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REPORT
OF
THE CANADIAN DELEGATION
TO
THE FIFTH UNITED NATIONS CONGRESS
ON THE PREVENTION OF CRIME AND
THE TREATMENT OF OFFENDERS

HELD IN GENEVA, SWITZERLAND
1-12 SEPTEMBER 1975

(in three volumes)

THE HONOURABLE WARREN ALLMAND
SOLICITOR GENERAL OF CANADA
HEAD OF THE DELEGATION

HV
6010
U54C
5th/1975
v.3

VOLUME III

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APPENDIX G

SPECIAL ADDRESSES BY CANADIANS

FIFTH UNITED NATIONS CONGRESS ON
THE PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS
GENEVA, SWITZERLAND

DEVELOPING A STABLE BASE
FOR CRIMINAL JUSTICE PLANNING

LECTURE DELIVERED ON
SEPTEMBER 5, 1975
By W. T. McGRATH

DEVELOPING A STABLE BASE FOR CRIMINAL JUSTICE PLANNING

Criminal justice in Canada is not unique. We share a tradition with many countries and face similar problems today. Few, if any, of the reforms we are experimenting with originated in Canada; most were imported. I will speak from a Canadian perspective but I believe much of what I have to say applies far outside our borders.

If my reading of public sentiment is accurate, an interest in seeking out an acceptable moral code to guide social and private living is now discernable in many countries. We have gone through a period of moral uncertainty that has left a feeling of unease, disorientation and even fear. Many people are coming to recognize that only a firm moral code can provide stability for society and a sense of security for the individual.

This movement is paralleled in the field of criminal justice. Historically, our laws were based on religious tenets. That gave an orientation that was too narrow and too rigid and we wisely, I believe, separated law from religion. The difficulty is that we have been unable to find a substitute that gives objectivity and consistency to our efforts to improve the criminal justice system. The result is a confusion of aims, policies and practices that borders on chaos. Major changes are being made without reference to any over-all plan and these patch-work developments often create as many problems as they solve.

If we are to bring order out of this confusion we must develop a firm philosophical foundation from which to operate. Such a foundation must be based on moral conviction. In my opinion our present difficulties arise in large part from undue reliance on rational considerations and a neglect of the demands of morality.

One can speculate as to why we have been neglecting the moral aspects of criminal justice:

- Those of us who are involved in the criminal justice field have probably been influenced by the general rejection of moral standards. Poking fun at so-called middle-class values, whatever that term means, has become a sport and many of us are embarrassed to confess a moral orientation.
- We recognized that the old religious basis for the law was too narrow and in our efforts to secularize the law we rejected morality along with religion.
- Some of us have assumed that a moral basis for criminal justice exists without identifying it or considering whether it needs up-dating.
- The principle that we should not utilize the criminal law to regulate immoral behaviour that does not endanger others now seems generally accepted. Some professionals seem to have drawn

from that principle the illogical corollary that morality has little to offer criminal justice and that we should rely mainly if not exclusively on logic.

Today, increasing attention is being paid to morality and the law. Unfortunately, much of this debate has been confined to the scholarly journals and reaches scholars only and not the public or those employed in the criminal justice agencies.

Frequent references to ethical considerations appear in the manuals of standards that have been published recently, but in most instances they are confined to a statement that a code of practice should be adopted by each of the criminal justice agencies without saying what these codes should contain or how they should be developed.

The limited reference to moral issues in popular literature and in the technical literature that reaches and influences practitioners has, for the most part, appeared in support of efforts to cast doubt on the validity of criminal justice itself. This purely negative approach cannot go unchallenged.

The most notable exception to the general tendency to play down moral factors is in the area of prisoners' rights. However, there seems to be no clear principle guiding these activities and no clear goal. As a result there have been ill effects as well as beneficial effects. One ill effect is the constant erosion of the authority of correctional personnel, with no end to that erosion in sight. Correctional staffs, and particularly prison staffs, no longer know what is expected of them or what authority they carry.

All of this discussion of morality puts the emphasis on rights. None of it puts the emphasis on responsibilities.

What is required is a broadly-based effort involving scholars, practitioners, offenders and the public to lay a stable foundation under criminal justice that gives due weight to morality and stresses responsibilities as well as rights.

The individual needs a moral basis for testing his own motives in relation to crime and criminals. The social individual's reaction to the criminal draws on some of the more primitive sources of human motivation and we often deceive ourselves into believing we are objective and positive when we are just the opposite. I would refer you to the debate on the death penalty for a prime example of emotion appearing under the guise of logic. If we are to develop good criminal laws and good criminal justice practices, the individual must measure his motivation against objective morality.

The place of a moral code in the rehabilitation of offenders also requires consideration. Some of the clergy working in this field seem as embarrassed as the rest of us to admit a moral orientation and have turned to practices indistinguishable from those employed by social workers. There is a movement in psychiatry called hominology that attempts to integrate moral values with other elements in treatment. Useful research has been done recently on how the moral sense develops in the child. Perhaps out of a deliberate consideration of the place of morality in criminal justice will come guides as to its possible utilization in rehabilitation.

Today, I would like to consider the relationship between morality and the criminal law under four headings.

1. Determining the Aims and Purpose of the Criminal Law

Historically, the criminal law has been used more to suppress the legitimate aspirations of people than it has to support those aspirations. This was true in the domination of one social class by another and in the domination of one nation by another following conquest. A facile justification of such domination is easy if one relies only on rationality. It can be argued that the larger political and economic unit is more stable and more viable and it can be argued that the dominated class or race is less educated, less experienced or less self-disciplined and therefore control by a more effective administration is to its advantage.

These arguments are difficult to answer on the basis of logic. It is only when we turn to morality that such issues can be seen in perspective.

The confusion that has arisen from sole reliance on logic in establishing the aims and purpose of the criminal law is obvious. In Canada in recent years two major

national commissions have considered the question. The Canadian Committee on Corrections set out the basic purpose as the protection of the individual member of society from dangerous activity. The present Law Reform Commission takes the view that the basic purpose is the protection of core community values. One approach puts the emphasis on individual human beings, the other puts the emphasis on the offence. I do not want to debate here which of these two approaches is preferable but I do want to stress that they lead in quite different directions.

We may be expecting too much from research in laying the foundations of criminal justice. Most of the truly basic issues are ethical in nature and are not researchable. Included are such questions as these:

- What are the appropriate aims and purpose of criminal justice?

- What is the appropriate balance between protecting members of the

public through enforcement and protecting individual rights and freedoms?

- Should the victim of crime be expected to bear the loss alone, or should the loss be shared by the community as a whole through compensation?
- How important is the protection of the innocent against wrongful conviction, and how much money are we justified in spending to ensure it?
- How much discretion should be allowed the police, the courts and the correctional officers?
- Does retribution apply? That is, should the criminal suffer as a

matter of principle for what he
has done?

Research can influence our conclusions on these questions by providing background information and by demonstrating how various policies work in practice, but the questions themselves are not researchable.

Some questions that are theoretically researchable are beyond our present research skills. Probably the greatest of these is whether there is any deterrent value in judicial punishments and, if so, under what conditions it applies. We who consider ourselves supporters of progressive criminology tend to downgrade the deterrent effect of judicial punishment. We may be right in our assumption but we are in conflict with public opinion, with many law enforcement officers, and with many members of the Bench.

Many of us in Canada would agree that well over half of the people incarcerated in that country at this moment could be released without danger to members

of society and with great benefit to the individual inmates involved. What we do not know is whether it was profitable to send these people to prison at all for reasons of deterrence.

All evaluative research in this field is dependent on moral definitions of success since there is no measure of success independent of moral judgement. Even such a seemingly-objective measure as a decrease in the crime rate is valid only after subjection to the test of morality. There are many ways of lowering the crime rate that are morally wrong.

Criminological research has been of tremendous value in pointing out the weaknesses in the present system. It has been less successful in suggesting effective alternatives.

2. Determining What Actions Should Be Defined as Crime

We are coming to distinguish two types of

crime: those that a good proportion of ordinary citizens probably commit or would if they had the opportunity and those the average citizen does not commit and would not commit except in most unusual circumstances. This distinction comes very close to the classical distinction of malum in se and malum prohibitum but it relies more on the pragmatic measure of incidence.

Which offences fit into each of these two categories will vary from society to society. People who are discriminated against in the criminal law on the basis of race, religion, social class, or something similar probably and understandably accept a degree of civil disobedience as "normal" that would not be accepted as such in more mature countries. It should be recognized that the problem presented by the so-called "new forms of crime" being discussed by one of the sections of this congress would be very different if there were economic and political equality among nations.

Attitudes within a particular society towards specific offences change over periods of time,

sometimes resulting in a particular act's being removed from the list of crimes. I suspect that certain forms of petty theft are now so common in Canada that they no longer shock the public and, unless this change in attitudes can be reversed, we may be forced to consider them regulatory offences. I doubt if many Canadians would be embarrassed if convicted of smuggling goods across the border, or income tax evasion, or pilfering from an employer, or cheating the public insurance or public welfare system, or even graft, although they would, no doubt, regret any penalty they were forced to pay. It should be noted that in all these offences the victim is the government or a corporation rather than an individual.

There are serious dangers in applying the sin measurement to establish the relative seriousness of crimes. In Canada we consider the smoking of cannabis a serious offence and exhaust a considerable portion of our resources in enforcing the laws against it, while syndicated crime continues to grow and while our environment is being destroyed to the point where its sufficiency to support our population is threatened. For some peculiar reason we do not see the same sin content in these latter offences.

3. Application of the Law

How the law is applied is in many ways more important than the law itself in terms of its real-life effect on people. A law can be rigorously enforced or it can be permitted to fall into relative dis-use. Punishment for the same offence can be heavy or light. Laws can be applied fairly or they can be applied in a discriminatory manner and with disregard for the rights of the individual. How the law is applied is difficult to monitor since it consists of thousands of individual incidents and because much of it goes on behind closed doors.

No process of supervision, no appeal procedure, no ombudsman will protect the citizen against improper practices by the criminal justice agencies unless supported by personal dedication on the part of the large majority of the personnel involved. Unless those who are implementing the criminal law subscribe to a high moral code the law will fail.

I am not sure this fact is sufficiently recognized in personnel practices related to the criminal justice agencies. Perhaps less emphasis should be put on intelligence and education, in hiring and in training, and more on ethical orientation. Professionalism is no substitute for morality.

Great emphasis is now placed on the systems approach to criminal justice, with efficiency experts and economists bringing in their particular skills. These people are making an important contribution to the field, forcing us to look at what really happens in practice in contrast to what we sometimes naively supposed was happening. However, I am afraid that as we become more professional, more sophisticated, more efficient, we may lose sight of the fact that the drive that leads mankind to seek justice is based on dedication to principle and not to efficiency. There is a danger that we will lose sight of the real goals of justice and that administration will become an end in itself. This danger is particularly acute as government services get bigger and bigger and further and further removed from the people they are intended to serve.

I would question the emphasis on unity in the criminal justice system on other grounds as well.

The only thing that pulls all segments of the field together is an assumed common allegiance to a statement of aims and purpose at a high level of generality. Within the scope of that statement each segment has its own sub-goals and they are not always in harmony. Indeed, in some ways they are adversary in nature, adversary in the sense that term is used to designate the form of criminal trial that originated in England.

If when we speak of unity in criminal justice we mean unity of basic purpose I support the intention. If we mean administrative unity then dangers arise.

For instance, it would be most undesirable, in my opinion, for the courts and the police to be joined in any kind of administrative unity. The court's independence to act as referee between the citizen and possible mis-use of police power must be obvious as well as real, and that demands administrative and physical separation. Similar comments can be made in relation to the prosecution and the defence. They must be obviously separate.

Moral issues are being created by the development of computerized data banks that house information considered necessary to administrators, policy planners and researchers. As these data banks grow it will prove impossible to maintain the confidentiality of the information they contain. This sets up a direct conflict with the principle of protection of personal privacy. What is the proper balance between these two demands? It should be stressed that this is another of those issues that are not researchable but must be answered on the basis of ethics.

4. Personal Response to the Demands of the Criminal Law

A twisted version of the findings of social science is being used to give seemingly objective, scientific, support to the theory that the criminal is not responsible for the harm he has done. Sociology and psychology, so the argument goes, teach that the individual is a product of the interaction between his inherent characteristics and his life experiences. It is obvious that the

individual cannot be held responsible for what he inherited or how he was brought up.

Criminology teaches that all citizens break the criminal law and that the important area of study is the process that selects only a few of the many offenders for public condemnation and punishment. The convicted criminal is therefore no worse than his neighbours.

These arguments have been presented consistently enough that even some of the offenders who have been convicted of serious crime adopt them and honestly see themselves as martyrs. They justify themselves by such statements as these:

- we're all criminals but the system protects the big-shots;

- we're all criminals but I was unlucky enough to get caught;

- I never had a chance because
of my upbringing. I'm not to
blame for what I did.

If these propositions are accepted it is obvious that the criminal cannot be expected to reform since he has done nothing for which he can be blamed. The criminal becomes not only an object of sympathy but he takes on a romantic aura that makes him worthy of emulation. Young people can be misled into believing they are sacrificing themselves for the good of humanity if they become criminals.

The frightening thing about these propositions is that there is substantial truth in them. The criminal law does apply unevenly, at least in my country, and falls most heavily on the dispossessed. It is probably true that all citizens offend against the criminal law, at least on rare occasions, although this kind of mass behaviour is limited to certain kinds of offence. The average citizen does not, for instance, get involved in crimes of violence.

The proposition related to free-will raises more complex issues. It is true that the individual is at least in large measure the product of the inter-play between heredity and environment. Whether he also has a core of free-will that surmounts these elements has been long debated without resolution and I doubt if we could reach a consensus here today.

The implications of this question for punishment and treatment are obvious and immediate. If the individual is a robot then it is unjust and unreasonable to punish him and such forced therapies as lobotomy and conditioning may be the only effective forms of treatment. If he does have the power of self-determination then punishment may be justified, at least if it has a salutary effect on future behaviour, and treatment should aim at developing self-control.

This issue takes on added urgency because it is closely related to the elusive concept of mens rea, or criminal responsibility, that lies at the heart of our criminal justice process. As far as I can see mens rea is a legal

fiction that does not reflect psychological reality and cannot even be adequately defined.

Another moral issue that arises under this heading is whether the individual has an absolute duty to obey the criminal law at all times. The answer to that question probably depends on where the individual lives. People who live in a country where the criminal law formally discriminates against certain groups on the basis of race, religion, social status, or something similar are, in my opinion, justified in refusing to obey that law although to do so raises serious questions as to which forms of disobedience are morally acceptable and which are not.

Quite different considerations prevail, I believe, in countries where the criminal law is at least intended to apply equally to all and where some effort is made to live up to that goal. In that situation the individual assumes a grave responsibility when he chooses to make an issue by openly disobeying the criminal law, even though he may be fighting what he considers an unjust provision of that law.

To refuse to obey one provision of the law is to challenge the rule of law itself. If each person is free to choose which provisions of the law he will obey we have, in effect, no law at all.

There is, of course, a potential danger that we might come to confuse blind acceptance of the law with morality. That should be avoided at all costs since it only serves to stifle criticism and perpetuate injustice. The opposite principle must prevail: the individual has a moral duty to oppose those aspects of the law he thinks are wrong and press through legal channels for reform.

If the citizen has a moral duty to obey the law, does he also have a duty to help enforce it? If so, under what circumstances is this duty demanded of him? I could think of few things that would be more destructive of community morale than a practice among neighbours of watching each other and reporting every small legal breach. Perhaps this responsibility should be confined to the more serious forms of crime.

Does the citizen who has knowledge of a serious crime still in the planning stage and which could be prevented have a different responsibility than the citizen who has knowledge of a crime already committed? Should the citizen take the initiative in going to the police or should he confine himself to giving the information to the victim or potential victim?

Should he go to the aid of a person under assault? Under what circumstances would he be excused from taking action on the grounds that his own safety was endangered? We hear constantly about people who watch others under assault without offering aid, although I suspect that in many instances the audience did not want to appear officious and were uncertain whether a real assault was intended.

Should the citizen go to the assistance of a policeman to help him in making an arrest or carrying out some other police function?

Duties of this nature are recognized in

Canada's criminal law. Our law provides for a citizen's arrest under certain conditions. It requires the citizen to go to the assistance of the police when asked by the police to do so.

Another moral issue that is related to citizen responsibility has to do with the reformed criminal who is trying to get re-established. If he is not accepted into the community and given employment and friendship he will be forced back into a life of crime. Only the individual citizens who make up that community can extend the acceptance he requires. Have they a moral duty to extend such acceptance?

TOWARD ACTION

These are some of the issues that seem to me to require organized attention before we can plan with confidence. I want to make it clear that I am not downgrading the role of reason in criminal justice. That would be obviously foolish. My point is that rational considerations must be

partnered by moral considerations. Criminal justice must be based jointly on reason, including factual information contributed by research, and ethical debate. We have been emphasizing the one and neglecting the other.

As always in such matters it is easier to ask the questions than to provide the answers. I have no intention of trying to answer the questions raised above, partly because I do not know the answers, partly because the answers will require input from many disciplines. I would, however, make a few comments on how we might go about seeking answers.

Before starting out to clarify the moral basis of criminal justice, there are several procedural matters to be settled:

- What is meant by "moral" in this context?

- Can there be a moral basis that applies only in criminal justice, or must it be applicable to other aspects of society as well?

- Would an internationally-acceptable moral basis for the criminal law be feasible, or must one be developed independently in each country? The United Nations Declaration of Human Rights might be a valuable resource document.

- Who would provide leadership?

Where would we start? The best beginning would probably be the development of a citizens' code of responsibility in criminal justice. Perhaps a citizens' code would provide the guidance needed by legislators and practitioners as well. In any case, if we do not have public support all efforts will fail. Broad involvement of the public in creating such a code would be essential. The necessary discussions that would precede agreement on what the code would say would be a valuable public education exercise.

Another important and related beginning might be in the development of a code of ethics for the media, a code that might include some guides towards the control of violence displayed through the media. The widest possible involvement of media personnel would be essential.

Great care will be needed to avoid a return to equating crime with sin and identifying the criminal as a fit target for divine wrath. We would also want to avoid any extension of the scope of the criminal law on the wrong assumption that the criminal law can solve all of society's problems. However, I am confident that people generally are prepared to support a sane, humane and balanced system.

The difficulties in this endeavour are intimidating but they must not be permitted to stop or delay us. The need becomes ever more urgent. Public confidence in the criminal justice system is declining in many countries. One result is a back-lash that may well negate present efforts to make the system more humane. We must find a stable base for criminal justice if public confidence is to be restored. Such a base must have a strong moral component or the public will not accept it.

The alternative is a continuing decline in public trust in and respect for the rule of law. That would lead to tragedy because no substitute for the rule of law exists and if it fails, so will our societies.

Even greater problems lie ahead as the affairs of nations become more entwined. If we cannot handle the moral issues related to traditional crime how will we deal with those related to developing international social problems? For instance, the greatest social problem facing the world is over-population. The experts tell us there will soon be more people on earth than our food supply and our environment will sustain. Voluntary restraints are obviously not working and coercion may be necessary.

What role, if any, will criminal law play in such an issue? The moral implications of that question are very great indeed.

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

GENEVA, SWITZERLAND

SECTION II

Criminal legislation, judicial procedures
and other forms of social control
in the prevention of crime

CHANGES IN JUDICIAL
PROCEDURE AND THE
DIVERSION OF OFFENDERS

Consultant's Introductory Comments

by

Mr. John Ekstedt

Definition

Usually one of the first problems encountered in discussing the concept of diversion in criminal justice is the difficulty in developing a common understanding of the term.

For the purpose of this presentation, diversion will be defined broadly as follows:

Any process which provides effective alternatives to the established criminal justice system as a response to persons who have offended the values of society as determined by law;

I will also include within the definition of diversion, for purposes of this discussion, any process which removes a person from the criminal justice system to an effective alternative whilst still under the sanction of law.

I believe it is worth suggesting that any definition of diversion requires the inclusion of specific decision-making responsibility within the criminal justice system in determining the criteria for assignment and actual assignment of persons to those programs. Diversion implies that an assignment of persons to those programs. Diversion implies that an individual has made contact with the system through an accusation of criminal behaviour by representatives of the system or by members of the community at large. In this respect, diversion may be seen to be clearly distinctive from prevention, although related to practices in that area.

An additional thought which I would like to introduce

here is that it may be possible for the criminal justice system in developing and adjusting to this type of decision-making role to find a useful stimulus for effective and positive internal process of change.

Relating Diversion to the Objectives of the Criminal Justice System

Obviously, diversion in this broad sense, opens up the possibility for significant social experimentation, which deserves a word of caution.

