential rules for the treatment of offenders, which were observed when the structural conception of the new institution was worked out.

- c) *Solution of the architectural task Building site :*

Darmstadt-Eberstadt, Marienburger Strasse (Woodland), size : 212.321 m², therefrom institution itself : 156.770 m². Distance from court buildings at Darmstadt after completion of the new high-way Darmstadt-Eberstadt — approximately 8,5 km.

Prison and Remand Prison :

General :

Surrounded by a 5 m high wall, length 1,2 km, of prefabricated steel concrete parts.

A 50 m wide wood stripe remains between the wall and the limit of the site which is marked by a screen wire fence. Also within the wall ring the wood will be kept as far as possible.

Outside the gate :

Garage building with transformation station and waiting room and parking lot for visitors.

Entrance with elevator ; entrance building with porter's lodge, arms depot and visitors' rooms.

The institution area will be made accessible by a road system.

In the South-East of the institution area the remand prison is located, surrounded by a special fence ; next thereto is the printing shop.

South of the main access-road, in addition to the remand prison the accommodation buildings, sick rooms and rooms of the medical staff are located ;

North of the road, there are administration buildings, kitchen, a hall for many purposes, heating plant and workshops.

Basic idea of the overall planning :

Dispersed arrangement of buildings with one or two stories ; only the East-wing is three stories high.

The Accomodation buildings

are arranged in such a way that it is impossible to look into the opposite cells. All accomodation buildings in North-South direction, i.e. all the cells towards East or West ; middle passage with front light from North. Each floor, except one special unit, contains approximately 30 single cells, i.e. space for 30 prisoners, and only in the actual prison, one common cell for three prisoners ; a warden's room giving insight into the middle passage and recreation rooms ; a room for cleaning tools as well as a consulting room of the welfare worker, the latter room, however, only in the actual prison. In the basement of each building there is a shower-room with toilet and dressing-room, a drying-room and storerooms.

Detention cells :

2 in the remand prison (East wing) ;

4 in the prison.

Calming-down cells :

2 in the remand prison (North wing).

d) *Equipment of the cells :*

Single cells :

size 7,76 m² (2,26 x 3,51 m) or (sleeping cells) 6,80 m² (2,01 m x 3,51 m), water toilet with flushcleaning, washing basin, locker, folding bed, table, chair with back, wall plug for safety-razors, ear-phone connection ; in the cells of the remand prison in addition an intercommunication connection. (In the passages and community rooms loudspeakers for the electro-acoustical transmission plant ; the recreation rooms of the special unit are television-equipped).

Windows with rotating and tipping device, one-wing, big pane (appr. 1 m²) ; rotation may be eliminated by key. Radiator next to door to be regulated by prisoner.

Ventilation of cell, in wintertime by force of gravity, in summer by electricity ; separate ventilation shafts leading into the roof.

Waste-pipes of toilets and basins separated by stories (in remand prison).

Common cells : 20,76 m² (6,01 m x 3,51 m) or 19,7 m² (5,76 m x 3,51 m) with two beds one upon the other and one folding bed, three lockers, one toilet-cabin with flushing, one hand basin, one table with three chairs, razor's plug and three earphone connections.

Detention cells : Accessible through anteroom (5,5 m²), two doors. Size : 7,76 m².

Equipment : W.C., concrete bed with wood planks ; built-in radiator (Konvektor).

Windows of glass-stone with airing bat.

Ventilation as in single cells.

Calming-down cells : like detention cells.

Locks : STUV-locks with seven tumblers and optical bolt for the whole institution.

Separate closing of the different units ; general key for all the locks.

e) *Buildings of the remand prison :*

Arrangement : Eastern cell-wing, 3-stories high, Northern cell-wing, 2-stories high, connected with each other by middle part, 1 story high, with reception room, small rooms, visitors' rooms and sick quarters etc.

Cell-wing : Altogether 130 single cells for prisoners awaiting trial and 20 single cells for prisoners under sentence occupied in the printing-works (accommodated separately at the South end of the Eastern wing). In the 1st and 2nd floor of the Eastern wing one workroom each (37 m²) ; goods lift from basement to 2nd floor.

Middle part : Porter's lodge, reception and several small rooms ; 5 reception and release cells, 5 consulting rooms with visitors' waiting-room ; medical area with surgery, waiting-room, 4 sick-quarters (single), bathroom for sick prisoners.

f) *Accommodation building of the prison :*

5 cell-buildings for 2 x 60 prisoners, 2 x 68 prisoners, 1 x 28 prisoners, in total : 284 prisoners.

g) *Common facilities :*

Garage building and visitors' parking lot before the entrance ; in the garage building special waiting room for visitors.

Entrance building with elevator. Look from the porter's place to the outside and elevator. In the porter's lodge call-boxes for visitors, and a dressing room for officers.

Medical area : between remand prison and accommodation buildings of the prison.

Sick quarters : in East-West direction ; dentist's and psychiatrist's rooms North/South. Annexed to the sick quarters consulting room, waiting-room, etc., 3 single rooms and 3 common rooms for sick prisoners.

The medical area is equipped with an X-ray plant with electro-cardiograph.

Administration building immediately behind elevator with administration, reception, release office, small store-

rooms, workshops, school-rooms, library; in the basement, chapel for 160 visitors. In the upper floor central supervision with outlook over almost the whole institution area; central switching-on the electro-acoustical transmission for all buildings as well as intercommunication with the entrance, central office of the guards' control room, clock, radio and television installation; at night also intercommunication with door and cells as well as the alarm installation.