I would like to suggest that diversion first of all be viewed as related to the traditional objectives of the criminal justice system. The concept of diversion does not necessarily imply a subversion of those traditional objectives. Again, as in the definition of diversion, it is difficult to establish a common set of objectives which would apply to all criminal justice systems. I would like to suggest, however, that there are certain objectives which recur frequently. I would identify those as follows:

1. the assurance of public safety;
2. the application of legitimate consequences for behaviour which violates social values as determined by law. (Included in these consequences are the concepts of deterrence and restitution).
3. To re-establish the offender in his relationship with the victim (whether that be an individual, community or total society).

Much of the work in diversion with which I am familiar is established to assure these objectives, in the belief that many institutionalized criminal justice systems are actually counter productive in relation to those objectives.

For instance, prisons may represent a threat to public safety rather than ensuring public safety. Often the offender returns to the community more resentful and less able to cope with social demands.

Often, the offender, in attempting to relate to the unusual sub-culture of the criminal justice system (in all its aspects), loses touch with the fact that he is there because he committed a specific offence. This is particularly true when the penalty provides no opportunity for restitution.

As well, it is often the case that the institutionalized offender is less able to practice useful social skills on his return to the community and more likely to get into trouble than was the case at the time of his first offence.

It is for these reasons, and others, that a number of countries are exploring the concept of diversion.

Community Involvement

Another important point related to diversion is that it implies a level of total community responsibility and willingness by the community to be involved with the problems of crime. It is debatable whether or not the community at large is ready to accept that type of responsibility in many places. An important task then in the implementation of

diversion programs is the education of the public related to participation in the rehabilitation of offenders.

Diversion Programs

Since the Study on Diversion by the Law Reform Commission of Canada is quoted several times in the official United Nations document on this subject, I would like to outline a few of the programs underway there. These have just begun in many respects and much is to be learned about them. These programs run a range from total avoidance of the criminal justice system to a number of options within the criminal justice system.

Police Discretion

Specific attention is being given to the education of police forces in the use of discretion, the implications of discretionary decision-making and the relationship of these discretionary decisions to the objectives of justice. In order to be effective, police discretion requires a close working relationship between the policeman, the community, and available community resources.

Organized Community Intervention

There are several programs operating in Canada which involve private agencies in the community offering voluntary community options at the pre-trial and post disposition level. These involve voluntary supervision, counselling of various types, education programs, employment programs, etc. Persons may enter these programs as a result of a court order or by the decision of the prosecutor to withdraw charges (which in itself is now operating in many

jurisdictions as a diversionary tactic). This often involves an agreement or contract between the agency offering the service and the individual accused. Police may also use this type of resource at the point of street contact as an alternative to having the person charged.

It is interesting that this type of resource often involves the development of a special mediation skill which may be used in an attempt to reconcile the accused with his alleged victim, or between the accused, the victim and law enforcement agencies.

It is important to caution here that this procedure must recognize the right of choice by the victim and accused to their day in court.

Bail Supervision

The essential objective of bail supervision is to provide an option involving supervision other than institutional for persons who have been remanded for trial. This usually involves persons who would not receive bail because they lack a residence local to the court or because of an inability to pay. It is also hoped that these programs will pick up persons who would otherwise be sentenced to institutions rather than persons who would otherwise be released on their own recognizance. (This points up another caution: Diversion programs can become a means of providing greater inhibition and controls rather than lesser ones. Often the development of an expanded range of programs only places persons into controlled environment with which they would otherwise not be faced.)

Fine Supervision

The objective of these programs is to reduce the possibility of persons being sentenced to jail because of an inability to pay a fine. These programs can provide the individual with an opportunity to organize himself in meeting the obligation of the fine imposed by the court.

Community Work Service Programs

These programs attempt to involve the community in the provision of community service work opportunities for persons who come into conflict with the law. These programs become available to the court as an alternative disposition.

Alternatives to Prison

A number of programs are operating around the world involving community based alternatives to the traditional prison. One notable development in this area is the increased use in some jurisdictions of temporary absence. This program involves the offender in the use of community resources for educative, social or employment opportunities.

Programs of Probation and Parole

There are numerous programs attached to the use of probation and parole which attempt to integrate the individual as soon as possible into the total life of the community. The use of community residential centres for persons who have no residence is increasing. This involves the purchase of residential accommodation from private agencies who also perform a supervisory, counselling and, in some cases, an educative role. While these do not represent

diversion programs in any "pure" sense, they do represent extensions of the criminal justice system which may lead to diversion practices.

Conclusion

While diversion is not a new field of endeavour, many aspects of it are new and require serious thought and careful attention in their implementation to the needs of the offenders, the community, and the criminal justice system.

One of the serious problems, of course, has to do with the criteria for entrance into diversion programs. While this involves many things, perhaps I could at least note one area:

Many offences do not raise a serious threat to public safety, nor does the individual who committed the offence. Also from the point of view of the community at large, there are many offences which do not raise serious public reaction or concern. Perhaps these represent some of the criteria upon which diversionary decisions can be made.

In conclusion, I would like to suggest two general areas concerning diversion for the attention of this Congress:

1. It is important that an appropriate means be established for determining when the application of a diversionary program meets the needs of the individual, the expectations of society, and the objectives of criminal justice in that society.
2. It is important as well that means be found by which the community at large may better understand and be involved in processes of justice between

persons including the re-establishment of
offending individuals into the life of the
community.

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SECTION II

Criminal legislation, judicial procedures
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ALTERNATIVE FORMS OF SOCIAL
CONTROL IN THE PREVENTION
OF CRIME

Consultant's Introductory Comments
by
Dr. John Hogarth

The criminal justice system is but a minor part of the mechanisms at work in society for the management of conflict and the control of crime. Formal and informal social controls extend to every conceivable social, legal, private and public institution, including most prominently the family and the school.

Since the criminal law is only one of the ways in which society attempts to promote and protect values respecting life, morals and property, it becomes important, if we are to avoid unnecessary alienation between citizens and state organs that the criminal law be used with restraint. Indeed, we now have sufficient experience with formal control mechanisms which have failed to achieve their stated objectives - that we must develop social policies designed to increase the level of tolerance in society for deviant behaviour. Such an approach draws from historical experience which indicates the inevitability of crime and the futility of trying to stamp out conflict between individuals. That means that all human societies, regardless of their political structures must be prepared to accept the inevitability of a certain amount of anti-social and even criminal activity. Accumulating research evidence and writing throws into doubt the efficacy of deterrence and rehabilitation. It is suggested that society's interest in having certain values upheld and protected can often be met by other means.

In a period of rapid social change we are likely to experience more, not less conflict. Indeed, this is healthy, as an active society is one in which there is much expressed conflict over values, goals and competing interests. Conflict is one of the ways in which individuals and groups define their relationship to their communities.

The expression of conflict is an important means by which a society learns about itself, sets priorities and adapts to change. It is therefore important that the state does not attempt to eradicate all conflict but rather provides appropriate means through legal and other institutions for their expression. This does not mean that all conflict should be institutionalized, but rather that institutional forms for coping with conflict be made available.

It is necessary to consider the tasks that can be delegated to or shared with other legal and social services or to community organizations. More important, in the light of documented experience with failed attempts to control behaviour through formal means, it may well be that the best social policy with respect to certain forms of anti-social behaviour is to do nothing. Unintended but predictable side effects of a negative nature often outweigh what can be achieved through organized state intervention.

If we frame the criminal justice system with full recognition of the limits of both the written law and its institutional forms, we will strengthen rather than undermine the legitimacy and the acceptability of the criminal process in the minds of the public. Can we do better than to insist that whatever state intervention is taken through the criminal law it should be justified as serving the common good, and that the intervention be limited by considerations of fairness, justice, humanity, and cost.

It would be presumptuous to suggest to any country the kinds of informal social control mechanisms that should be adopted. Indeed, it is difficult to define the state's

role with respect to these mechanisms, inasmuch as their strength lies in their autonomy, flexibility, and non-official status. However, there are perhaps some generalizations that might be universally applicable. I would like to deal with these.

One can think of a social policy with respect to the management of conflict and the control of crime as consisting of 4 levels of involvement:

1. The first is a decision to refrain from state intervention of any kind, either because the goals are not clearly defined or widely shared, or because the social and economic costs are prohibitive.
2. The second level involves general social strategies attacking the root causes of crime, but not targeted on identified offenders. There is no better investment a society can make than to provide adequate housing, education, health and social services for its people.
3. The third level is one in which the state gives support to what might be called intermediate institutions. By intermediate institution, I mean small, locally controlled, informal organizations that build values, reconcile differences between people, and mediate or manage conflict. Examples can be found in both highly developed and developing countries. For example, most developing countries have long-standing and very frequently successful traditions of customary

law. It is interesting to note that some developing countries are returning to customary law after several years of negative experience with foreign criminal codes, usually left as a legacy from imperial domination. It is imperative to give full attention to the potential of customary law, and in particular, to the sanctions and procedures applied not only for developing countries, but also as to their potential for urban societies.

It is interesting to note that the main thrust of North American social policy has been to emphasize both the smallest and the largest units in society, i.e. the individual and the mega-institution. Very little attention has been paid to the building blocks of society, the family, the neighbourhood, the borough and the city. This is a prescription for alienation, the consequences of which we can now witness. The anomic existence of the individual in the large city who is a stranger to his neighbours, and is forced to relate to his community through large impersonal organizations which affect his daily life, but over which he has little control, is leading to a breakdown in social order as all standard social indicators seem to indicate. Relatively high rates of suicide, divorce, mental illness, crime and juvenile delinquency in large cities as opposed to rural and small town communities reflect the social disorganization which occurs when individuals can no longer relate to one another in human terms. While the return to the village is a hopelessly romantic notion, as many people who have experienced the

communal movement have learned through bitter experience, it should not be beyond the wit of urban dwellers to fashion legal structures in such a way that it provides opportunities for victims and offenders to work out disputes in a manner which reconciles the differences, and through which the community can feel satisfied that justice is done.

4. The fourth level of such a policy retains existing systems of criminal justice with a vastly reduced intake. It would also be back-up system to informal mechanisms dealing with cases in which the human rights of the individuals can only be protected through formal procedures, or where the future dangerousness of the person concerned is such that strong measures must be taken.

Finally, I would like to deal with a number of dilemmas:

1. There may be a danger in giving state support to alternative strategies for conflict management, in that the very attempt by the state to assist in this direction may destroy the very essence or raison d'être of the mechanisms themselves. There is an unfortunate tendency for official organizations, in dealing with innovation arising outside their jurisdiction, to embrace it, control and therefore destroy it. Some way must be found to develop alternative ways that respect their autonomy and preserve their viability.

2. Criteria must be established to determine the kinds of cases and the types of conduct that can be dealt with by informal means and mechanisms will have to be established to ensure that individual rights are not violated in these processes through stigmatizations, scapegoating and unwarranted community condemnation. It may be necessary to fashion mechanisms of escape from informal systems, and to ensure that the participants universally and genuinely submit to such processes. It is not suggested that the gains made over the centuries in fashioning modern criminal justice systems as they presently exist should be lightly abandoned.

3. There is one final problem. A return to very old forms of handling disputes usually involving processes of mediation, conciliation and a high level public participation may well tend to reduce the pace of change. There is an inherently conservative element in all of this. The challenge to change agents will be to mobilize progressive forces within the community, in order to develop alternative ways of coping with crime and social conflict that are both in tune with the complexities of modern life, and at the same time enhance the dignity of individuals.

45

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

GENEVA, SWITZERLAND

SECTION III

The emerging roles of the police and
other law enforcement agencies, with
special reference to changing
expectations and minimum standards
of performance

POLICE INVOLVEMENT IN THE
FORMULATION OF LEGISLATION

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This topic surfaced at the international level in regional preparatory meetings at the initiative of both police officials and officials representing other component parts of the criminal justice system. This is significant in its own right in that it marks a stage in the development of police thinking at which they are prepared to participate constructively in criminal justice planning. It also shows that officials in other parts of the justice system have realized that significant change within that system cannot be achieved without police involvement.

I would like to deal with this topic in a somewhat broader way than simply examining the legislative or law-making process. It would seem more useful to explore the appropriate role of the police in policy making and the consequences of such involvement.

By policy making I mean the decision making process at all levels of the criminal justice system; planning, rule making, the allocation of resources, the development of structures to deliver criminal justice services and the appropriate division of labour among these services, including methods for handling inter-agency conflict.

If one sees the criminal justice process as a system in which decisions made at each stage impact on all other stages, then it follows that police policy is crucial to that process. Being at the front end of the criminal justice system, decisions made by police officers with respect to decisions not to invoke the criminal process, levels of enforcement, priorities with respect to certain kinds of offences, diversion to social agencies and informal mediation at the community level, have important

consequences at each subsequent stage. Moreover, the criminal justice system operates within the wider framework of a social defence network consisting of all the mechanisms in society which promote harmonious relationships between people. This being the case, it is obvious that a criminal justice policy should be one that is both internally consistent and responsive to government policies in other areas of social development.

The police are in a unique position to contribute to both legislation and administrative policy. It is often said that the police are the only agency in the community operating 24 hours a day 7 days a week, and this provides an opportunity to monitor the impact of legislation and of judicial and administrative policy on crime, in the streets and in the community. Moreover, the special position of the police provides them with an opportunity to monitor changes taking place in the community, not only in terms of crime, but also in terms of value systems, life styles, community expectations and other forms of social and institutional change that must be considered in order to adapt the criminal justice system to changing social conditions.

It must be admitted, however, that police involvement in the policy making process has not been significant in most countries. In order to correct the situation, a number of things must be done:

1. It must be recognized that law reform is a task of the whole community and not one professional group.

2. There must be commitment on the part of government to cross-systems planning.
3. The police in the country concerned must have a mandate to play a positive non-repressive role in the community, particularly in respect to the prevention of crime.
4. Police structures themselves must be opened up so that individual constables and officers at all levels and ranks are given responsibility to participate constructively in discussions about crime prevention strategies appropriate to their situation.
5. Incentive and reward systems must be established within police forces which encourage individual police constables and officers to participate in community planning which recognize their contribution in terms of salary and promotion.
6. The training implications of increasing police involvement in long-range and mid-range strategies to deal with crime must be considered. Curriculum in police colleges must pay more attention to community organization, crime prevention, and inter-agency collaboration.

Finally, the police involvement in policy making is likely to benefit the police in a number of non-obvious ways.

The alienation and frustration that the police presently experience with respect to both the judicial and correctional components of the justice system is likely to be reduced. The tendency for the police to take up extreme punitive and self-serving positions with respect to the nature of the criminal justice system is likely to be minimized once they are required to interact with other persons in the development of a balanced criminal justice policy.

FIFTH UNITED NATIONS CONGRESS ON
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TREATMENT OF OFFENDERS

GENEVA, SWITZERLAND

SECTION III

The emerging roles of the police and
other law enforcement agencies, with
special reference to changing
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POLICE RESPONSE TO CHANGING
FORMS OF CRIMINALITY

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The role of the police in our rapidly changing and complex society is itself undergoing change. The police function is caught in an ever-shifting balance between desire for control over both old and new forms of criminality, and concern for individual rights. In most jurisdictions, police structures are being transformed as the debate within and without police circles continues, as to the appropriate role of police in a changing society.

It is evident that the criminal justice system cannot make significant change without fundamental change within policing. Being the major intake agency of the entire criminal justice system, decisions made by police officers with respect to decision not to invoke the criminal process, levels of enforcement, priorities with respect to certain kinds of offences, diversion to social agencies and informal mediation at the community level, have important consequences at each subsequent stage of the process. Improvements in the prevention and control of crime, therefore, cannot be achieved without a police structure which is itself flexible and responsive to changing conditions and levels of expectation.

If change is seen as a continuous process of adaptation to new conditions, then people must be the main targets of change within such a system, rather than rules of law or formal policies which take so long to alter they are often out of date on the day of their birth. Strategies will have to be developed and designed to release and foster growth within individuals who make up the system. In order to achieve this, many things must be done. Recruitment and selection criteria will have to be developed that will ensure that persons selected for police work are socially adaptable, capable of analyzing complex problems, impartial, and

emotionally stable.

Police training is another essential ingredient. The pace of change taking place within society generally and within the field of crime in particular, makes it necessary for the police and other professionals working in the system to radically change their belief system several times in one career. The challenge to educators is to fashion learning experiences that provide for each individual a primary reality focus appropriate to his immediate occupational task, with a number of secondary and contrary foci to challenge it and thereby open him to change when the situation requires it. This means that, while basic training will continue to encourage the development of skills and values necessary to cope with known problems, much of the training will be generic rather than specific, giving students a broad perspective of society as it has been and is evolving, and the tools to analyze problems that might otherwise appear to be unfamiliar or even threatening.

Equally important is a style of police management that is both open and responsive in terms of communication within the police department, and with the wider community it serves. Since people are the targets of change, and experience the main vehicle of change, the first goal of change agents must be to open up police structures, so that effective lines of communication can develop between people and the sharing of experience becomes possible. What must be overcome, therefore, are current problems related to the centralization of authority, heavy-handed supervision and communication blocks.

Those jurisdictions which recognize police

discretion may find it easier to develop flexible police response to changing social conditions. The unfortunate tendency to criminalize new forms of conduct, without recognizing the difficulties inherent in enforcement, coupled with the resistance of most legislators to expunge outdated criminal laws no longer supported by public opinion, can be offset by a professional police response which is more in tune with the times.

To guard against delegating inappropriate power to police, it will be essential to ensure that changes in policy are made known, and that police policies are integrated with those developed within other parts of the justice system. For this reason alone, it is essential that police participate in justice planning.

Perhaps most important in this area will be the need to ensure that there is continuous dialogue between the police and the communities they serve, so that police officials at all ranks and levels are constantly challenged by individuals outside their sub-system as to the appropriateness and effectiveness of their work.

Police management has changed over the years in response to pressures from the total society. These pressures have usually been due to changes in the nature and form of criminal activity. The most typical response has usually been a differentiation in roles, and a move towards specialization. It may well be that such "reactive" strategies are no longer adequate. In dealing with new forms of criminality, it must not be assumed that the most appropriate response will be found in traditional investigative and enforcement techniques. New forms of crime connected with rapid cultural or technological change may be better dealt with by preventive techniques

ranging from better environmental design to public education and victim-oriented tactics. For example, more has been achieved with respect to skyjacking in developing better security measures at airports, than simply reacting to these crimes "after the fact".

For police organizations to survive in the form that we know them, and be capable of providing new services to the community, they must adopt a "pro-active" approach to police problems and police management.

First of all, the rate of change in society may of itself be crimogenic. The temporary and uncertain nature of most societies can have unsettling effects on people, resulting in a sense of anonymity and alienation. The police will have to contend with change itself, and with the effects of the rate of change on society and on crime.

Secondly, it should be recognized that there are severe limits to the scope of a reactive, coping strategy. When an organization responds only to problems presented by others, they may be responding only to the symptom of a more pervasive problem, and never really addressing fundamental issues. Proactive strategies will allow police to better assess situations, and to attempt to resolve problems on a much larger scale.

Third, a strategy of changing only those activities which are seen as presenting a serious problem, if not a crisis, allows for an organizational response which at best is barely adequate. There is no attempt to work to the best possible or ideal solution.

Finally, reactive strategies generally preclude any

of the progressive management styles such as participatory management, because they are only a response to an indicator.

To move from a reactive to a pro-active strategy poses new challenges for police management. One of the major elements of a pro-active strategy is uncertainty; this increases the chance of error, and may create anxiety among police officials at all levels. Pro-active strategies also require evaluation of performance, and this in turn means establishing specific goals for policing which are measurable.

These factors make the implementation of planned change and pro-active strategies more difficult, but they are not sufficient reasons to avoid the challenge. The reasons favouring such strategies are so compelling that the effort must be made. The question is no longer whether to change, but how to change.

APPENDIX H

U.N. PRESS RELEASE

57

FIFTH UNITED NATIONS CONGRESS ON
THE PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS
GENEVA, SWITZERLAND

PRESS RELEASE

SEPTEMBER 15, 1975

UNITED NATIONS
Press Section
Office of Public Information
United Nations, N. Y.

58
UNITED NATIONS

Press Section
Office of Public Information
United Nations, N.Y.

(FOR USE OF INFORMATION MEDIA -- NOT AN OFFICIAL RECORD)

Round-up of Session

Press Release SOC/3932
15 September 1975

FIFTH UNITED NATIONS CONGRESS ON PREVENTION OF CRIME AND TREATMENT

OF OFFENDERS CONCLUDES ITS WORK IN GENEVA

Adopts Draft Declaration on Torture, Conclusions and Recommendations
on Changing Forms of Crime, Treatment of Offenders

(The following is based on information received from the United Nations Information Service, Geneva.)

The Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders concluded its two-week meeting in Geneva on 12 September with the adoption of a draft declaration on torture and other cruel, inhuman and degrading treatment or punishment.

It also adopted conclusions and recommendations on other agenda items, including:

- Changes in forms and dimensions of criminality -- transnational and national;
- Criminal legislation, judicial procedures and other forms of social control in the prevention of crime;
- The emerging roles of the police and other law enforcement agencies;
- The treatment of offenders, in custody or in the community;
- Economic and social consequences of crime.

The draft declaration on torture, which now goes to the General Assembly for further consideration, defines "torture" as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by, or at the instigation of, a police official on a person for

such purposes as obtaining from him or a third person information or confession", punishing or intimidating him or other persons.

Torture is further described as constituting an aggravated or deliberate form of cruel, inhuman or degrading treatment or punishment. The draft states that any act of torture shall be condemned as a violation of the United Nations Charter and of fundamental human rights. The draft also covers such matters as prevention, recourse and redress.

Wide Participation

Ninety-four of the 138 United Nations Member States, five non-member States, recognized liberation movements, specialized agencies and other organizations were represented at the Congress by approximately 1,000 participants. Delegations included criminologists, penologists and experts in criminal law, public administration and other related areas.

In opening the Congress on 1 September on behalf of the Secretary-General, Mrs. Helvi Sipila, Assistant Secretary-General for Social Development and Humanitarian Affairs, said the United Nations would continue its efforts to set world-wide standards for crime prevention and criminal justice and for the maintenance of fundamental human rights in crime prevention efforts. She told the Congress that much progress had been made through education and persuasion in the implementation of standard minimum rules for the treatment of prisoners.

Extensive preparations had been made for the Congress. These included regional meetings in Brasilia, Budapest, Cairo, Kingston, Lusaka, Canberra and Copenhagen. In addition, working groups convened by the United Nations Committee on Crime Prevention and Control had considered Secretariat working papers prepared for the Congress.

Under General Assembly resolution 415 (V) of 1 December 1950, the Congress meets every five years. At the Congress just ended the five main agenda items were discussed in separate groups called "sections", whose conclusions were acted upon in plenary meetings.

To facilitate discussion, this agenda item was broken down into nine "key issues".

In considering the first of these issues "crime as business; organized crime, white collar crime and corruption," the Congress recommended, in particular, that national securities and exchange commissions or other administrative bodies should be established and appropriate legislation should be enacted to ensure effective control over the abuse of economic power by national and transnational corporations.

At the international level, some form of international securities and exchange commission should be established and information should be more

widely distributed about the financial transactions of potentially monopolistic trading partners.

On "offences involving works of art and other cultural property", the Congress recommended, among other things, strengthened procedures and sanctions against those engaging in theft or destruction of cultural property, an international register of particularly significant art objects, codes of ethics for professional dealers in art objects, exchange of information concerning the protection of cultural objects at the international level.

At the same time, new efforts should be made to obtain wider adherence to the convention adopted in 1970 by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the illicit import, export and transfer of ownership of cultural property.

On "criminality associated with alcoholism and drug abuse" the Congress agreed that alcohol was a drug and that alcoholism constituted a major aspect of drug abuse. In a set of recommendations, the Congress also said that in the fight against drug abuse preference should be given to preventive measures, particularly by providing meaningful and appropriate information to the population groups for which the risks were greater.

All educational programmes should include some information on the drug problem and the dangers of drug abuse.

At the same time, the Congress recommended increased penalties for illicit traffickers and decreased penalties for users or possessors of drugs.

Drug offences should be recognized by all Governments as extraditable offences; if extradition was not feasible, the drug offenders, having been convicted in one country but having escaped, should serve the sentence in the country where they had taken refuge or were found.

Illicit traffic in drugs should be regarded as a transnational crime and included in a list of such crimes to be prepared by the United Nations.

The Congress further called upon those Governments which had not yet done so, to adhere to the 1961 Single Convention on Narcotics Drugs and to the 1972 Protocol amending that Convention; to the 1971 Convention on Psychotropic Substances; also to co-operate with the United Nations Fund for Drug Abuse Control (UNFDAC) so as to enable the United Nations to provide technical and financial assistance to Governments requesting help in carrying out the provisions of the international drug control treaties and in dealing effectively with the drug abuse problem and its criminality.

The report of the Congress states that the recent rapid increase in interpersonal violence should be analyzed in the broader context of the social problems facing contemporary communities in many parts of the world.

Further, the Congress recommended that research be initiated to ascertain whether there was a relationship between development and violent crime, seen as a possible effect of rapid social change. Special attention should also be paid to the factors contributing to the violent behaviour of many young people in various parts of the world.

It was the view of the Congress that the problem of violent behaviour should receive priority consideration in the formulation and application of national policies of crime prevention. The family, the educational system, community organizations and the mass media should, the Congress felt, take a more effective part in prevention work. It was suggested that the cultural organizations of the United Nations system should explore proposals for an international convention providing guidelines for the content of mass media intended for consumption by children and young persons, the object being to avoid negative impact on behaviour patterns.

Turning to transnational violence, the Congress noted that this problem had been aggravated in particular by the vastly increased speed of communication and by the growing vulnerability of modern means of transport.

The fact that "terrorism" had no accepted definition in any legal code meant that the Congress had "real difficulties in considering it in the context of criminal justice processes".

The report indicated that the acts described as "terrorism" could be classified into three types:

- (1) Acts by an individual in an international situation; for instance, the unlawful interference with an aircraft in flight, whether intended for personal gain or because of psychopathology;
- (2) Acts similar to the first but committed by groups; and
- (3) Acts appearing similar to the first two, but committed to further, not private ends, but some cause to which the actors felt committed.

The participants agreed that the first two types were indefensible and that a variety of measures should be taken to strengthen the forces of criminal justice against them. As to the acts of terror or violence of a transnational or international kind committed not for personal gain, the Congress agreed that the answer to such acts required the examination and correction of the causes of the discontent which led to them. Alternative techniques of conflict resolution were commended as a possible ultimate solution.

In this connexion, the need for a clear-cut definition of terrorism was emphasized by participants on the ground that a distinction ought to be made between transnational violence of an essentially criminal type and the operations of national liberation movements. However, it was recognized that an immediate definition of terrorism was not possible.

Having discussed criminality related to motorized traffic, the participants adopted two sets of recommendations: the first on the criminal justice system and the second on factors outside the system.

The first set includes recommendations to the effect that minor traffic violations be decriminalized; that police efforts be concentrated on dangerous and serious offences by relieving them from controlling parking and other minor tasks; that sentencing practices be standardized to reflect the reality of international mass travel; that national criminal judgements be made valid in other countries.

In the second set, the Congress recommended diversified driver-education programmes; the improvement of existing safety features on motor vehicles and the development of new ones; the encouragement and expansion of legislation on the compulsory use of safety devices and, finally, the effective enforcement of speed limits.

On "criminality associated with migration and flights from natural disasters and hostilities", the Congress considered three types of situations:

- (1) Natural disasters which often result in extreme suffering and economic ruin for the survivors and, on occasion, in the uprooting or displacement of major segments of populations;
- (2) Political persecution which compels individuals to flee and seek asylum in a foreign country; and
- (3) The influx into a country of large numbers of migrant workers from other countries in search of jobs.

The participants agreed on the following recommendations:

- The United Nations should issue migrants with international travel documents for the period during which their status was being considered by national authorities;
- An international agency to deal with immigrant workers should be established and a charter for immigrant workers adopted;
- The labour legislation of countries with immigrant labour should be reviewed;
- The international machinery to assist refugees and victims of disasters, namely the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office of the Disaster Relief Co-ordinator (UNDRO), should be strengthened.

The Congress further indicated that one of the more notable changes in the forms and dimensions of criminality was the recent rise in female

criminality. However, since there were at present no accurate and internationally comparable data, the Congress saw a need for more research before any universally valid conclusions could be reached and planning initiated. All States were urged to inform the United Nations of developments pertaining to female criminality and the success or failure of counter measures.

Considering the issue "forecasting of crime and crime control problems", the Congress examined the possibility of using modern forecasting techniques to predict the direction which criminality might take during the next several decades.

The Congress expressed the view that the forecasting of trends in crime and its control could not be separated from the forecasting of economic and social trends in general. Adequate forecasting depended on a scientifically sound research and data base; collaboration between national research bodies should begin immediately, and the United Nations should provide leadership in setting up international machinery in support of such co-operation.

Criminal Legislation and Judicial Procedures

Under agenda item 6 "criminal legislation, judicial procedures and other forms of social control in the prevention of crime" the Congress considered the following key issues: crises in the criminal justice system, the role of the criminal justice system in crime prevention, changes in judicial procedures and the diversion of offenders to non-judicial agencies, decriminalization and depenalization, alternative forms of social control in the prevention of crime. Participants exchanged views regarding factors which contributed to inefficiency and overburdening of the criminal justice system, and explored possible remedial measures.

The Congress noted that differences in traditions, political and social structures, available resources and levels of development made it pointless to try to formulate a prevention policy common to all countries. However, the Congress outlined "certain common aspirations" in the following propositions:

- Social justice is the best means of preventing crime. Greater emphasis should be placed on social action than on criminal proceedings.
- The penal system has been misapplied by building up punishment into a principle and failing to accord sufficient attention to forms of non-judicial social control and means of primary prevention.
- Some countries could usefully revise their penal system, which is not suited to current social needs either because

it is antiquated or because it is not indigenous.

- More frequent resort should be made to the community for support to programmes of crime prevention and care of offenders.
- The many aspects of criminal policy should be co-ordinated and the whole should be integrated into the general social policy of each country.
- Criminological research providing the scientific basis for crime policy should be extended to cover the interaction between delinquency and society and functioning of the judicial system and of community programmes of social control.

Role of Police and Other Law Enforcement Agencies

For its examination of this subject, and in its search for more appropriate and effective methods by which the police could perform its function in crime prevention, law enforcement and the maintenance of order, the Congress had before it a working paper prepared by the Secretariat (document A/CONF.56/5), an analytical summary by the Secretary-General on torture and other cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment (document A/CONF.56/8), a paper prepared by the World Health Organization (WHO) entitled "Health aspects of avoidable maltreatment of prisoners and detainees" (document A/CONF.56/9), and the reports of the regional preparatory meetings.

The working paper prepared by the Secretariat dealt with the emerging role of the police, police corruption, international dimensions of crime connected with the rapid growth of technology, women's role in police force, private security guard organizations, police involvement in the formulation of legislation, and international police co-operation.

It was generally agreed that there was no consensus of opinion on the role of the police. The maintenance of order, the prevention and detection of crime, the protection of life and property, the provision of social services, the performance of a wide range of administrative duties, education of the people in political philosophy, the inculcation of civic discipline, service as border and prison-guards -- these and other functions were variously performed by the police services of the world. Political, social and economic changes in the present century were reflected in the multifarious structures and operations of police organization, many of which were still in the process of rapid evolution.

The General Assembly, in resolution 3218 (XXIX) of November 1974, recognized the need to develop an international code of ethics for the police

and related law enforcement agencies. The Congress had before it the recommendations of a working group of experts on a draft code that might serve as a set of United Nations principles to be recommended to governments for adoption, a model code for the internal use of the police and other law enforcement agencies, and a set of standards to be made known to the general public in all States.

The Congress reached the following conclusions on the role of police and other law enforcement agencies:

- Despite major differences in the structures and rationale of the world's police services, there was much common ground on which fruitful co-operation could be based.
- There was general agreement that the police should be answerable to the laws of their respective countries.
- Integrity was the first quality required in a police officer.
- Police training should include the subjects of ethics, human rights and social science.
- Police should be integrated with the community, where support was indispensable to effective policing.
- Women should be employed as police officers on equal terms with men.
- Private security organizations should be subjected to a measure of public control.
- Police should participate in the legislative process.
- International co-operation between police services should be strengthened and extended.
- An international code of police ethics should be established.

The Congress requested the General Assembly to establish a committee of experts to study the question of an international code of police ethics and to prepare in one year a fresh document to be considered by the competent organs of the United Nations. It was understood that the General Assembly might wish to consider the feasibility of having regional groups draft preliminary documents for the use of the committee of experts.

Treatment of Offenders

For the consideration of this agenda item, the Congress had before it, in addition to the documents listed above, a working paper prepared by the Secretariat entitled "The treatment of offenders, in custody or in the community, with special reference to the implementation of the standard minimum rules for the treatment of prisoners adopted by the United Nations" (document A/CONF.56/6); the Standard Minimum Rules for the Treatment of Prisoners and related recommendations adopted by the United Nations; a conference room paper containing draft principles on freedom from arbitrary arrest and detention (document A/CONF.56/Corp.1); and the report of the regional preparatory meetings.

The Secretariat working paper states that prisons in most parts of the world today are badly overcrowded and make little or no effective contribution to the prevention and control of crime. But it also points to a need to protect society from dangerous persons, it being generally accepted that correctional institutions are, for the time being, the only adequate instrument of protection against such persons. The paper speaks of "growing dissatisfaction with prison as means of correction" and of "a widespread movement towards developing non-institutional forms of treatment and systems of community integration for offenders". It recognizes, however, that many difficulties must be overcome in this area.

The Congress devoted much attention to the Standard Minimum Rules for the Treatment of Prisoners. The Rules, adopted by the first crime prevention congress held in Geneva 20 years ago, are designed to encourage humane and effective treatment of persons in custody. They set minimum standards to be applied without discrimination for accommodation, hygiene, clothing and bedding, food and exercise, medical services, discipline and punishment. According to a secretariat survey, the rules have influenced national legislation or regulations to a very large extent.

The Congress approved in principle a proposal that the United Nations be authorized to develop new rules for the treatment of offenders in the community. It was observed, however, that the task of preparing such rules was an extremely complicated and difficult one and should be approached with caution. It was strongly suggested that the development of the new rules might be undertaken in two phases. The first would concern itself with the articulation of principles and standards relating to alternatives to imprisonment; the second might concern itself with the content of alternative programmes.

Last November the General Assembly in its resolution 3218 (XIX) requested that the Congress elaborate "rules for the protection of all persons subjected to any form of detention or imprisonment against torture and other cruel, inhuman or degrading treatment or punishment".

On this subject the Congress heard statements by the director of the United Nations Division of Human Rights and by the representative of WHO.

Full consideration was given to a report of the informal inter-sessional working group authorized by the steering committee of the Congress. The report contained a proposed declaration on torture for possible adoption by the General Assembly.

Acting on the report, the Congress approved and brought to the attention of the General Assembly for its further consideration a declaration in 12 articles on torture and other cruel, inhuman or degrading treatment or punishment.

Article 1 states that "torture means any act by which severe pain or suffering whether physical or mental, is intentionally inflicted by, or at the instigation of, a public official on a person for such purposes as obtaining from him or a third person information or confession", punishing or intimidating him or other persons. Torture is described as constituting an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment.

Article 2 provides that any act of torture shall be condemned as a denial of the principles of the Charter of the United Nations and as a violation of human rights.

Under Article 3, no State may permit or tolerate torture.

Article 4 provides that each State shall take effective measures to prevent torture from being practised within its jurisdiction.

Article 5 provides that the training of law enforcement personnel shall ensure that full account is taken of the prohibition against torture.

Article 6 provides that each State shall keep under systematic review interrogation methods and practices.

Article 7 provides that each State shall ensure that all acts of torture are offences under its criminal law.

Article 8 provides that any person who alleges he has been subjected to torture shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9 provides that wherever there is reasonable grounds to believe that an act of torture has been committed, the competent authorities shall promptly proceed to an impartial investigation.

Article 10 states that if an investigation establishes that an act of torture appears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders.

Under Article 11, where it is proved that an act of torture has been

committed, the victim shall be afforded redress and compensation.

The final article provides that any statement which is established as having been made as a result of torture may not be used as evidence against the person concerned or against any other person in any proceedings.

Economic and Social Consequences of Crime

Under this item, the Congress examined the major economic and social effects of crime and policies for crime control, the methodological questions involved in assessing the economic and social impact of crime, and proposals for crime prevention policies and planning to minimize and redistribute the costs of crime.

The following key issues were considered:

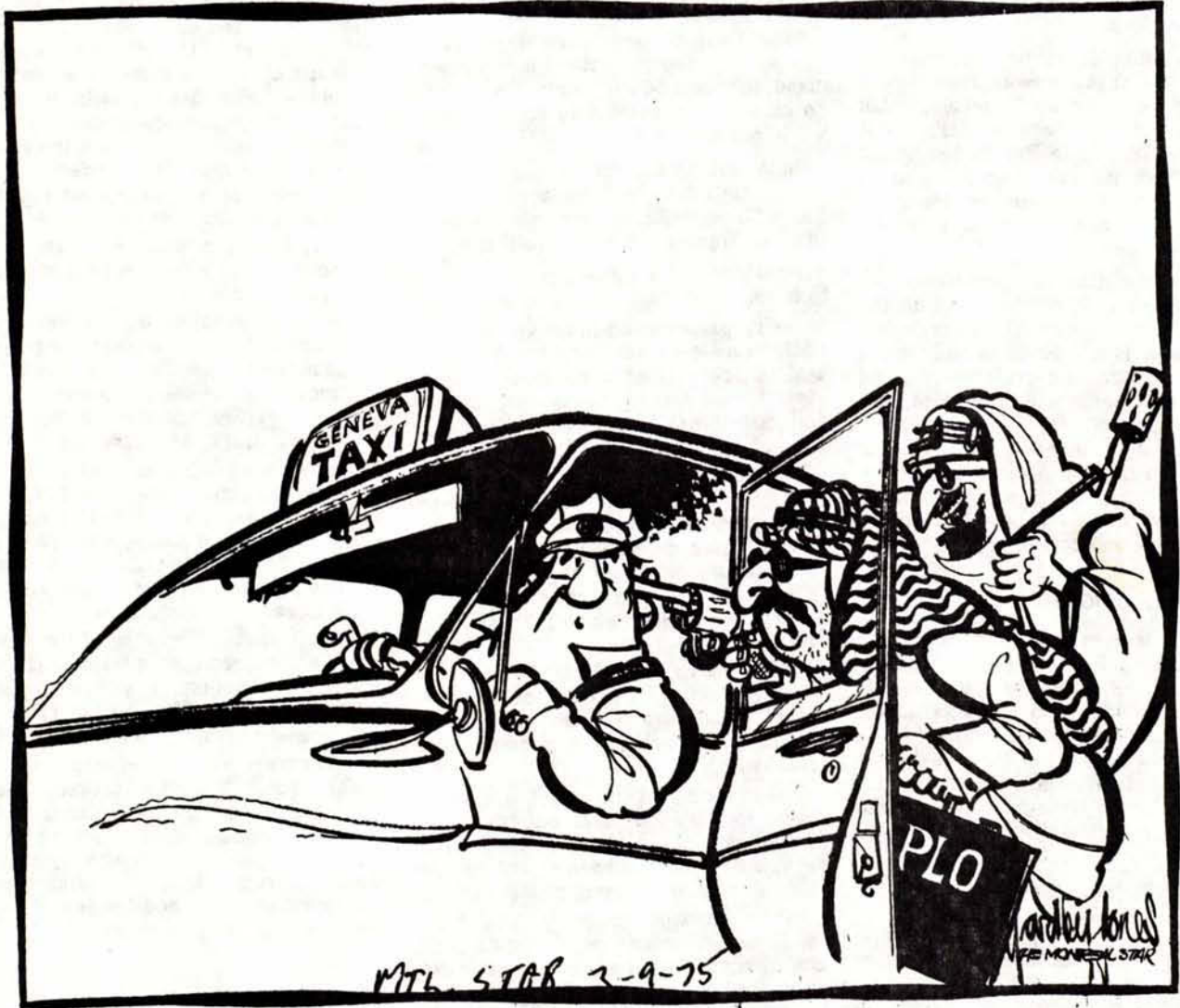
- (1) The identification of some of the major economic and social consequences of crime and of policies for crime control;
- (2) Assessment of the costs of crime, including policies for crime control; and
- (3) Planning to minimize and redistribute the costs of crime.

The Congress recommended that persons responsible for criminal justice systems in various countries should:

- Encourage cost-benefit thinking, if not cost-benefit research, with the understanding that economic costs were only part of the measurable costs along the whole social cost continuum. Cost-benefit thinking supplemented by simple research could provide essential information for policy purposes.

APPENDIX I

CANADIAN PRESS CLIPPINGS



MTL STAR 3-9-75

"Drive us to the UN congress on crime prevention!"

A question of crime

HUGH WINSOR

GENEVA

THE FIFTH United Nations Congress on the prevention of crime will open Monday with hardly a ruffle to indicate its last-minute shift to the European UN headquarters when the Canadian Government refused to go ahead with its plan to be host to the conference in Toronto.