In the basement emergency current generator.

Kitchen building: Kitchen with all accessories (storage rooms etc.): dining room, optically subdivided, 157 m² (appr. 150 posts).

Multiple purpose hall:

Size: 272,5 m² for 250 persons, platform (55 m²) with film projecting room and adjoining rooms. The hall is used as gymnasium, for lectures, film and theater shows.

Heating plant: capacity 4.000.000 thermal units, 3 lowpressure boilers for light oil, 2 hot water boilers for 5.000 litres each, 10 oil tanks for 40.000 litres each; chimney — 35 m high.

Workshop hall: Appr. 2.350 m² gross surface; medium-sized loading space, institution-owned plants (wood and metal).

Printing works, fully usable basement included: three-stories;

in the first floor: working rooms of the printing works (printing shop, compositor's room, stereotyping, etc.)

in the upper floor: forms storage, bookbindery, dispatch and writing room;

in the basement: big paper store, goods lift.

h) *Construction: Institution area*:

Buildings: brickwork, unplastered. Saddleroofs with flat inclination roofed with red tiles. Tar paper roofs on heating plant, workshop hall and entrance. In the inside, the buildings are plastered, passages with hard plastic, interior rooms with dispersion paint (to be washed up). For the offices rough-structure wall-paper and paint are provided.

i) *Building expenses*:

The total building expenses, printing works and official residences included, are estimated at DM 22.000.000. —

IV. — *Socio-therapeutic institutions.*

1) Under the Second Penal Reform Act of 4 July 1969 (Federal Gazette, part I, p. 717 et seq.) which will enter into force on 1st October 1973, «Commitment to a socio-therapeutic institution» is provided as a new measure of safety and rehabilitation.

2) Section 65 of the Act reads: (*)

(1) The court shall order, in addition to punishment, commitment to a socio-therapeutic institution if

1. the perpetrator presents a grave disturbance of his personality and is sentenced to imprisonment of not less than two years for an intentional offence after having been sentenced twice already to imprisonment of not less than one year for intentional offences committed prior to the new offence and after having served, before the commission of the new offence, at least one year of those sentences imposed for one or more of the previous offences or having been detained for the same period under a measure of rehabilitation and safety, and the danger exists that he will continue to commit relevant unlawful acts, or
2. the perpetrator has been sentenced to imprisonment of not less than one year for an intentional offence caused by his sexual desire and the danger exists that in connection with his sexual desires he will continue to commit relevant unlawful acts.

Commitment shall be ordered only where in consideration of the perpetrator's condition the special therapeutics and social help available in a socio-therapeutic institution placed under the direction of a medical specialist are appropriate means for his rehabilitation.

(2) If someone has committed an intentional offence before completing his twenty-seventh year of age, and thereby incurred imprisonment of not less than one year, the court shall, or-

(*) Provisional translation.

der, in addition to the punishment, commitment to a socio-therapeutic institution if

1. the perpetrator prior to the latter offence, but after completing his sixteenth year of age, committed two relevant intentional offences punishable by imprisonment, for which custodial education has been ordered or imprisonment imposed;
2. prior to the new offence, and for a period of not less than one year, the perpetrator has either been in a home for custodial education or been imprisoned, and
3. a total assessment of the perpetrator and his acts reveals the danger that he will develop into an offender by tendency.

(3) Where in the case of a perpetrator the conditions of section 63 para. 1 are fulfilled, the court shall order, in lieu of commitment to a psychiatric hospital, commitment to a socio-therapeutic institution if in consideration of the perpetrator's condition the special therapeutics and social help available in such an institution are more appropriate for his rehabilitation than treatment in a psychiatric hospital.

(4) In the cases provided by para. 1 No. 1 and para. 2, section 48 paras. 3 and 4 shall apply *mutatis mutandis*. In the cases of para. 2 custodial education will not be carried out if between the date of its suspension and the following act more than two years have elapsed; the time during which the perpetrator by order of an authority has been kept in an institution shall not be included in such period.

(5) An act adjudicated outside the territorial scope of this Act shall be equivalent to an act adjudicated within such scope where it would be an intentional offence according to German criminal law.

- 3) As a rule, the measure is executed before punishment. If so, the time during which the measure was executed may be counted toward the punishment (s. 67 paras. 1, 4 of the Act).
- 4) In the Federal Republic of Germany there exist, at present, some small institutions (hospitals, psychiatric-psychic-therapeutic divisions of penal institutions, etc.) which are supervised by psychiatrists employed in the prison service.

In the years to come, it will be the task of the federal states (Laender) of the Federal Republic of Germany to create the

conditions necessary for the execution of this measure (of safety and rehabilitation), also in consideration of the experience gained abroad (inter alia, in Denmark, the Netherlands).

- 5) In that context it will also be necessary to consider whether it might be appropriate to create special institutions for persons committed to a socio-therapeutic institution under section 65 para. 2 of the Act, by reason of their age; if possible, such institutions should be set up for common use by several states of the Federal Republic; a suggestion that I consider necessary.

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15. — Proceedings of the Second meeting of Heads of Prison Administrations — Paris 26-29 September 1967 — And homage to Mr. Director-general Alfonso Garofalo — Imprimerie Administrative, Nivelles — Belgium, 1969 (not in the stores).
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END