The Palestine Liberation Organization whose intended presence in Toronto was so strongly opposed by Canadian Jewish organizations and others has indicated it will be sending three Palestinian jurists to represent it. Their accreditation is being given no more attention than that of the 1,200 or more other delegates expected to attend.

The confrontation between Israel and the Arab countries will continue in the UN and other International organizations, but it is not likely to play a big part in this particular conference. Israel has served notice it will attempt to have the PLO removed from the Inter-Parliamentary Union Conference which opens Thursday in London. A move to expel Israel from the UN General Assembly is expected when the annual session opens in New York on Sept. 16.

No Israel delegates

Israel delegates won't be coming to Geneva for the Prevention of Crime Congress, a move that was described by one senior UN official as "a decent gesture to the Canadian Jewish Community." Little notice has been taken of the fact that Israel is participating in a UN Conference on Education in Geneva this week and that PLO representatives are there as observers.

Ideological and political violence is one of the topics on the agenda and it is likely that aircraft hijackings, bombings and kidnappings undertaken by constituent groups of the PLO will come up, but the debate will not be allowed to turn the Congress into a forum for the broader Middle East conflict, Gerhard Mueller, Executive-Secretary of the Congress said yesterday.

The rules of procedure governing UN crime prevention congresses prevent the introduction of extraneous topics, he said, and any attempt to do so would likely be ruled out of order.

Those rules requiring any topic to be introduced at a public plenary session without first getting clearance from the Congress steering committee, as outlined by Mr. Mueller, would seem to counter one of the reasons given in July by External Affairs Minister Allan MacEachen for Canada's decision to withdraw its invitation.

At that time Mr. MacEachen said the Canadian Government feared the Congress would become a miniature UN General Assembly replaying the conflict

between Israel and the Arab states to the detriment of the subject matter of the conference.

"The Congress on Crime Prevention has a very clearly defined and limited mandate," Mr. Mueller said. "We have no mandate to attempt to solve all the world's problems."

On the other hand Mr. Mueller stressed that crime has to be considered as a political phenomenon because what constitutes a crime is defined by politicians.

Israel's strongly worded press release said its delegation wasn't coming because its participation in the company of PLO representatives would accord a seal of approval of a congress "which even before its beginning disqualified and discredited itself through its disregard of moral principles."

"To invite the representatives of this criminal organization to a congress whose purpose is to promote the prevention of crime defies logic and decency . . . it is a mockery of and a challenge to the aims of the Congress and does violence to the spirit in which it should take place."

The invitation to the PLO will again be interpreted by the PLO as "express approval, encouragement and licence to kill and murder innocent victims," the Israelis added.

It is obvious that the Israeli opinion is shared by very few other countries. Mr. Mueller said the question of the PLO's participation has not been raised by any other delegation planning to attend.

Except for a praiseworthy mention by the Israeli press release, Canada's position is not widely understood, or taken very seriously. Several delegates arriving early in the expectation that the subsidiary meeting on research into criminology originally scheduled for this weekend in Montreal would still be held at the same time were asking newsmen to explain what the fuss was about.

The research sessions will now be held simultaneously with the main conference but the word apparently didn't get out to all would-be participants. A Tanzanian delegate said he was disappointed because he was looking forward to the trip to Canada, in his particular case to look up acquaintances who had been stationed in Tanzania with the Canadian International Development agency.

Toronto dateline

Other than a few background reports that still bear a Toronto dateline there are few other signs that the UN had any difficulty in making the shift, although it cost the secretariat in excess of \$160,000.

There were even some benefits to the move, according to UN officials, including the use of the new conference centre overlooking Lake Geneva with its attendant printing and translation facilities. Principal losers have been the several hundred non-political professionals mostly from North America who now will not be attending the conference.

They include teachers and researchers, social workers and probation and parole professionals.

Many of the professionals have also been trimmed from the official Canadian delegation which has been cut from 50 to 14, mostly provincial and federal politicians led by Solicitor-General Warren Allmand and senior civil servants.

Trimmed were such notables as Justice Patrick Hartt of the Law Reform Commission and Dr. Ezzat Fattah, director of the Institute of Criminology at Simon Fraser University in British Columbia and author of a major study for the Canadian participation.

The major subject heading of the conference will be changes in forms and dimensions of criminality with a major section devoted to white collar crime, corruption and crime as a business.

The Congress will also attempt to determine the relationship between the "alleviation of justified popular grievances and the elimination of acts of terrorism." The criminal justice system, women in crime, drug trafficking and the appropriate roles and conduct of policemen will also be discussed.

UN conference report**Crimes by women rising around world**

GENEVA (Reuter) — A United Nations conference on crime next week will discuss at least one disturbing world problem—more female criminals.

A report drawn up for the conference at Geneva describes the increasing crime rate among women as "a new universal phenomenon" and says lawlessness can no longer be regarded as a male preserve.

Women are fighting, stealing, embezzling and using drugs more than ever as they strive for equality.

"Just as women are attain-

ing opportunities in legitimate fields, some of them are finding their way into and succeeding at crimes which traditionally have been committed primarily by men," the study says.

UN experts say the surge in crimes carried out by girls and women is so great that lawmakers, judges and police will have to find ways to help ease the strain on courts and prisons.

The problem of female criminals will be one of the main topics at the two-week conference, which begins Monday. Other subjects will include international terror-

ism, art thefts, organized crime, increasing violence and legal reform.

The report says the rise in female crime is not unexpected. As old sex roles are breaking down, "It should come as no surprise that once women are provided with opportunities traditionally reserved for males, they will endeavor to gain equal status, criminal as well as civil."

Statistics provided by the U.S. Federal Bureau of Investigation showed that during the 12-year period to 1972 the arrest rate among females in three times faster than among males.

The U.S. experience has been mirrored in other countries. Japan disclosed that among total offenders, the proportion of females increased to 13.6 per cent in 1972 from 9.8 per cent in 1962.

In West Germany the percentage of female criminals increased to 17.1 per cent in 1970 from 15.4 in 1963 and in Norway it rose to 10 per cent of the total from 4 per cent in 1957.

The experts report an especially high increase in female juvenile delinquency.

"Clearly, young girls are following in the footsteps of their criminal mothers and older sisters. In some countries it is no longer uncommon for these youngsters to participate in burglaries, auto thefts and even extortion

rings which prey upon school-mates."

The report says that in several ways social adolescence is most traumatic for teen-age girls in the Third World. They have to learn to become women in a changing urban environment.

Hardened female criminals are changing their style.

"Prostitutes are showing tendencies of greater aggressiveness and independence from male protectors and pimps, drug abuse is increasing among females as they are increasingly subjected to the stresses and temptations heretofore reserved for males.

"Female economic offenders are broadening their patterns of criminal behavior, with increasing opportunities ranging from shoplifting to embezzlement and from thefts of pencils to corporate funds. Above all, females have entered the ranks of the political activists and, consequently, of political offenders."

The study says women are often treated leniently by police because men tend to see them as erring and misguided children who have strayed from the right path, but conversely they are often given longer prison sentences because judges regard them as being more amenable to long-term reform.

Women's prisons are often inadequate.

"In many countries where prison lodging is crowded, females of all ages and who have committed all types of offences have been housed together. In addition few provisions have been made for vocational training or recreation, understaffing has necessitated more rigid rules and visiting privileges have been restricted."

Female crime on increase**LEADER-POST 30-8-75**

By SCOTT THORNTON

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Statistics provided by the Federal Bureau of Investigation (FBI) showed that during the 12-year period to 1972 the arrest rate among females in the U.S. rose nearly three times faster than that among males.

The United States experience has been mirrored in other countries. Japan disclosed that among total offenders, the proportion of females increased to 13.6 per cent in 1972 from 9.8 per cent in 1962.

PROTEST INVITATION

KINSHIP 20/10 29.8-75

NEW YORK (AP) — Top officials of the National District Attorneys Association Thursday asked the United Nations Congress on the Prevention of Crime to rescind its invitation to the Palestine Liberation Organization to take part in the

congress, which opens Saturday in Geneva. The association, with 7,000 members, claims to be the world's largest national organization of prosecuting officials. The group praised Canada for refusing to be host to the UN congress when it was learned the PLO would attend.

FEW COMMENTS ON CANADA'S POSITION ON UN CRIME CONFERENCE

THE WORLD AT SIX

1-9-75

CBC RADIO NETWORK

6:00 p.m.

EARL CAMERON:- The first United Nations conference on the prevention of crime and the treatment of offenders has opened in Geneva. The PLO is present, Israel is absent, and the morning session was enlivened with a demonstration by an Irish group. The conference, originally scheduled for Toronto, was moved to Geneva after this country requested a postponement. For a look at the conference, here's Brian Kellagher.

BRIAN KELLAGHER:- This conference will try to come up with solutions to new trends in crime such as white-collar and computer crime, the increasing involvement of drugs and alcohol, and the increase in unprovoked crime involving complete strangers. But the most controversial item, particularly with the PLO present, will be discussion of how to limit international terrorism. Israel is not attending because she says it's a farce to talk about terrorism after inviting a terrorist group, but a background paper for the conference says part of the problem is that there's no legal definition of terrorism and no clear way of determining a relationship between justified grievances and acts of terrorism.

There have been few comments during this first day on Canada's position that led to changing the location from Toronto to Geneva, and the leader of our delegation, the Solicitor General, Mr. Allmand, says he's heard no criticism at all.

WARREN ALLMAND:- In fact, some delegates have behind the walls here, have indicated they supported our initiative. They felt that some of these UN meetings were getting out of hand, that people weren't concentrating on the agenda items. They felt that, like we feel, that the big political issues, world political issues, should be discussed in the general assembly and not at technical conferences, because those technical conferences become useless.

KELLAGHER:- The PLO delegation arrived late this afternoon but has not issued any statements yet. The executive secretary for the meeting, Gerhart Mueller of the United States, says the atmosphere up to now has been non-political, although in an answer to a question he said it probably would have been just as non-political if the meeting were held in Toronto.

There was one demonstration, however, during the opening plenary session. Two Irishmen from Dublin, who said they represented prisoners in the Irish Republic, appeared on the floor and threw leaflets around to the desks before being escorted out. They said they didn't have anything to do with the IRA, it was rather a protest against prison conditions generally. The Irishmen said they simply walked into the assembly hall where the delegates were gathered, and the incident showed that, despite the controversial aspects of this conference, security is far from being tight.

Brian Kellagher, CBC News, Geneva.

Women in crime on increase, UN report says

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them are finding their way into and succeeding at crimes which traditionally have been committed primarily by men," the study says.

UN experts say the surge in crimes carried out by girls and women is so great that lawmakers, judges and police will have to find ways to help ease the strain on courts and prisons.

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The U.S. experience has been mirrored in other countries. Japan disclosed that among total offenders, the proportion of females increased to 13.6 per cent in 1972 from 9.8 per cent in 1962.

In West Germany the percentage of female criminals increased to 17.1 per cent in 1970 from 15.4 in 1963 and in Norway it rose to 10 per cent of the total from 4 per cent in 1957.

Toronto Star
1/9/75

Le congrès "de Toronto"...

GENEVE — Le cinquième congrès des Nations Unies sur la prévention du crime et des traitements à appliquer aux délinquants s'ouvrira aujourd'hui, à Genève.

On y traitera principalement du terrorisme, de la corruption de la police, de la monnaie de la délinquance féminine et de l'action des bandes organisées.

Ce congrès devait avoir lieu à Toronto mais le gouvernement canadien avait refusé d'accueillir une délégation de l'Organisation de la Palestine "en raison de récents exemples de recours à la violence en tant qu'instrument de pression politique internationale".

LA POSITION CANADIENNE

Le monde maintenant 2-9-75

CHP 12h

ANNONCEUR:- Les échanges internationaux de prisonniers et l'élargissement des droits d'extradition, tels sont les deux sujets qui intéressent le Canada à la conférence de Genève sur la criminalité. C'est ce qu'a affirmé ce matin en conférence de presse le chef de la délégation canadienne, le solliciteur général, Warren Allmand. De Genève, Jean Charpentier:

JEAN CHARPENTIER:- Fidèle à sa tradition de pragmatisme et de foi aveugle en l'ONU, le Canada une fois de plus a choisi de se concentrer sur la solution de problèmes concrets et bilatéraux. Plutôt que d'évoquer les grandes questions de principe multilatérales, et pour cela souvent insolubles, telle la définition d'un prisonnier politique ou d'un acte de terrorisme, la délégation canadienne compte profiter de ce congrès pour résoudre deux problèmes pratiques.

Le délégué de la Biélorussie arguant ce matin de l'absence de criminalité derrière le rideau de fer, comme quoi les prisons soviétiques ne serviraient qu'aux étrangers, le solliciteur général l'interrompt sans cérémonie pour lui dire que le Canada serait vivement intéressé à récupérer ses ressortissants prisonniers en Union Soviétique sur une base d'échange. Canadiens et Soviétiques, a-t-il allégué, seraient sans doute moins malheureux dans des prisons plus proches de leur famille et où l'on parle leur langue.

D'autre part, le ministre a révélé ce matin que le Canada cherchait à élargir le cadre des traités actuels d'extradition de façon qu'ils embrassent certains crimes relativement nouveaux tels la fraude fiscale et électronique.

UNE QUESTION PRIORITAIRE DANS LA PRÉVENTION DU CRIME

Québec- soir 2-9-75

CKWL 17h

GILLES PROULX:- Le Canada a demandé aujourd'hui aux Nations-Unies d'élaborer une convention internationale sur l'extradition, estimant qu'il s'agit là d'une question prioritaire dans la prévention du crime.

Intervenant au congrès sur la prévention du crime qui se déroule présentement à Genève sous l'égide des Nations-Unies, le chef adjoint de la délégation canadienne, M. Gilles Marceau, a déclaré que les traités bilatéraux sur l'extradition que le Canada a signés remontent au 19e siècle et souvent ne peuvent plus faire face au raffinement des criminels actuels. Le délégué canadien a souhaité qu'une éventuelle convention internationale sur l'extradition élargisse la procédure, notamment en ce qui a trait au trafic des drogues et aux infractions d'ordre économique et fiscal.

Le crime, un fléau qui peut être vaincu

LE DEVOIR 2-9-75

GENEVE (Reuter) — Ouvrant la cinquième conférence des Nations Unies sur le crime, Mme Helvi Sipilä, secrétaire général adjoint, a déclaré hier que le crime ne devait plus être considéré comme quelque chose d'inévitable, mais comme un fléau, analogue à la faim et à la guerre, qui peut être vaincu.

Mme Sipilä a exprimé aux 1.000 délégués l'espoir que la conférence "marquera un tournant dans l'histoire des efforts de la communauté mondiale pour conquérir le cancer du crime".

"Dans de nombreuses régions du monde, a encore déclaré la conférencière, le crime est omniprésent et est toujours considéré comme aussi inévitable que l'étaient autrefois la guerre et la maladie. Pourquoi doit-il en être ainsi?"

Des mesures visant à combattre le terrorisme international et les délits dans le monde des affaires figurent au nombre des sujets qui seront discutés pendant les deux semaines de conférence. Les délégués discuteront aussi d'un projet de code international de l'éthique policière, interdisant la torture ou des traitements cruels, inhumains ou dégradants de prisonniers.

La conférence, réunie tous les cinq ans, a donné lieu à un litige, puisque l'Organisation de libération de la Palestine a été invitée en tant qu'observateur, poussant Israël à boycotter la réunion. Le gouvernement israélien a déclaré que l'OLP était une organisation criminelle, et que l'invitation transformait cette conférence en une mauvaise farce.

La conférence devait se réunir à Toronto, mais elle a dû se transporter à Genève en raison de l'opposition du Canada à l'invitation de l'OLP.

Et la torture

LONDRES (AFP) — "Amnesty International" a lancé un appel au 5e congrès des Nations unies sur la prévention du crime pour que la torture soit reconnue comme un crime contre le droit humanitaire international.

"Amnesty International" soumettra au congrès des Nations unies, un document de seize pages lui demandant de recommander à l'assemblée générale la mise hors-la-loi internationale de la torture et la création d'un organisme ayant pour tâche la rédaction d'un projet de convention sur la suppression de la torture partout dans le monde.

Canadians are busy trying to stay busy

Globe & Mail 2-9-75

GENEVA (Staff) — Although the official Canadian delegation to the fifth UN Congress on the Prevention of Crime has been cut from 54 to 14, Canada's biggest hangover from the switched conference is what to do with its surplus staff.

The Canadian Government offered the UN 22 of its semi-permanent employees who had been involved in organizing the Toronto conference and flew them to Geneva.

But for the UN secretariat the gesture has been somewhat an embarrassment of riches. The people were needed if the conference had been held in Toronto but in Geneva the permanent conference support staff has made them largely superfluous.

Several of the Canadians

have been involved in organizing the registration and one day last week, one \$20,000-a-year man was seen leaning over a table sticking gold stars on some registration cards for heads of delegations and red stars on others. He ran out of gold stars before they reached the Russian delegation.

But registration will be over by today and the conference still has 10 days to run. Two other Canadians were manning a virtually deserted conference press room because the journalists covering the conference preferred to use the regular UN press rooms which are next door to the telegraph services.

Another was busy yesterday afternoon trying to find a record player to liven up an otherwise staid official reception.

La conférence de l'ONU

sur le crime axée sur

la prévention

LA PRESSE, MONTREAL, 2/9/75.

GENEVE (Reuter et AFP). — Ouvrant la cinquième conférence des Nations unies sur le crime, Mme Helvi Sipilä, secrétaire général adjoint, a déclaré, lundi, que le crime ne devait plus être considéré comme quelque chose d'inévitable, mais comme un fléau, analogue à la faim et à la guerre, qui peut être vaincu.

Mme Sipilä a exprimé aux 1,000 délégués l'espoir que la conférence "marquera un tournant dans l'histoire des efforts de la communauté mondiale pour conquérir le cancer du crime".

Il n'est plus possible de justifier le refus de s'atta-

cher sérieusement à la prévention du crime. "Le crime fait peser un fardeau trop lourd sur les économies nationales. Il affecte trop d'existences, il pèse sur nous tous, son coût social et économique est devenu intolérable pour la plus grande partie des Etats."

Ethique policière

Des mesures visant à combattre le terrorisme international et les délits dans le monde des affaires figurent au nombre des sujets qui seront discutés pendant les deux semaines de conférence.

Les délégués discuteront aussi d'un projet de code

international de l'éthique policière, interdisant la torture ou des traitements cruels, inhumains ou dégradants de prisonniers.

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La conférence devait se réunir à Toronto, mais elle a dû se transporter à

Genève en raison de l'opposition du Canada à l'invitation de l'OLP.

Deux jeunes Irlandais en blue-jeans ont trouble cette séance d'ouverture en se livrant à une manifestation contre les conditions des prisons en République d'Irlande.

Avant que le service d'ordre ne soit revenu de sa surprise, les jeunes gens avaient déployé sous la tribune la bannière de leur organisation — Prisoners Rights Organisation — et commencé à haranguer les assistants.

Avant d'être expulsés, ils ont lancé des tracts dénonçant les conditions de détention dans les prisons

irlandaises sur les délégués, pour la plupart de spécialistes de la police de la justice et des prisons.

Les deux Irlandais, M^r Patrick Macartan, avoué à Dublin, et Brendan Walsh qui a fait six mois de prison pour avoir attaqué un policier, ont expliqué ensuite à la presse que leur organisation faisait campagne depuis deux ans pour la réforme des prisons.

La population des prisons mondiales s'élève à dix millions de personnes et pour sa part affirmé M^r Gerhard Mueller (Etat Unis), secrétaire exécutif du congrès.

ÉTABLIR AU PLUS TÔT UNE CONVENTION
INTERNATIONALE SUR L'EXTRADITION

Le téléjournal

2-9-75

CIBFT

2:30

NORMAND HARVEY:- A Genève, où se tient la conférence internationale sur le crime, le Canada a insisté auprès des Nations-Unies pour que l'on établisse au plus tôt une convention internationale sur l'extradition. C'est M. Gilles Marceau, chef de la délégation canadienne, qui a fait cette suggestion, ajoutant que le Canada désirait aussi étendre ses traités d'extradition à d'autres pays en vue de contrer le trafic de la drogue et des crimes économiques.

De son côté, le solliciteur général du Canada, M. Warren Allmand, a déclaré que le Canada apportait une attention particulière à l'échange de prisonniers entre les pays et plus précisément en ce qui concerne les cas des délits mineurs comme la possession de marijuana, délits pour lesquels de nombreux Canadiens sont emprisonnés présentement à l'étranger.

Prisoner KINGSTON WHIC 2-9-75 treatment criticized

GENEVA (Reuter) — Neurosurgery, electric shock treatment and castration must be ruled out as forms of treatment for prisoners, a report by the World Health organization (WHO) says.

The WHO's criticism of such treatments appeared to pave the way for their rejection by the two-week UN crime conference beginning here next week. The conference will be attended by 1,000 government representatives, criminologists, senior police officers and scientists.

Standard minimum rules adopted by the UN for the treatment of detainees do not mention the injection of

prisoners with drugs, the use of electro-convulsion therapy (ECT) or psycho-surgery, but the WHO said all of those methods have been used.

The report says it was evident "that no use of minor or major chemical restraint is desirable in itself and that such restraint is justifiable only when restraint is clearly necessary and when it appears to be the lesser evil."

Electric shock treatment, sometimes used to control violent patients in prisons or hospitals, "is an entirely empirical form of therapy having no scientific rationale," the report says.

The report says that psycho-surgery — involving critical areas of the brain and aimed at inducing behavioral changes— "is probably the most controversial of all forms of medical treatment currently practised, and it is therefore a method that should in no circumstances be used on prisoners."

There also were wide differences of opinion on castration—on its ethical justification and its value in restraining abnormal sexual behavior, the report says.

This method, WHO says, is a questionable one because there is no statistical correlation between the strength of the sex drive and the act of rape.

Canada the villain at

crime probe

Ottawa Journal, 2/9/75

By DAVID MACDONALD
Journal London Bureau

GENEVA — Despite Allan MacEachen's assertion that it would never fly, the fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders has taken off smoothly in its bid to define a long-range strategy to fight evil-doing over the next quarter-century.

In fact, things have begun so smoothly that there is some residual resentment at the Canadian suggestion, in MacEachen's July 21 statement to the House of Commons, that "it would not be possible, in present circumstances, to hold a successful

congress on crime prevention in Canada or anywhere else."

A senior Italian delegate said of this statement: "That really is the most awful rubbish, much as we all sympathize with Canada's ticklish political problem over the conference."

Gerhard Mueller, executive director of the conference, rather testily told journalists: "The Canadian government was concerned that the conference would be politicized by the presence of the Palestine Liberation Organization observers. I don't see any reason why it should become politicized."

It was Mueller and his staff

that bore the logistical brunt of the Canadian government's decision to ask the UN to postpone the conference until 1976 instead of holding it in Toronto as Ottawa had agreed before it came under political pressure.

Some arrangements couldn't be switched at the late date so most of the conference documents will keep Canada's action in constant view. On the front of them are the conference dates and the legend "Toronto, Canada."

Mueller says the Canadian decision will cost the UN "some what in excess of \$100,000" and that it cost him and his staff "some hours of sleep."

Among the 1,000 government officials, politicians, policemen, judges, prosecutors and professors attending this crime conference it is difficult to find anyone who has a good word to say about Canada's solution to the problem it faced over the Toronto conference.

Most also say they regard it now as a fairly minor issue.

Several small countries, such as Monaco, Lichtenstein, Botswana and Lesotho, are not attending but the most glaring absentee is Israel. The Israeli mission to the UN

issued an angry statement referring to the Canadian decision as a parallel to its own government's rejection of attendance because of the seating of the PLO as observers.

"Israel's participation," said the statement, "in company of the representatives of the PLO, would accord an imprimatur, a seal of approval, to a congress which, even before its beginning, disqualified and disintitiled itself through its disregard of moral principles."

The problems to be examined by the crime congress include every type of crime prevalent today, with emphasis on the steady rise in crime around the world.

Ottawa stand on crime conference helped

Radical countries 'beaten

2/9/75.

back,' Allmand says

By HUGH WINSOR
Globe and Mail Reporter
GENEVA — Canada's decision to opt out of playing host for the UN congress on the prevention of crime has had a moderating influence on some of the more radical United Nations member states and official observers. Solicitor-General Warren Allmand said yesterday.

Mr. Allmand, head of the

Canadian delegation, was speaking in an interview at the close of the first session of the UN congress which opened according to the formal program except for a minor demonstration by two men who carried a banner into the assembly hall protesting against the alleged torture of prisoners in Ulster.

Claiming there is a moderating trend in international

conferences, Mr. Allmand said several of the delegates had told him in the corridors that Canada's stand in seeking to postpone the conference had had some effect. The Congress was supposed to have opened in Toronto yesterday. The Canadian Government at the time of the cancellation of the conference in Toronto had said the purposes of UN technical conferences were being

overshadowed by political debates that should take place only in the General assembly.

Mr. Allmand also cited the final communique of the conference of non-aligned nations in Lima in which a call by the Palestine Liberation Organization and some of the more militant Arab states to expel Israel from the General Assembly was toned down to say that Israel should be pressured to abide by UN resolutions on giving back Arab land.

"Some of the more radical countries have been beaten back and I think our stand has been noted," he added.

It was not clear, however, how much of the relative calm that has suffused the opening of the Congress was due the elements cited by Mr. Allmand and how much was due to a decision by the PLO to concentrate its efforts elsewhere.

The three delegates from the PLO did not register until late in the day yesterday but in London, in a similar confrontation to that which developed in Toronto over the PLO attendance, there were demonstrations and clashes between Israeli and Arab supporters over the issue of the PLO's accreditation to the annual meeting of the Inter-Parliamentary Union which begins on Thursday.

The issue of political crimes and terrorism will be faced more directly when the congress attempts to deal with a Japanese move to seek adop-

tion of a draft agreement for the prevention of international terrorism.

Mr. Allmand said the Canadian Government had not adopted a definitive position on the issue but Canadian diplomats were scrambling yesterday to get a copy of the Japanese draft.

It was prompted by the occupation last month of the U.S. Embassy in Kuala Lumpur by Japanese Red Army guerrillas and the freeing of five prisoners in return for the hostages' release.

The PLO, which has been attempting to shift the emphasis of its pressure on Israel from the military to the diplomatic front, recently has condemned hijacking and kidnappings in the Arab world.

The reaction of the PLO delegates to the discussion may give an indication of its future attitude toward "political crimes."

Canada, while adopting a much lower profile than if it was host for the conference, plans to participate fully in the discussions on all major agenda items.

Mr. Allmand said he would be particularly concerned with promoting a new and tougher international agreement on extradition of people facing criminal charges. Canada also will push for repatriation of prisoners when they have completed their prison sentences and are ready for parole. Such a move could affect the more than 200 Canadians in foreign jails.

PLO represented

KINGSTON WIRE 2-9-75
GENEVA, Switzerland (Reuter) — A United Nations congress on crime prevention, due to consider ways to counter international terrorism, opened here Monday with a Palestine Liberation Organization (PLO) representative among the 1,000 delegates.

Japan has called for a treaty outlawing international terrorism following last month's occupation of the United States embassy in Kuala Lumpur, Malaysia, by Japanese terrorists.

But the executive secretary of the congress, Gerhard Mueller, told a news conference: "We have no intention of drawing up a definition of terrorism here. I don't think we need one."

Israel is boycotting the two-week congress of about 90 countries because the PLO, which Israel has described as a criminal organization, was invited to send an observer along with other independence

movements recognized by the UN.

At the Canadian government's request, the UN switched the congress here from Toronto following opposition from local bodies and the Ontario government to the PLO presence.

Aims of the Crime Congress

By David MacDonald

GENEVA: Despite Allan MacEachen's assertion that it would never fly, the fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders has taken off smoothly in its bid to define a long-range strategy to fight evil-doing over the next quarter-century.

In fact, things have begun so smoothly that there is some residual resentment at the Canadian suggestion, in Mr. MacEachen's July 21 statement to the House of Commons, that "it would not be possible, in present circumstances, to hold a successful congress on crime prevention in Canada or anywhere else."



A senior Italian delegate said of this statement: "That really is the most awful rubbish, much as we all sympathize with Canada's ticklish political problem over the conference."

An Argentine government official said: "Nobody believes that line and I don't know why Canada felt it had to put it out. There's no reason for this conference to fail."

Gerhard Mueller, executive director of the conference, rather testily told journalists: "The Canadian government was concerned that the conference would be politicized by the presence of the Palestine Liberation Organization observers. I don't see any reason why it should become politicized."

It was Mr. Mueller and his staff that bore the logistical brunt of the Canadian government's decision to ask the UN to postpone the conference until 1976 instead of holding it in Toronto as Ottawa had agreed before it came under political pressure.

Some arrangements couldn't be switched at the late date so most of the conference documents will keep Canada's action in constant view. On the front of them are the conference dates and the legend "Toronto, Canada."

Among the 1,000 government officials, politicians, policemen, judges, prosecutors and professors attending this crime conference it is difficult to find anyone who has a good word to say

about Canada's solution to the problem it faced over the Toronto conference.

Most also say they regard it now as a fairly minor issue.

Several small countries, such as Monaco, Lichtenstein, Botswana and Lesotho, are not attending but the most glaring absentee is Israel. The Israeli mission to the UN issued an angry statement referring to the Canadian decision as a parallel to its own government's rejection of attendance because of the seating of the PLO as observers.

"Israel's participation," said the statement, "in company of the representatives of the PLO, would accord an imprimatur, a seal of approval, to a congress which, even before its beginning, disqualified and disintitiled itself through its disregard of moral principles."

The problems to be examined by the crime congress include every type of crime prevalent today, with emphasis on the steady rise in crime around the world.

Gerhard Mueller says there are 10 million persons in prison on any given day around the world and the aims of the congress will include policy suggestions on how to reduce that figure by reducing the number of offences that require a prison sentence and on how to ensure that all prisoners get humane and reasonable treatment.

Two other aims are to develop a universal code of ethics for policemen and to try to get general agreement banning the use of torture by police forces. An anti-torture resolution was passed by the United Nations General Assembly last fall.

It is hoped also that a way will be developed of assessing how much crime costs society around the world.

Antiquated legal systems will be examined to see how they can be made more responsive to today's needs and less based on yesterday's concerns.

Mrs. Helvi Sipila, an assistant secretary-general of the UN, told delegates in an opening speech: "Many nations of this world are saddled with criminal codes designed somewhere between the ages of chivalry and of

cause of "the correct political approach we have taken to such things."

The exasperated workshop chairman broke in to berate the Bulgarian, in elegantly indirect language, for wasting everyone's time by taking a conventional nationalistic view that everything is right in one's own country.

"Let's get away from self-praise and talk facts or we'll get nowhere," concluded the chairman.

Since only national legislatures can enact legislation to make a reality of anything concluded at this conference, much importance is placed on the compilation of accurate statistics that can help member countries decide on a course of action. An important part will be played in deciding how to compile such information by the research experts meeting, due to have been held in Montreal Aug. 28-30 and now to be held in Geneva during the main congress.

colonial expansion. The system of procedure was designed for offender types who, if they ever existed, certainly do not appear before the courts of most countries today. The solutions which these codes envisaged are far removed from the problems of today.

"Worse yet, many nations of the world, who acquired their national sovereignty only since the birth of the United Nations, have inherited systems designed for different people, at different times, in different climes."

Developing a common view on the various aspects of crime control will not be easy during this conference.

A Bulgarian delegate illustrated one of the problems during one of the first workshop sessions by delivering a dreary speech whose main theme was that there is no crime crisis in Bulgaria be-

Le crime: UN FLÉAU

JOURNAL DE ATL 2-9-75

GENEVE (Reuter) — Ouvrant la cinquième conférence des Nations Unies sur le crime, Mme Helvi Sipila, secrétaire général adjoint, a déclaré, lundi, que le crime ne devait plus être considéré comme quelque chose d'inévitable, mais comme un fléau, analogue à la faim et à la guerre, qui peut être vaincu.

Mme Sipila a exprimé aux 1,000 délégués l'espoir que la conférence "marquera un tournant dans l'histoire des efforts de la communauté mondiale pour conquérir le cancer du crime".

Il n'est plus possible de justifier le refus de s'attacher sérieusement à la prévention du crime. "Le crime fait peser un fardeau trop lourd sur les économies nationales. Il affecte trop d'existences, il pèse sur nous tous, son coût social et économique est devenu intolérable pour la plus grande partie des Etats."

82

CANADIAN DELEGATION OUTLINES THREE AREAS OF SPECIAL CONCERN

THE WORLD AT SIX

2-9-75

CBC RADIO NETWORK

6:00 p.m.

GEORGE RICH:- Canada has outlined three areas of special concern at the UN crime conference in Geneva. Extradition, parole exchanges, and women in crime were presented today by our delegation. For the details, here's Brian Kellagher.

BRIAN KELLAGHER:- Canada is interested in getting changes in extradition treaties, for one, because there are loopholes in the current international extradition treaties. But Solicitor General Warren Allmand says also that Canada is working here to get a parolee exchange program going on the international level.

There are about 200 Canadians in foreign prisons other than those of the United States, and the idea would be that when a Canadian is paroled in another country he would be allowed to return to Canada, while a foreign citizen put on parole in Canada would likewise be allowed to return home. Mr. Allmand says many of the Canadians in prison abroad are young people held on drug offences, and he says a person on parole generally does better if he can be in a familiar setting.

On extradition, Mr. Allmand says Canada is pressing generally for improvements in extradition laws to make them tighter.

WARREN ALLMAND:- Well, for the moment we're just going to propose that there are great inadequacies in extradition treaties; that they're out of date, that they don't cover a certain type of fiscal crimes, economic crimes, and that we feel they should be revised, that steps should be taken to bring countries together so they can draw up extradition treaties and if possible an international extradition agreement.

KELLAGHER:- The third area that Canada is interested in at this conference is the problem of increasing involvement in crime by women. The percentage increase of women criminals has been larger than that of men in recent years, (although, of course, in total numbers men are still far ahead) and this conference will consider the reasons why more women are turning to crime and what should be done about it.

The conference at this point has been divided into sections, each discussing different aspects of crime. The speeches have been general in nature so far, but each section will make a report to the final plenary session at the end of the conference.

Brian Kellagher, CBC News, Geneva.

Le crime: un fléau qui peut être vaincu

Montreal *Matin* 2/9/75

GENEVE (Reuter) — Ouvrant la cinquième conférence des Nations unies sur le crime, Mme Helvi Sipilä, secrétaire général adjoint, a déclaré, hier, que le crime ne devrait plus être considéré comme quelque chose d'inévitable, mais comme un fléau, analogue à la faim et à la guerre, qui peut être vaincu.

Mme Sipilä a exprimé aux 1,000 délégués l'espoir que la conférence "marquera un tournant dans l'histoire des efforts de la communauté mondiale pour conquérir le cancer du crime". "Dans de nombreuses régions du monde, a encore déclaré la conférencière, le crime est omniprésent et toujours considéré comme aussi iné-

vitabile que l'étaient autrefois la guerre et la maladie. Pourquoi doit-il en être ainsi?"

Il n'est plus possible de justifier le refus de s'attacher sérieusement à la prévention du crime. "Le crime fait peser un fardeau trop lourd sur les économies nationales. Il affecte trop d'existences, il pèse sur nous tous, son coût social et économique est

devenu intolérable pour la plus grande partie des Etats".

Des mesures visant à combattre le terrorisme international et les délits dans le monde des affaires figurent au nombre des sujets qui seront discutés pendant les deux semaines de conférence.

Les délégués discuteront aussi d'un projet

de code international de l'éthique policière, interdisant la torture ou des traitements cruels, inhumains ou dégradants de prisonniers.

La conférence, réunie tous les cinq ans, a donné lieu à un litige, puisque l'Organisation de libération de la Palestine (OLP) a été invitée en tant qu'observateur, poussant Israël à boycotter la réunion.

Canada urges treaties

MTL. STAR 3-9-75
By DAVID MACDONALD

The Star's London Correspondent

GENEVA — Canada has asked countries attending the United Nations crime congress to join in discussions of new, wider forms of extradition legislation that would, in particular, enable drug traffickers to be hunted down wherever they fled.

Gilles Marceau, MP and parliamentary secretary to Justice Minister Otto Lang, said Canada was ready to discuss such agreements on a bilateral level and also to support any

initiative for multilateral agreements that might be developed by the UN secretariat.

Canada, Marceau said, now has extradition treaties with 40 countries but "Canada's extradition treaties date from the nineteenth century."

Any dialogue on new types of treaties would be a two-pronged effort, he said.

"On the one hand, it would be a matter of widening the extradition procedure in respect of crimes linked to the drug traffic and to fiscal and economic crimes.

"On the other hand, there would be the extremely important matter of

discussion with colleagues in other countries so as to obtain evidence in these countries relating to crimes committed in Canada.

"This would allow us to pursue inquiries in co-operation with police forces in other countries.

"We are conscious of the need to protect the sovereignty of all countries concluding such treaties with Canada."

Solicitor-General Warren Allmand, head of the Canadian delegation, said extradition is one of the key items in which Canada has a special interest at this congress.

"We are also interested in the ex-

to hunt drug dealers

change of parolees and prisoners," he said.

"We have a number of Canadians in jail or on parole overseas and foreigners in the same position in Canada. External Affairs estimates about 200 Canadians are in such a situation overseas, not counting those in the U.S.

"The representative of Byelorussia said there are 100 Canadians in jails in his republic, but we are not sure if this is correct.

"The Americans and British are interested in our proposals, which are roughly that prisoners and parolees would finish their sentences in their

own countries, where they could speak their own language, be visited by their families and take part in community rehabilitation projects."

Allmand said Canada also is interested in discussions of the situation of female offenders "given that their numbers are rising relatively steeply."

He said there might be further discussions with the Japanese delegation about a possible resolution on terrorism, "although this may not be the proper forum in which to bring up a matter with such intense political content."

Meanwhile Canada has assured the

United Nations that the Habitat conference will be held in Vancouver next year, although it has not yet signed a formal agreement.

Canada's assurances came in the face of warnings that an attempt to back out as it did from the crime conference, would cause a serious row at UN headquarters.

The assurances appear to guarantee that the Palestine Liberation Organization will be allowed to send observers to Vancouver.

"Habitat should be the biggest UN conference ever held," conference liaison officer Leonora Kracht said in New York yesterday.

Canada Asks UN To Help Fight Drug Trafficking

Victoria Times 3-9-75

By DAVID MacDONALD

Special to the Times

GENEVA — Canada has asked other countries attending the United Nations crime congress to join in discussions of new, wider forms of extradition legislation that would, in particular, enable drug traffickers to be hunted down wherever they fled.

Gilles Marceau, Parliamentary secretary to Justice Minister Otto Lang, said Canada stands ready to discuss such agreements on a bilateral level and also to support any initiative for multilateral agreements that might be developed by the UN secretariat.

"In order to progressively limit the places where criminals can find refuge," said Marceau, "Canada would be ready to undertake talks with all interested countries on bilateral extradition arrangements."

Canada, he said, now has extradition treaties with 40 countries but "Canada's extradition treaties date from the nineteenth century."

It would be a two-pronged effort in any new types of treaty, he said.

"On the one hand, it would be a matter of widening the extradition procedure in respect of crimes linked to the drug traffic and to fiscal and economic crimes.

"On the other hand, there would be the extremely important matter of discussion with colleagues in other countries so as to obtain evidence in these countries relating to crimes committed in Canada. This would allow us to pursue inquiries in co-operation with police forces in other countries. We are conscious of the need to protect the sovereignty of all countries concluding such treaties with Canada."

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adian delegation, said extradition is one of the key items in which Canada has a special interest at this congress.

"We are also interested in the exchange of parolees and prisoners," he said.

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He said there might be further discussions with the Japanese delegation about a possible resolution on terrorism, "although this may not be the proper forum in which to bring up a matter with such intense political content."

Canada's delegation at Geneva is 14 strong, he said. Individual Canadians and those representing non-governmental organizations brought the number of Canadians actually attending conference sessions to about 50.

"When we asked for postponement of the Toronto congress we offered and sent 19 of our conference preparation staff here to help organize the Geneva congress. But we did not expect it to take place on the exact Toronto dates."

TRUE DAVIDSON



TORONTO SUN 9.9.75

The Arab who offered at the UN conference on crime the justification of certain forms of violence as part of a struggle for freedom, raised an issue which has been underlined by the shocking PLO threat to kill any American technicians working in the Sinai desert on the case-fire lines between Egypt and Israel. Or perhaps simpler.

It is difficult to condemn freedom-fighters, but concepts of freedom differ. How many must feel that their rights are endangered before they are justified in disrupting the orderly procedures on the security of which so many others depend? Have they tried to understand why others are refusing them what they consider their rights, and if so, are they still sure their demands are really justified? If, at the end of such self-assessment, they are fully convinced that their demands are justified and that it is worth risking their lives in support of such demands, what other lives do they feel justified in also risking or destroying?

The American Revolution and the American Civil War were both attempts by large bodies of citizens to separate from a central government which they felt was imperilling their freedom. In both cases there were large geographical areas in which the last majority favored revolt. The position of the Revolutionists found support even in England, and was justified by history. The States-Rights controversy that led to the Civil War — originally not much more serious than some of the current provincial agitation in Quebec, Ontario, and the West — was based on the false premise that the slave-owners had a right to their property even if it was human. It failed, because it was an effort to maintain an anachronistic system, that was passing everywhere. But it was a civil war waged, on the whole, with gallantry, mutual respect, honorable behavior and some attempt at humanitarian treatment of civilians on both sides.

The bloody chaos in Northern Ireland is a different thing altogether. Catholics and Protestants are too mixed for political separation. The vast majority could get along very well together if they would wash away old bitterness, and sincerely try.

Any priest or pastor who fails to urge this is surely not following the path of his Master. The Irish are worse than the feuding American "mountain boys", for they seem to have moved from tallying their enemies on their rifle butts to indiscriminate slaughter.

The Irish slaughter is no longer even confined to their own country. Bombs in London hotels are an indiscriminate attack, not only on Britain but on the travelling world.

The Palestine Liberation Organization is equally indefensible as a group of freedom-fighters. It is not seeking its own freedom but the destruction of the state of Israel, and by extension anyone who has dealings with it. Its purpose is not patriotic but genocidal.

Kidnapping of diplomats, even of foreign businessmen is an inexcusable attempt to blackmail the countries in which they are living into freeing "political prisoners" (usually violent criminals rather than rebels with a clear purpose and some general support).

The United Nations cannot police the world, but it should be able to lay down certain restrictions as to acceptable standards even for freedom-fighters. Perhaps a general agreement to refuse shelter to kidnapers, hijackers, assassins, and perpetrators of any violence directed against innocent people, particularly children, students, or visitors, might lead to some hesitation. Sooner or later such crimes must be outlawed and the longer it takes the higher will be the price in the end.

Meanwhile, let us not tolerantly accept mass demonstrations which disturb the peace or even violence on picket lines. Any attempt to change our laws or system of government by any means but due process of law are a step towards the violent disorders which have destroyed civilizations in the past and can destroy ours.

Where credit isn't due

6 Globe & Mail 3-9-75

Our Stand, as we hear from Canada's Solicitor-General, Warren Allmand, has been heeded in the halls of world diplomacy. It was Our Stand in sending into limbo the Toronto-scheduled United Nations congress on crime prevention that has had, according to Mr. Allmand, a moderating influence on some of the more radical UN member states and official observers.

Meeting reporters in Geneva (where the congress finally fluttered down to roost and opened this week), Mr. Allmand spoke of a moderating trend in international conferences, a getting away from crass political manoeuvring. He used as an example the rejection of a resolution before a conference of non-aligned nations in Peru to expel Israel from the UN. And he said: "Some of the more radical nations have been beaten back and I think our stand has been noted."

He is referring here, of course, to the Canadian Government's decision to ask the UN for a postponement of the congress which should have, after four years planning, opened in Toronto this week and which would have been attended by representatives of the Palestine Liberation Organization in their status as UN official observers.

Whether or not Mr. Allmand is correct in his analysis may be left to the students of international affairs. What will surprise many Canadians is hearing the

Government's decision described as an instrument freighted with strategy for the world forum. They should be completely forgiven if they had a much different idea of what Our Stand was all about.

True enough, the Government said at the time that it was asking for a postponement of the Congress because it did not believe it could be held successfully this year in Canada or anywhere else (and we note, in passing, that it was held this year and, so far, successfully—as much as any international conference on crime can be labelled successful—in Geneva). But most certainly it was the understanding of Canadians that the Government took the stand it did because it wanted to end domestic discord over the attendance of PLO delegates.

If this was not the case, why did the Government dither for weeks on what to do about the congress as Jewish and Arab and various political communities grew more clamorous? And why did it hold talks with Jewish community leaders from Toronto and later with Arab community leaders—rather than, say, confine itself to diplomatic discussions with concerned ambassadors?

Frankly, we do not believe the Government is that committed to participatory democracy in its deliberations on foreign policy. It would be helpful if Mr. Allmand was more specific on what Our Stand was.

Speech not made

Allmand is returning from crime meeting

3-9-75

By HUGH WINSOR

Globe and Mail Reporter

GENEVA — Solicitor-General Warren Allmand leaves for Canada this morning without having spoken at the Fifth UN Congress on the Prevention of Crime.

Mr. Allmand, head of the Canadian delegation to the conference, would have been official host for the meeting if it had been held in Toronto as originally planned.

Mr. Allmand said he was returning to Canada to attend an important Cabinet meeting tomorrow and to work on a package of crime prevention measures he plans to introduce in the House of Commons this fall.

He would not say what subject had given the regular weekly meeting of Cabinet so much importance, adding to speculation about an imminent Cabinet shuffle.

Aides had written a speech that Mr. Allmand intended to make yesterday on diverting people involved in minor crimes away from the formal criminal justice system but the conference adjourned for the day before reaching that point on the agenda.

Mr. Allmand said he would return to Geneva next week for the closing plenary sessions. In his absence, the Canadian delegation will be led by Giles Marceau, parliamentary secretary to Justice Minister Otto Lang.

In a brief intervention yesterday, Mr. Marceau indicated Canada's desire to bring its bilateral extradition

treaties up to date to include commercial crimes and to close other loopholes.

He also suggested the conference might consider drafting a multilateral extradition treaty to cover several categories of offences that could be referred to the UN General Assembly for approval.

Pressed at a briefing, Mr. Allmand said such a multilateral extradition would exclude political crimes. He admitted there was no consensus on what constituted a political crime. This easily could become a major stumbling block for the proposal.

The Canadian delegation also was skeptical about the possibility that much progress could be made at a technical convention on an international agreement to curb terrorism.

Because of the intrinsic political nature of such an agreement, it would be pursued more effectively at a General Assembly, Mr. Allmand said.

Other delegates, however, thought that such an agreement would be an appropriate outcome of the discussion on terrorism and reducing its causes.

Much of yesterday's discussions dealt with the changing role of police in the community. Inspector R. J. Stewart, executive officer of the British Columbia Police Commission, said the resistance of most legislators to remove outdated criminal laws no longer supported by public opinion from the statutes made good police community relations difficult.

Le Canada prie l'ONU de se prononcer sur l'extradition

LE DEVOIR 3-9-75

GENEVE (Reuter) — Le Canada a demandé hier aux Nations-Unies d'élaborer une convention internationale sur l'extradition, estimant qu'il s'agit d'une question prioritaire dans la prévention du crime.

Intervenant devant le congrès sur la prévention des crimes, qui regroupe sous l'égide des Nations-Unies 1,200 hauts fonctionnaires, criminologistes, savants, avocats et officiers de police de 90 pays, le chef adjoint de la délégation canadienne, M. Gilles Marceau, a notamment déclaré:

"Les traités sur l'extradition au Canada remontent au 19e siècle. A l'heure actuelle, le Canada a signé des traités d'extradition avec plus de quarante pays. Dans une certaine mesure, beaucoup sont dépassés et, compte tenu des innovations de la loi et de la pratique d'extradition, ne peuvent faire face aux raffinements et à la mobilité accrue des criminels. Le Canada a récemment examiné ses traités dans leur ensemble, soit pour moderniser les traités existants, soit pour en conclure avec d'autres pays. Nous souhaitons introduire dans ces négociations deux aspects assez nouveaux.

"D'une part, il s'agirait d'élargir la procédure d'extradition à l'égard des crimes liés au trafic de drogues et aux infractions d'ordre fiscal et économique.

Le délégué du Canada a ajouté:

"D'autre part, il ne faudrait pas perdre de vue l'importance de la discussion avec nos collègues, afin d'être en mesure d'obtenir des éléments de preuve à l'étranger. "Ceci nous permettrait de poursuivre des enquêtes en coopération avec les forces policières dans les pays où se trouvent des criminels de ce genre.

"Sur le plan bilatéral, il reste bien des démarches à accomplir. Qu'il me soit permis d'émettre le désir que notre congrès encourage de tels efforts et que le secrétariat des Nations-Unies juge nécessaire l'étude d'une convention multilatérale portant sur l'extradition. L'adoption d'un tel projet est d'ordre prioritaire. Je souhaite sincèrement qu'une des conclusions de ce congrès porte sur l'urgence de la poursuite d'un tel projet."

Le Canada demande un

GENEVE (Reuter) — Le Canada a demandé mardi aux Nations unies d'élaborer une convention internationale sur l'extradition, estimant qu'il s'agit d'une question prioritaire dans la prévention du crime.

Intervenant devant le congrès sur la prévention des crimes, qui regroupe sous l'égide des Nations unies 1.200 hauts fonctionnaires, criminologistes, savants, avocats et officiers de police de 90 pays, le chef adjoint de la délégation canadienne, M. Gilles Marceau, a notamment déclaré:

"Les traités sur l'extradition au Canada remontent au 19e siècle. A l'heure actuelle, le Canada a signé des traités d'extradition avec plus de quarante pays. Dans une certaine mesure beaucoup sont dépassés et, compte tenu des innovations

de la loi et de la pratique d'extradition, ne peuvent faire face aux raffinements et à la mobilité accrue des criminels. Le Canada a récemment examiné ses traités dans leur ensemble, soit pour moderniser les traités existants, soit pour en conclure avec d'autres pays... Nous souhaitons introduire dans ces négociations deux aspects assez nouveaux.

"D'une part, il s'agirait d'élargir la procédure d'extradition à l'égard des crimes liés au trafic de drogues et aux infractions d'ordre fiscal et économique.

Le délégué du Canada a ajouté :

"D'autre part, il ne faudrait pas perdre de vue l'importance de la discussion avec nos collègues, afin d'être en mesure d'obtenir des éléments de preuve à l'étranger.

"Ceci nous permettrait de poursuivre des enquêtes en coopération avec les forces policières dans les pays où se trouvent des criminels de ce genre.

"Sur le plan bilatéral, il reste bien des démarches à accomplir. Qu'il me soit permis d'émettre le désir que notre congrès encourage de tels efforts et que le secrétariat des Nations-Unies juge nécessaire l'étude d'une convention multilatérale portant sur l'extradition. L'adoption d'un tel projet est d'ordre prioritaire. Je souhaite sincèrement... qu'une des conclusions de ce congrès porte sur l'urgence de la poursuite d'un tel projet."

De son côté, le solliciteur général Warren Allmand a déclaré hier que les délégations à la conférence des Nations unies sur le crime, à Genève, avaient manifesté de la com-

accord sur l'extradition

préhension envers la décision du Canada de ne pas accepter que cette réunion se déroule à Toronto ainsi qu'il avait été prévu à l'origine.

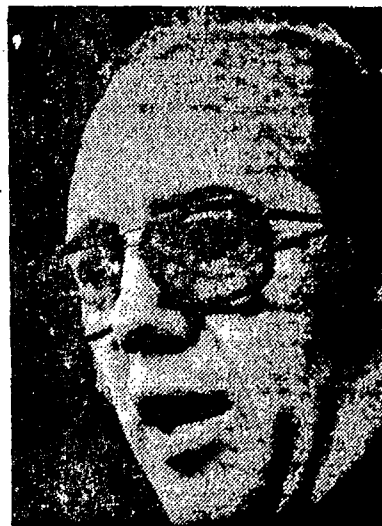
"Je n'ai entendu aucune remarque désobligeante à ce sujet, a dit M. Allmand à l'issue de la seconde journée de ce congrès de deux semaines, et plusieurs délégations n'ont exprimé en privé leur compréhension."

Le Canada avait demandé à l'ONU de remettre à plus tard la tenue du congrès à Toronto, devant l'opposition manifestée par la ville et par le gouvernement de l'Ontario à l'admission en tant qu'observateurs de représentants de l'Organisation pour la libération de la Palestine.

Le gouvernement canadien s'était dit inquiet de l'éventualité que des

sujets qu'il considère comme étant de caractère politique fassent l'objet de discussions lors de cette réunion, et avait fait savoir qu'il ne pouvait être l'hôte de ce congrès, qui se déroule tous les cinq ans, avant que le climat international ne se soit amélioré.

"Au cours des deux derniers mois, nous avons constaté une amélioration, a noté M. Allmand en citant, entre autres, le traité de paix conclu entre Israël et l'Egypte. Nous avons dit que nous désirions attendre une amélioration, et non que nous désirions annuler la tenue du congrès sur notre territoire. Les délégations, a poursuivi le solliciteur général, savent que nous avons toujours soutenu les Nations unies et tous ses projets de développement, et que nous ne cherchons pas à nous dérober."



M. Warren ALLMAND

Canada seeks wider extradition

OTTAWA JOURNAL

By DAVID MacDONALD 3-9-75
Journal London Bureau

GENEVA — Canada has asked other countries attending the United Nations Crime Congress to join in discussions of new, wider forms of extradition legislation that would, in particular, enable drug traffickers to be hunted down to wherever they fled.

Gilles Marceau, MP and Parliamentary secretary to Justice Minister Otto Lang, said Canada stands ready to discuss such agreements on a bilateral level and also to support any initiative for multilateral agreements that might be developed by the UN secretariat.

"In order to progressively limit the places where criminals can find refuge," said Marceau, "Canada would be ready to undertake talks with all interested countries on bilateral extradition arrangements."

It would be a two-pronged effort in any new types of treaty, he said.

"On the one hand, it would be a matter of widening the extradition procedure in respect of crimes linked to the drug traffic and to fiscal and economic crimes.

"On the other hand, there would be the extremely important matter of discussion with colleagues in other countries so as to obtain evidence in these countries relating to crimes

law to snare drug traffickers

committed in Canada. This would allow us to pursue inquiries in co-operation with police forces in other countries.

Solicitor-General Warren Allmand, head of the Canadian delegation, said extradition is one of the key items in which Canada has a special interest at this congress.

"We are also interested in the exchange of parolees and prisoners," he said.

"We have a number of Canadians in jail or on parole overseas and foreigners in the same position in Canada. External Affairs estimates about 200 Canadians are in such a situation overseas, not counting those in the U.S.

"The Americans and British are interested in our proposals, which are roughly that prisoners and parolees would finish their sentences in their own countries, where they could speak their own language, be visited by their families and take part in community rehabilitation projects."

Allmand said that delegations to the congress had shown understanding for Canada's unwillingness to hold the 90-country conference in Toronto as originally planned.

"I have not had any negative remarks so far and several delegations have spoken to me privately to express their understanding," Allmand said.

Canadian delegates urge stronger extradition laws

Vancouver Sun 3-9-75

By DAVID MacDONALD
Special to The Sun

GENEVA — Canada has asked other countries attending the United Nations crime congress here to join in discussions on wider forms of extradition legislation that would, in particular, enable drug traffickers to be hunted down wherever they flee.

Gilles Marceau, MP Parliamentary secretary to Justice Minister Otto Lang, said Canada is ready to discuss such agreements on a bilateral level and also to support any initiative for multilateral agreements that might be developed by the UN secretariat.

Canada, he said, now has extradition treaties with 40 countries and these date from the 19th century.

Solicitor-General Warren Allmand, head of the Canadian delegations, said extradition is one of the key items in which Canada has a special interest.

"We are also interested in the exchange of parolees and prisoners," he said.

"We have a number of Canadians in jail or on parole overseas and foreigners in the same position in Canada. External Affairs estimates about 200 Canadians are in such a situation overseas, not counting those in the U.S.

"The Americans and British are interested in our proposals, which are roughly that prisoners and parolees would finish their sentences in their own countries."

Allmand also said that Canada is interested in discussing of the situation of women offenders "given that their numbers are rising relatively steeply."

The Palestinian trio who are observers at the congress will "co-operate in every way" to improve world efforts to curb crime of all types, one of them said in an interview.

Commenting on aircraft hijacking, Daoud Barakat, of the Palestine Liberation Organization, said: "We consistently condemn such activities and cannot be held responsible for acts by individual Arabs or groups that do not adhere to the PLO."

Canadian move 'silly, but good for PLO'

By DAVID MacDONALD
Journal London Bureau

GENEVA — The Palestinian trio observing the United Nations Crime Congress will "co-operate in every way" to improve world efforts to curb crime of all types, says one of its members.

Daoud Barakat, permanent observer for the Palestine Liberation Organization at the UN in Geneva, said in an interview: "We are here to do a constructive job, not to play a particular political role in the congress. We do not intend to intervene unless we are politically attacked."

The other two observers are Ahmed Elazhari, deputy president of the political department of the PLO and Faisal

Aweidah, head of the European section of the PLO political department.

Of Canada's decision to ask the UN to postpone the Toronto crime congress until 1976, Barakat said: "We think it is rather silly. But, we feel it was good propaganda for the Palestinian movement.

"The Canadian action made a fairly minor congress something worth world headlines. But, now it is going on here peacefully in Geneva the congress remains of relatively minor importance."

Asked if he saw anything incongruous in his organization participating in United Nations discussions on curbing of such crimes as aircraft hijacking he replied: "No and for a very simple reason. The

PLO is firmly opposed to any such acts that take place outside the territory of Israel.

We are as concerned as the rest of the world to bring an end to such acts.

"We consistently condemn such activities and cannot be held responsible for acts by individual Arabs or groups that do not adhere to the PLO. In fact we have our own court in Beirut that tries perpetrators of such acts when they come into our hands. We have several PLO prisons in various locations, where such persons are held.

"But this, of course, is quite a separate issue from attacks within Israel, which are legitimate military assaults sanctioned by the PLO."

Asked if his organization sanctions attacks on civilians inside Israel, he said: "There you have the problem that must be resolved. Who, in Israel, is a civilian? Large areas of Israel are declared military zones. For instance, all border areas and villages and all Arab villages are declared such zones.

"The definition of a civilian has never been satisfactorily enunciated. This is something that could usefully be discussed and resolved at the United Nations."

"Large numbers of Israelis are members of the Israeli Armed Forces, many of them in reserve and putting on uniform only when a general mobilization call is made. They have weapons to hand

although they may be carrying out civilian jobs. Are they truly civilians? The international community should decide."

He also said he sees nothing unusual in the PLO taking part in discussions of terrorism that may develop. The Japanese delegation is known to be thrashing out a form of resolution to put before the conference in the wake of the recent terrorist incident in Kuala Lumpur by Japanese Red Army sympathizers of the Palestinians.

"As observers we would not discuss such matters on the floor of the congress, but we would take part in corridor discussions of what does or does not constitute a terrorist act," said Barakat.

Canadian officials have discussed the possible terrorism resolution with the Japanese delegation, but say Canada generally concurs with the view, allegedly expressed to Canadian delegates by other national delegations, that the best place to discuss such a political question as terrorism is the General Assembly of the UN.

Returning to the subject of the Canadian decision, Barakat said: "One thing that strikes me as a trifle odd about the sudden Canadian excitement about a PLO presence in Toronto is that the PLO has had a permanent representative in Ottawa for four years."

Fear of PLO unfounded crime conference is dull

TORONTO STAR 3-9-75
By GEORGE BAIN
Star staff writer

GENEVA — So far, the only incident threatening this crime conference that Canada found too hot to handle is that a delegate might go to sleep and fall off his chair.

Instead of proving to be a cockpit for the violent dislikes of the Israelis and the Palestine Liberation Organization—the fear that caused Ottawa to ask the United Nations to put off the conference—it is turning out to be exactly as advertised.

That's as a technical conference on the prevention of crime and treatment of offenders, with a lot of serious people seriously discussing such things as "the economic and social consequences of crime," criminal legislation, judicial procedures and other forms of social control in the prevention of crime, and similar worthy if unexciting subjects.

The Israelis chose not to come, saying the presence of the PLO, whom they regard as criminals, makes a mockery of a conference on crime. And the PLO observ-

ers, up to now, in any case, have been as meek as lambs.

Government members of the Canadian delegation, led up to today by Solicitor-General Warren Allmand, lose no time leaping on anyone who suggests the conference was booted out of Canada, or that the government did any more than ask to have it postponed because it felt international circumstances weren't right.

TENSIONS EASE

Allmand, talking with reporters yesterday, suggested that those circumstances had altered materially even in the weeks since. He cited the initialling of an Arab-Israeli peace accord and a more moderate line toward Israel that has emerged at recent meetings of African and other underdeveloped countries sympathetic to the Arabs.

He did not quite claim that Canada's stand on the crime conference was responsible for this cooling off.

Allmand said no flak had come his way about Canada's opting out, and that some delegates and observ-

ers had "expressed sympathy, saying they understood we had to do it, some said they missed the chance of going to Toronto."

DIFFERENT PEOPLE

The solicitor-general plainly hasn't been meeting all the same people reporters have. Among those, many have been blankly bewildered by the whole business and some of the rest mildly amused at what they regard as a piece of political chicken-heartedness.

Among the latter, Canada's action hasn't been made to look better by the more recent decision of the British government not to yield to a similar domestic

pressure against a meeting of the Interparliamentary Union at which the PLO also will be represented.

The representative will be Daoud Barakat, the organization's permanent observer at the UN in Geneva, who sat in as the sole PLO delegate at the opening plenary session of the crime conference Monday.

Barakat moves on to London today, having been joined here by Ahmed Elazhari, deputy president of the political department of the PLO, and Faisal Aweidah, head of the European section of the political department.

Canada backed at Geneva

GAZETTE 3-9-75

GENEVA — (Reuter) — Solicitor-General Warren Allmand said yesterday that delegations to the United Nations crime congress here had shown understanding for Canada's unwillingness to hold the 90-country conference in Toronto as originally planned.

"I have not had any negative remarks so far and several delegations have spoken to me privately to express their understanding," Allmand said on the second day of the two-week congress.

Canada asked the United Nations to postpone plans to hold the congress in Toronto in the face of strong reaction in the city and in the Ontario legislature against the admission of the Palestine Liberation Organization as an observer among the 1,200 government representatives, criminologists, scientists, lawyers and police officers.

Canada expressed concern that matters it regarded as

political were being brought into the discussions and said it could not think of hosting the congress, which takes place every five years until the climate had improved.

In another development, deputy delegation leader Gilles Marceau called for an international treaty to ease extradition for all but political crimes, Allmand said he hoped for "some kind of agreement" in the Canadian delegation's informal talks with government representatives on renewing bilateral extradition treaties.

Canada was putting special stress on exchange of prisoners between countries, Allmand said. A number of Canadians were in foreign jails for relatively minor offences such as possession of marijuana and Ottawa would like to arrange for them to be returned to Canada.

UNE DÉCISION CANADIENNE QUE LES
DÉLÉGATIONS DISENT COMPRENDRE

Les nouvelles

3-9-75

CKIM

12h

ROGER BAULU:- Le solliciteur général, Warren Allmand, affirme que les délégations à la conférence des Nations-Unies sur la lutte au crime et sa prévention à Genève ont fait montre de compréhension au sujet de la décision canadienne de ne pas tenir ce congrès mondial à Toronto.

Le Canada avait demandé à l'ONU de retarder la tenue du congrès en raison de l'opposition manifestée contre la participation à la rencontre de l'Organisation pour la libération de la Palestine.

LE CANADA S'ACHEMINE VERS
L'ABOLITION DES PRISONS

De tous les points

3-9-75

CBF

18h

ANNONCEUR:- Le Canada s'achemine vers l'abolition des prisons. C'est ce qu'a déclaré le chef de la délégation canadienne à la conférence de Genève sur la criminalité, à laquelle assiste notre envoyé spécial, Jean Charpentier:

JEAN CHARPENTIER:- Prenant la parole au nom du solliciteur général, M. Warren Allmand, rentré au Canada ce matin, M. Gilles Marceau, secrétaire parlementaire du ministre de la Justice, a affirmé que notre régime pénitentiaire s'est révélé un échec.

Loin de se réhabiliter les détenus, a-t-il expliqué, deviennent en prison des criminels plus expérimentés et endurcis. Aussi M. Marceau a-t-il prédit qu'à l'avenir les peines d'emprisonnement seront l'exception plutôt que la règle en matière criminelle. Déjà, a-t-il précisé, 60 pour cent des personnes reconnues coupables d'actes criminels au Canada ont reçu des peines non carcérales: amendes, libérés surveillés, dédommagement de leurs victimes ou accomplissement de certaines tâches pour la communauté.

Il a révélé d'autre part que le Canada songeait à faire purger les peines pendant les week-ends et les jours fériés. Entre-temps, les autorités comptent multiplier les libérations temporaires permettant aux prisonniers de visiter leur famille ou de participer à des activités communautaires. Soixante mille permissions de ce genre ont été accordées l'an dernier, a-t-il dit, avec 99 pour cent de succès.



EDITO-
MATIN

Une paix qui coûtera cher

A la conférence de l'ONU sur le crime, le discours inaugural du secrétaire général adjoint, Mme Helvi Sipilä, décrivait le crime comme un phénomène analogue à la faim ou à la guerre, c'est-à-dire un fléau qui peut être vaincu. L'accent, au cours de ces importantes assises, sera d'ailleurs mis sur la prévention. Dans le cadre d'une organisation mondiale vouée au maintien de la paix, une telle orientation est bienvenue, pour autant qu'on ne limite pas la prévention à des codes plus sévères et à des contrôles ac-

Il importe de replacer dans ce contexte la décision canadienne de céder aux pressions sionistes et d'invoquer des prétextes invraisemblables pour que la conférence sur le crime ne soit pas tenue à Toronto, à cause de la présence de l'Organisation de libération de la Palestine comme observateur ; cette reculade constituait la preuve officielle que le Canada, pays du camp occidental, n'est pas très attentif au sort des expatriés palestiniens. Comme mesure préventive à l'égard du terrorisme international, on a déjà vu mieux.



MARC
LAURENDEAU

crus. En matière de terrorisme international, ni l'augmentation de la surveillance dans les aéroports, ni le perfectionnement des fouilles et des dispositifs électroniques sur les avions ne pourront endiguer la montée d'une protestation vitale qui prend source dans une situation politique de plus en plus désespérée.

Les accords entre l'Égypte et Israël ont ceci de tragique qu'ils excluent les Palestiniens des modalités du traité et les condamnent de ce fait à pousser plus loin leur **marginalité**. Autrefois, l'idée combattue par les Palestiniens était la simple possibilité que les belligérants directs, avec le consentement des grandes puissances, se réconcilient par une entente qui ne tienne aucun compte du pénible déracinement palestinien. Ils redoutaient que des accords internationaux se concluent dans un climat d'indifférence mondiale à l'égard des camps délabrés et crasseux où s'entassaient des milliers de réfugiés. Maintenant que leur crainte s'est réalisée, concrétisée dans une paix signée entre l'Etat hébreu et le plus grand pays arabe, les Palestiniens n'ont plus qu'un choix : la revendication violente.

Si M. Henry Kissinger ne se hâte pas de proposer une solution au problème palestinien, laquelle pourrait être abordée lors de ses prochains pourparlers à Ryad, à Amann et à Damas, le "Front du refus" risque fort de se durcir. Déjà, les manifestations devant l'ambassade égyptienne de Beyrouth et les déclarations agressives des principaux leaders palestiniens donnent une idée du bouillonnement qui s'élève.

Les Etats-Unis ont acheté cette paix au Proche-Orient à coups de milliards; alors qu'Israël reçoit, en compensation des territoires évacués, un renforcement de son potentiel militaire ainsi que des subventions pétrolières, l'Égypte, qui a rejeté graduellement son "socialisme" stagnant, se voit bénéficier d'engagements économiques américains importants. Sans doute, une éventuelle stabilisation des approvisionnements pétroliers en provenance des pays arabes vaut-elle que les USA paient ce prix. Mais quand les bombes exploseront dans les kibboutzim et que les bazookas et les grenades retentiront dans les aéroports, M. Kissinger pourra ajouter ces petits incidents à la note de frais.

Young girls 'follow in footsteps of criminal mothers, sisters'

GAZETTE 4-9-75

By SCOTT THORNTON

GENEVA — (Reuter) — A United Nations conference on crime here this week will discuss at least one disturbing world problem—more female criminals.

A report drawn up for the conference describes the increasing crime rate among women as "a new universal phenomenon" and says lawlessness can no longer be regarded as a male preserve.

Women are fighting, stealing, embezzling and using drugs more than ever as they strive for sexual equality.

"Just as women are attaining opportunities in legitimate fields, some of them are finding their way into and succeeding at crimes which traditionally have been committed primarily by men," the study says.

NO SURPRISE

UN experts say the surge in crimes carried out by girls and women is so great that lawmakers, judges and police will have to find ways to help ease the strain on courts and prisons.

The problem of female criminals will be one of the main topics at the two-weeks conference. Other subjects include international terrorism, art thefts, organized crime, increasing violence and legal reform.

The report says the rise in female crime is not unexpected. Since old sex roles are breaking down, "it should come as no surprise that once women are provided with opportunities traditionally reserved for males, they will

endeavor to gain equal status, criminal as well as civil."

Statistics provided by the Federal Bureau of Investigation FBI showed that during the 12-year period to 1972 the arrest rate among females in the U.S. rose nearly three times faster than males.

The United States experience has been mirrored in other countries. Japan disclosed that among total offenders, the proportion of females increased to 13.6 per cent in 1972 from 9.8 per cent in 1962.

In West Germany the percentage of female criminals increased to 17.1 per cent in 1970 from 15.4 in 1963. In Canada the ratio doubled from 1960 to 1969, and in Norway it leaped to 10 per cent of the total from the pre-1958 figure of four per cent.

The experts report an especially high increase in female juvenile delinquency.

"Clearly, young girls are following in the footsteps of their criminal mothers and older sisters. In some countries it is no longer uncommon for these youngsters to participate in burglaries, auto thefts and even extortion rings which prey upon schoolmates."

The report says that in several ways social adolescence is most traumatic for teen-age girls in developing countries. They have to learn to become women in a changing urban environment.

POLITICAL ACTIVISTS

Hardened female criminals are changing their style.

"Prostitutes are showing tendencies of greater aggressiveness and independence from male protectors and pimps. Drug abuse is increasing among females as they are increasingly subjected to the stresses and temptations heretofore reserved for males.

"Female economic offenders are broadening their patterns of criminal behavior with increasing opportunities ranging from shoplifting to embezzlement and from thefts of pencils to corporate funds. Above all, females have entered the ranks of the political activists and, consequently, of political offenders," the UN report states.

The study says women were often treated leniently by police because men tend to see them as erring and misguided children who had strayed from the right path, but conversely they are often given longer prison sentences since judges regard them as being more amenable to long-term reform. Women's prisons were often inadequate.

"In many countries where prison lodging is crowded, females of all ages and who have committed all types of offences have been housed together. In addition few provisions have been made for vocational training or recreation, understaffing has necessitated more rigid rules and visiting privileges have been restricted."

One way to resolve the overcrowding of prisons and courtrooms would be to replace formal detention institutions with small community-based treatment centres, the experts suggest.

Les nouvelles TVA

4-9-75

CFTM

22h30

ROBERT LEMAY:- Plusieurs prisonniers étrangers parmi les 600 présentement détenus dans les prisons canadiennes pourraient être libérés sur parole pour purger le reste de leur sentence dans leur pays s'ils le désirent. C'est ce qu'a proposé aujourd'hui le Canada à la conférence des Nations-Unies sur le crime.

Un membre de la Commission canadienne des libérations conditionnelles, M. William Outerbridge, a déclaré en outre que le Canada était disposé à conclure des ententes avec d'autres pays en vue d'une libération conditionnelle réciproque.

Terrorism for liberation can be justified, Syria argues in UN talks on crime control

4-9-75
By HUGH WINSOR
Globe and Mail Reporter

GENEVA — Syria told the UN Conference on the Prevention of Crime yesterday that a distinction must be made between terrorism for personal benefit, which was bad, and terrorism which liberation movements undertake to free their peoples from foreign domination.

In a discussion on terrorism and political crimes, Mohammed El Fadel said the UN Charter and several resolutions of the General Assembly recognize the Palestinians' right to self-determination.

The Palestinians therefore have the right to undertake acts of violence and to offer resistance against those who are dominating their territory, he said. He accused Israel of committing criminal acts against the Palestinian people.

Several Western countries, led by the United States, stated their general opposition to the use of terrorism as a political weapon, but conceded that any realistic solution would require the elimination of the root causes such as foreign domination, repression, racial oppression and frustrated struggles for self-determination.

One of the non-governmental

participants in the conference, Cherif Bassiouni of the International Association of Penal Law, suggested that if activities within individual countries by national liberation movements could be separated from other categories of terrorism, it might be possible to get international agreement on systems to handle trans-national terrorism.

A paper prepared for the congress by the UN secretariat outlined three possible approaches:

—The extension of universal jurisdiction, requiring the state in possession of an alleged offender to try that person under its own national law;

—Extradition of such a person to a requesting state;

—Trial by an international court of criminal justice which has yet to be established.

The secretariat prefaced its recommendations with the statement that no one has the right to use whatever means he chooses for the accomplishment of idealistic goals, but neither should legal systems label as terrorism everything that is regarded as an unacceptable act.

Several delegates expressed support for an international court of criminal justice, but

the establishment of such a court would require resolution of a number of sticky problems.

These include defining the international crimes to be considered, making provision

for carrying out the sentencing, who will pull the trigger or the trap door if the sentence is death and who will operate and pay for the imprisonment if that is the sentence.

Citizens Sept 4/75 Gap to be closed

By George Kitchen
Canadian Press staff writer

UNITED NATIONS — Canada pledged before the UN Wednesday to use its resources and its influence to bring about a constructive change in the world economic order and reduce the economic gap between rich and poor nations.

External Affairs Minister Allan MacEachen told the General Assembly that Canada accepts the validity of assertions that developing countries do not derive sufficient benefits from the existing system of international trade, investment and finance.

Canada also recognizes the need for change in the economic order but believes that "positive cooperation, not confrontation, is required to solve difficulties, particularly in the area of commodities and raw materials, including energy resources."

Addressing a special session on economic matters called by the developing countries, MacEachen said Canada's response is contained in a new Strategy for International Development Co-operation (SIDC) for 1975-80, unveiled by the Canadian government in Ottawa Tuesday.

UN talks use

Canadian study

GENEVA — Discussion at the United Nations Crime Congress about how to reduce prison populations has been strongly influenced by Canadian thinking on the issue.

The working paper prepared by the UN secretariat in which this subject is raised draws heavily on a paper published this year by the Law Reform Commission of Canada and titled Studies on Diversion.

Diversion means keeping people away from the general process of courts, trials and prisons if other methods can be found.

Canadian experiments referred to in the paper include:

—Individuals or groups in communities dealing with problems without involving the police or courts;

—Police referring back incidents to family or community or just dropping a case without pressing criminal charges, a process known as screening;

—Settling a case through agreement or mediation before it actually comes to trial;

—Using alternatives to prison such as fines, suspended sentences, probation, absolute or conditional discharges, restitution, programs of release on parole or partial detention in community-based residences.

A speech to the congress written for Solicitor-General Warren Allmand, but delivered by Gilles Marceau, deputy head of the Canadian delegation, said Canada also is trying "a more effective use of parole" at the end of prison sentences.

Last year, 60,000 temporary absence passes had been given to prisoners to visit families, or to attend work, school or other worthwhile community activities with "ninety-nine per cent success."

Advances in the use of diversion in Canada stemmed from two factors.

"First, acceptance of the fact that traditional means of correction aggravate rather than reduce criminal tendencies and second, that the criminal justice system is hopelessly overloaded with clients with whom it is not competent to deal.

"The use of criminal justice facilities for minor transgressions reduces sharply its capacity to deal with those that constitute a clear and present danger to society."

Other national delegates said in the discussion that they were finding their judicial systems clogged by an excess of petty cases. Prison and other costs were rising, but having no appreciable effect on the crime rate increase.

An Algerian delegate said the Canadian experience could provide a basis for countries to cut correction costs "because they are an alarming factor for developing nations."

JOURNAL DE MONTREAL
4-9-75 **CRIME**

GENEVE (AP) — Les délégués des pays arabes à la conférence des Nations Unies sur la prévention de la criminalité ont défendu le droit du peuple palestinien à lutter pour son indépendance et ont soutenu que les participants à la réunion n'étaient pas compétents pour discuter du terrorisme international.

Les représentants du Liban, de la Syrie, de l'Égypte et de l'Algérie ont critiqué un document des Nations unies qui, à leurs yeux, ne faisait pas la différence entre le terrorisme commun et la violence justifiée à laquelle a recours un peuple luttant contre l'oppression.

Les orateurs arabes ont évoqué le "terrorisme international" employé dans les guerres coloniales et ont affirmé que le pire terrorisme était lorsqu'un État asservissait par des moyens violents d'autres peuples ou le sien.

MONTREAL 4-9-75
● A la défense
de la Palestine

GENEVE — Les délégués du Liban, de la Syrie, de l'Égypte et de l'Algérie, à la conférence des Nations unies sur la criminalité, ont défendu le droit du peuple palestinien de lutter pour son indépendance et ont soutenu que les participants à la réunion n'étaient pas compétents pour discuter du terrorisme international. Les représentants s'opposent à un document de l'ONU qui ne fait pas la différence entre le terrorisme commun et la violence, selon eux justifiée, d'un peuple luttant contre l'oppression.

Canada wants drastic curbs on terrorists

By DAVID McDONALD
Journal London Bureau
GENEVA — Drastic measures to deal with international terrorists have been suggested by a Canadian to the United Nations Crime Congress.

Dahn Batchelor of Toronto, who works for the Canadian Professional Committee for the Study of Euthanasia, said there are two ways in which terrorism can be stamped out.

"The first is for all terrorists to be tried summarily in the country in which the crime is committed and to be immediately executed if found guilty.

"The second is for every country which suffers a terrorist incident to immediately hand over the terrorist to the jurisdiction of a world court that would be set up specifically to try such offences.

"Any country that failed to hand over the terrorist would be instantly subject to sanctions. For instance, the country's membership of the United Nations would be forfeit, a trade embargo would be applied by all UN members and no civilian airplane would land at its airports, no civilian ship dock at its ports. This international isolation would ensure general

compliance."

Batchelor said that, at the moment, things were operating in the favor of terrorists.

"If they commit an act of terror they may be deported, in which case they can begin all over again. Others are jailed then freed because their compatriots take hostages and blackmail the government concerned into freeing their prisoners. It is a vicious circle."

The result was that the supply of terrorists was kept constant or even increased, he said.

"It is like leaving your hot water tap running and the plug in the bath. You get water over your head and a ruined floor. But, if you take terrorists right out of circulation, and execution is one way, the problem begins to be more manageable.

"And, terrorists themselves begin to reason that their activities are pointless if they know no one will shelter them and they are likely to die."

The general discussion on terrorism bogged down on the issue of the definition. Middle East countries, such as Egypt, said a distinction must be drawn between aggression and liberation struggles.

The Egyptian delegate said: "Since the United Nations cannot define terrorism,

how can we deal with this problem satisfactorily? At the 27th session of the General Assembly in 1972, the definition of terrorism was discussed and a committee was set up to draw up a definition. This has not yet happened."

Professor Mohammed El-fadel of Syria said: "There should not be confusion between acts of violence for personal motivation and a fight for liberation against occupation and colonial exploitation.

"State terrorism is at the root of tragedy and suffering of millions in Asia, Africa and Latin America. It is suffering representing the most dangerous source of international terrorism. The United Nations should do what it can to eliminate official terrorism."

A Dutch delegate said no country "should allow terrorists to train for their acts on its own territory." Terrorists regarded the whole world as their theatre of operations.

"Political or ideological aims can never justify bloodshed and terror or death acts should be universally condemned by this congress."

LES "VIOLEURS" SONT MENACÉS DE CASTRATION

JOURNAL DE MTL 4-9-75
GENEVE (AP) — La castration ou la "démasculinisation" hormonale sont des procédés contestables dans la lutte contre les criminels sexuels, affirme un rapport de l'Organisation mondiale de la santé OMS, présenté

dans le cadre de la conférence des Nations unies sur la prévention du crime, qui se déroule actuellement à Genève.

Ce document, qui doit venir en discussion à la fin de la semaine, ajoute que "ce n'est pas uniquement la justification morale de la castration qui est mise en cau-

se, mais aussi son efficacité".

"La faiblesse des méthodes visant à modérer l'activité hormonale réside dans le fait que les viols, ou les autres crimes sexuels, ne sont pas simplement les produits d'une pulsion sexuelle irrépressible", poursuit ce rapport, qui précise que, statistiquement, la relation entre la puissance sexuelle et la propension à commettre un crime sexuel n'est pas prouvée.

'Toronto' crime meet going well in

Geneva

GENEVA — Despite Allan MacEachen's assertion that it would never fly, the fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders has taken off smoothly in its bid to define a long-range strategy to fight evil-doing over the next quarter-century.

In fact, things have begun so smoothly that there is some residual resentment at the Canadian suggestion, in Mr. MacEachen's July 21 statement to the House of Commons, that "it would not be possible, in present circumstances, to hold a successful congress on crime prevention in Canada or anywhere else."

A senior Italian delegate said of this statement: "That really is the most awful rubbish, much as we all sympathize with Canada's ticklish political problem over the conference."

An Argentine government official said: "Nobody believes that line and I don't know why Canada felt it had to put it out. There's no reason for this conference to fail."

Gerhard Mueller, executive director of the conference, rather testily told journalists, "The Canadian government was concerned that the conference would be politicized by the presence of the Palestine Liberation Organization observers. I don't see any reason why it should become politicized."

It was Mr. Mueller and his staff who bore the logistical brunt of the Canadian government's decision to ask the UN to postpone the conference until 1976 instead of holding it in Toronto as Ottawa had agreed before it came under political pressure.

Some arrangements couldn't be switched at the late date so most of the conference documents will keep Canada's action in constant view. On the front of them are the conference dates and the legend: "Toronto, Canada."

Mr. Mueller says the Canadian decision will cost the UN "somewhat in excess of \$100,000" and that it cost him and his staff "some hours of sleep."

Among the 1,000 government officials, politicians, policemen, judges, prosecutors and profes-



ALLAN MacEACHEN
"Awful rubbish."

sors attending this crime conference, it is difficult to find anyone who has a good word to say about Canada's solution to the problem it faced over the Toronto conference.

Most also say they regard it now as a fairly minor issue.

Several small countries, such as Monaco, Liechtenstein, Botswana and Lesotho, are not attending, but the most glaring absentee is Israel. The Israeli mission to the UN issued an angry statement referring to the Canadian decision as a parallel to its own government's rejection of attendance because of the seating of the PLO as observers.

"Israel's participation," said the statement, "in company of the representatives of the PLO, would accord an imprimatur, a seal of approval, to a congress which, even before its beginning, disqualified and discredited itself through its disregard of moral principles."

The problems to be examined by the crime congress include every type of crime prevalent today, with emphasis on the steady rise in crime around the world.

Mr. Mueller says there are 10 million persons in prison on any given day around the world and the aims of the congress will include policy suggestions on how to reduce that figure by reducing the number of offences that require a prison sentence and on how to ensure that all prisoners get humane and reasonable treatment.

Two other aims are to develop a universal code of ethics for policemen and to try to get general agreement on banning the use of torture by police forces. An anti-torture resolution was passed by the United Nations General Assembly last fall.

It is hoped also that a way will be developed of assessing how much crime costs society around the world.

Antiquated legal systems will be examined to see how they can be made more responsive to today's needs and less based on yesterday's concerns.

Mrs. Helvi Sipila, an assistant secretary-general of the UN, told delegates in an opening speech: "Many nations of this world are saddled with criminal codes designed somewhere between the ages of chivalry and of colonial expansion. The systems of procedure were designed for offender types who, if they ever existed, certainly do not appear before the courts of most countries today. The solutions which these codes envisaged are far removed from the problems of today."

"Worse yet, many nations of the world, who acquired their national sovereignty only since the birth of the United Nations, have inherited systems designed for different people, at different times, in different climes."

Developing a common view on the various aspects of crime control will not be easy during this conference.

A Bulgarian delegate illustrated one of the problems during one of the first workshop sessions by delivering a dreary speech whose main theme was that there is no crime crisis in Bulgaria because of "the correct political approach we have taken to such things."

The exasperated workshop chairman broke in to berate the Bulgarian, in elegantly indirect language, for wasting everyone's time by taking a conventional nationalistic view that everything is right in one's own country.

"Let's get away from self-praise and talk facts or we'll get nowhere," concluded the chairman.

Since only national legislatures can enact legislation to make a reality of anything concluded at this conference, much importance is placed on the compilation of accurate statistics that can help member countries decide on a course of action. An important part will be played in deciding how to compile such information by the research experts meeting, due to have been held in Montreal Aug. 28-30 and now to be held at Geneva during the main congress.

100

CRIME CONFERENCE DISCUSSES ALTERNATIVES TO PRISONS

THE WORLD AT SIX
CBC RADIO NETWORK

5-9-75
6:00 p.m.

EARL CAMERON:- The United Nations conference on crime has discussed the alternatives to putting criminals in prison. During the discussions, an Ontario judge proposed one way of dealing with young offenders. Brian Kellagher reports from the conference site in Geneva.

BRIAN KELLAGHER:- The question of finding alternatives to prison is not seen here as some kind of phony liberalism, it's rather a question of efficiency in trying to avoid repeat offenders and save some of society's money.

The Dutch claim to have made some progress along these lines. Only about a third of their criminal offenders ever end up behind bars, and their public prosecutors have the power not to prosecute if, in their opinion, no social good would come of it. But the Dutch delegation stressed here today that measures to reduce the use of prisons can only succeed if there's wide-ranging public debate, and that debate in fact was the main factor in making change possible.

An Ontario provincial court judge, David Vanek, (phonetic spelling) spoke as an individual, not on behalf of government, in proposing a public service corps made up of young offenders. Judge Vanek said the corps could be nationwide and would enable an individual to travel and learn a trade.

DAVID VANEK:- I don't mean enforced labour. I'm thinking in terms of an organization that would be guided by a philosophy, the prime object of which would be the rehabilitation of the people in the corps. Those are the people it would be intended to serve.

KELLAGHER:- A juvenile crime expert from New York State, Milton Lugar, said there had to be greater accountability for some of the programs designed to keep young people out of institutions. He said all too often they ended up in institutions anyway, and, when asked what had happened in the other programs, they say, "Well, I went for the first day, but I never went back and nobody ever checked up."

Brian Kellagher, CBC News, Geneva.

Women's freedom

Conference disputes UN paper on crime

GLOBE AND MAIL 5-9-75

GENEVA, Switzerland (AP) — International criminologists yesterday challenged claims that crime among women is on the rise as a result of their new freedom.

Representatives from Communist, European and developing nations told a UN Crime Conference that female offences have not significantly increased in their countries and there is no basis for the conclusion that a freer, more active life makes a woman more likely to become an offender.

A UN working paper prepared for the meeting of 1,100 delegates from 90 nations stated in cre a s i n g female crime "is a new universal phenomenon." The paper cited mostly U.S. and West German statistics and admitted that there is little evidence from elsewhere.

Bulgarian Justice Minister Svetly Baskalova, taking exception to the UN report, said that in her country the number of female offenders is decreasing and this is valid for all socialist countries.

"It is an absurd conclusion the women's struggle for equality makes them more inclined to crime," a delegate from Cuba added and said it is time a thorough investigation of the social phenomenon of crime be conducted in a scientific and uniform manner.

Inkeri Antila of Finland, president of the two-week conference, said the female crime rate in her country has remained stable.

Canadian court worker Dorothy Betz said female crime has been on the rise in Canada in recent years, but

she questioned if this is the result of the changing role of women. She said a high percentage of Canadian women law breakers commit drug related offences, "many acting under the influence of men to whom they are attached."

Lesotho delegate Chabokaani said in his young nation the female crime rate is low and "we do not agree that female crime increases with job opportunities. The contrary seems to be true.

"The lot of our women has improved, and for instance the number of handkerchiefs stolen at our market places has gone down, simply because today the women can afford to buy them."

Warren Woodham of Jamaica suggested the UN authors update the report. "drawing on the experience of many developing countries that does not correspond to its conclusion." He said the female crime rate in Jamaica, where women make up 40 per cent of the labor force, has been stable over the past decade.

A representative from Greece said the Greek female crime rate has declined in recent years and doubted the UN document was based on accurate figures.

Australian delegate David Biles was the sole speaker in the debate to agree with the working paper. He said "a small rise of female crime is still a relatively minor problem" in his country but "is undoubtedly due to emancipation and increased participation of women in the work force."

Canadian ethics sag justice near chaos

UN congress is told

TORONTO STAR 5/9/75

GENEVA (CP-Special) — Canada's criminal justice system is bordering on chaos because of an ethical vacuum, the fifth United Nations congress on crime was told today.

W. T. McGrath, executive director of the Canadian Criminology and Corrections Association, said the criminal justice system must be rooted in morality and based on reason if it is to retain public support but "I suspect that certain forms of petty theft are now so common in Canada that they no longer shock the public."

Unless this change in attitudes can be reversed, "we may be forced to consider them regulatory offences," he said in a prepared speech released in advance.

"I doubt if many Cana-

dians would be embarrassed if convicted of smuggling goods across the border, or income tax evasion, or pilfering from an employer, or cheating the public insurance or public welfare system, or even graft, although they would, no doubt, regret any penalty they were forced to pay."

McGrath said religion had proved too narrow a basis for criminal justice but in rejecting it, Canada also had rejected morality.

"The result is a confusion of aims, policies and practices that borders on chaos."

The most notable exception to the tendency to play down moral factors was in the area of prisoners' rights. One result was the erosion of authority of prison staffs, who no longer knew what they were supposed to be doing.

Many prisoners had been convinced by "a twisted version of social science" that they weren't responsible for what they had done.

He said there are serious dangers in applying sin as the measure of a crime.

"In Canada we consider the smoking of cannabis a serious offence and exhaust a considerable portion of our resources in enforcing the laws against it, while syndicated crime continues to grow and while our environment is being destroyed to the point where its sufficiency to support our population is threatened.

"For some peculiar reason we do not see the same sin content in these latter offences."

L'émancipation mène à

la criminalité?...

UN conference

Computer use is seen in crimes of future

5-9-75

By HUGH WINSOR
Globe and Mail Reporter

GENEVA — The big crimes of the future probably will involve computers, according to a group of criminologists surveyed by the United Nations secretariat.

They also will involve communications and the head of the British delegation to the Fifth UN Congress on the Prevention of Crime, Sir Arthur Peterson, predicted there

Canada urges parolee return

GENEVA (Staff) — The Canadian delegation to the UN congress on the prevention of crime pushed yesterday for an agreement on exchanges for parolees.

The proposal outlined by William Outerbridge, chairman of the Canadian Parole Board, would involve bilateral treaties with other countries that would allow Canadians convicted of offences in foreign countries to serve their parole period in Canada.

Canada similarly would return non-Canadians to their home country to serve their paroles. Canada stressed that the exchange would come into effect only after the jail portion of the sentence has been served. The Canadian Government does not favor direct prisoner exchanges.

The exchanged prisoners would remain under the jurisdiction of the sentencing country but would be treated in Canada similarly to Canadian parolees.

It is thought that parolees would be more likely to be rehabilitated in their home countries and more likely to find jobs to support themselves.

GENEVE (AP) — Les criminologues, tant des pays occidentaux que socialistes ou du tiers-monde, siégeant au cinquième congrès des Nations-Unies sur la pré-

vention de la criminalité, se sont inscrits, jeudi, en faux contre les conclusions d'un rapport de l'ONU selon lequel l'augmentation de la criminalité féminine est

une conséquence directe de l'émancipation des femmes.

L'étude des Nations-Unies, qui évoque principalement la situation aux

Etats-Unis et en Allemagne fédérale, conclut que l'augmentation de la criminalité féminine "est un phénomène nouveau et universel".

Affirmant pour leur part

ne pas avoir constaté dans leurs propres pays d'augmentation significative de cette forme de criminalité, les représentants des trois blocs estiment que l'affir-

mation selon laquelle la délinquance est proportionnelle au degré de liberté des femmes est non fondée.

Il n'existe aucun lien entre le taux de criminalité féminine et le degré d'intégration des femmes dans la société".

will be more attempts at sensational violence at large gatherings such as the Olympic Games because television enhances the sensationalism of the acts.

The British delegate said it was possible to take effective counter-measures by changing the design of spectator areas in sports stadiums and by effective police work.

The experts who were asked to try and predict future criminal trends suggested that environmental pollution, consumer frauds and related business offences as well as possession of guns would be added to criminal codes.

But the fastest growing criminal activity would be directed against property involving theft and fraud by manipulating the increasing amount of business that will be transacted solely by computers.

The techniques and skills of criminals will improve, the experts predicted, and law enforcement agencies will have to adapt quickly to meet the challenge.

The main activities likely to be no longer considered criminal, the criminologists suggested, were drunkenness, homosexuality, gambling and the use or possession of marijuana.

Of the crimes that are most likely to have trans-border significance, the survey listed water pollution, particularly ocean dumping, at the top of the list.

Other international crimes of growing importance will be sale of harmful products, theft of cultural objects, air pollution, kidnapping, currency crimes, crimes related to fishing and the seas (the theft of food production) and the evasion of tax and exchange regulations.

Canada seeks pact to swap parolees

5-9-75
MONTREAL (CP) — Many of

the 600 foreigners in Canadian jails would be paroled to serve their remaining sentences in their own countries under a Canadian proposal placed before the United Nations crime conference Thursday.

William Outerbridge, chairman of Canada's National Parole Board, said Canada is willing to enter into treaties with other countries for reciprocal enforcement of parole.

In contrast to the 600 foreigners serving prison terms in Canada, about 200 Canadians are imprisoned

abroad, not including those in the United States.

"The especially brutal impact of penal sanctions in strange lands has long been recognized by humanists and penal administrators," Outerbridge said.

Under the Canadian proposal any prisoner exchanged would have to agree to abide by the parole conditions before being transferred home.

If there is sufficient support for the proposal, Canada will urge development of a UN group to study the idea in detail, Outerbridge said.

New freedom called factor in female crime

TORONTO 5/9/75
By GEORGE BAIN
Star staff writer

OUT OF HOME

GENEVA — A woman is left with a handful of children for weeks on end, her husband away. Money perhaps isn't plentiful. She has all the decisions to make, alone. The children are less easy to discipline than children were at one time. And it's more all right for her to go out to a beverage room than it would have been a few years ago.

So she goes, because she wants a few hours away from it all. She becomes involved with the wrong people — perhaps a man — and, with no criminal intent, and without being a bad or neglectful mother, she's in trouble, a criminal statistic, one in a rising line of them on a graph.

CRIME RATE RISES

That's one way Dorothy Betz, an Indian mother of six, who is a court officer in Winnipeg and member of the Canadian delegation at the United Nations crime conference here, has seen the components of a problem being studied by delegates.

Figures on female criminality are rising just about everywhere.

In Norway, for almost 100 years, women accounted for no more than 4 per cent of crime. Since 1958, the proportion has grown to 10 per cent. In the United States, between 1960 and 1972, the arrest rate among women for embezzlement went up by 280 per cent compared with 50 per cent for men, and the arrest rate for burglary by 168 per cent compared with 63 per cent for men.

In Japan, the proportion of female offenders rose from 9.8 per cent in 1962 to 13.6 per cent in 1972, and in Brazil in a 14-year period the increase in female crime was twice that of the increase in male crime, although, as in all these cases, it remained only a minor fraction of the total.

Yesterday, in the committee dealing with changes in forms of criminality, and in conversation outside it, Dorothy Betz gave some views on the subject which might be reduced to a formula of sorts: More opportunity, plus more pressure, including mainly economic pressure, makes more female crime.

In the committee, she suggested the changing role of women in society is part of the explanation. It has "taken her out of the home to seek employment . . . has exposed her to the burdens and frustrations arising from the financial support of her family (and) provides increased opportunity to engage in criminal behavior."

She also asked whether the new statistics don't reflect another change in society whereby women are more likely to be charged with the commission of a criminal offence.

There has been a big increase in shoplifting. She thinks the continuing sharp increase in the cost of living is part of the cause. There is a good deal of economic fraud, such as welfare cheating. Mostly it turns up about February, when frauds committed around Christmas come to light.

In the meantime, she says, "the individual may have got scared, may have got a job to try to pay it back, but it's already in the hands of the authorities, and they have to go to court."

ALLOWED IN BARS

More women are involved in drinking-driving offences, she says, because there are more women driving and because women are allowed in beer parlors and bars, whereas once they weren't.

Where women are involved in assaults, it very often is in the company of a man. As, for instance, in the case of the woman who picks up a man in a beverage room, takes him to a room in a hotel, and a male accomplice chokes the dupe's money out of him. The woman does not take part in the actual assault, but is charged as a party to it.

And then there is the case of the woman alone, frustrated, burdened with a lot of family decisions, and with too little money, who, instead of approaching someone for help, goes out to find it in a drink.

FEW IMPRISONED

Because so relatively few women go to jail in Canada, there is only one institution where women can serve a term of more than two years. This means very few are imprisoned near their own communities, a problem now being reviewed.

Among reforms suggested by Mrs. Betz were: Alternatives to prison, such as probation hostels and clinics; consideration of co-educational programs; participation by women, including inmates and ex-inmates, in developing programs "sensitive to the needs of those experiencing difficulties in getting along in our society," and arrangements to keep the incarcerated woman as close as possible to her home environment.

UN conference

Female crime claims disputed

OTTAWA JOURNAL 5/9/75

GENEVA (AP) — International criminologists Thursday challenged claims that crime among women is on the rise as a result of their new freedom. However, a Canadian delegate said crime by women has been increasing in Canada.

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loping countries told a United Nations Crime Conference that female offences have not significantly increased in their countries and there was no basis for the conclusion that a freer, more active life makes a woman more prone to become an offender.

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delegates from 90 nations stated increasing female crime "is a new universal phenomenon." The paper cited mostly United States and West German statistics and admitted evidence from elsewhere was scant.

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female offenders was declining "and this is valid for all Socialist countries."

"It is an absurd conclusion that the women's struggle for equality makes them more inclined to crime," a delegate from Cuba added and said it was time for a thorough investigation of the social phenomenon of crime conducted in a scientific and uniform manner.

Mrs. Inkeri Antila of Finland, president of the two-week conference, also said the female crime rate in her country remained stable.

Rise reported

Canadian court worker Dorothy Betz said female crime has been on the rise in Canada in recent years, but she questioned if this was the result of the changing role of women. She said a high percentage of Canadian women law breakers committed drug-related offences, "many acting under the influence of men to whom they are attached."

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B.C. seeks extradition changes to deal with 'child kidnapping'

OTTAWA JOURNAL 5/9/75

By DAVID MCDONALD
Journal London Bureau

GENEVA — Unable to speak in the public sessions of the United Nations Crime Congress, British Columbia's Attorney-General Alex Macdonald has been haunting the corridors to put to delegates his own special concern about extradition laws.

He wants new agreements on extradition to include provision for dealing with cases

of what he calls "child kidnapping" of which his own province has had some sensational examples in recent months.

Such treaties fall within federal jurisdiction and he has put his request to federal authorities representing Canada at the congress. But, he also has been putting his concern directly to other national delegations. He does this in the corridors because he is not an official member of the Canadian delegation, but is attending in an individual capacity.

"We have many new Cana-

dians from various countries and, when there is trouble between husband and wife, it often happens that the man will take off for his home country with the child or children.

"In this situation, court orders avail nothing. We have tried working through Canadian missions or directly with governments, but it doesn't help. There is no legal way to enforce return of the children.

"What could do it would be an expansion of extradition agreements between Canada and other countries to include this act of removing children in defiance of custody orders. Ignoring such an order is the equivalent of kidnapping children and we should have some way of reacting in the country to which they are taken."

He said he was finding the congress "rather frustrating" because of many "bland statements" going unchallenged.

"For instance," he said, "Many of the totalitarian states are saying they have no crime in their countries and they need jails only for Western visitors. Somebody should stand up and challenge this sort of thing but everyone is too polite here."

He feels Canadians could learn from the simpler judicial systems used in the third world.

Prisoner exchange proposed

ALBERTA 5-9-75

GENEVA (CP) — Many of the 600 foreigners in Canadian jails would be paroled to serve their remaining sentences in their own countries under a Canadian proposal placed before the United Nations crime conference Thursday.

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role Board, said Canada is willing to enter into treaties with other countries for reciprocal enforcement of parole.

In contrast to the 600 foreigners serving prison terms in Canada, about 200 Canadians are imprisoned abroad, not including those in the United States.

Rise in female crime challenged in Geneva

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centage of Canadian women law breakers committed drug-related offences, "many acting under the influence of men to whom they are attached."

Canada would parole most jailed foreigners

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Congress on crime

EVENING TELEGRAM 5-9-75

The United Nations congress on crime which was pushed out of Toronto by the federal government and found shelter in Geneva has started its two-week session on crime prevention. Bound to surface among the top items for discussion are hijacking and terrorism but with 90 countries to consider each side of every question it is not likely that much progress will be made. In fact, some of the delegates would seem more expert at promoting terrorism than in curing it.

But, for all that, it is still a start

towards international agreement on crime prevention. The federal government, which should be shamefaced for its part in turning away the congress, is participating in the conference and is promoting the repatriation of prisoners to their own countries to serve out their sentences or to be paroled in their home surroundings. It seems to be a sound resolution but given the temper of some of the countries where Canadians are being held we wouldn't hang on its success.

B.C. worried by seizure of children

100
MIL. STAR 6/9/75
By DAVID MacDONALD

The Star's London Correspondent

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been haunting the corridors to put to delegates his own special concern about extradition laws.

He wants new agreements on extradition to include provision for dealing with cases of what he calls "child kidnapping" of which his own province has had some sensational examples in recent months.

Such treaties fall within federal jurisdiction and he has put his request to the federal authorities representing Canada at the congress here.

In addition, he has been putting his concern directly to other national delegations.

He does this in the corridors because he is not an official member of the Canadian delegation and is attending the congress in an individual capacity.

"We have many new Canadians from various countries and, when there is trouble between husband and wife, it often happens that the man will take off for his home country with the child or the children.

"In this situation, court orders achieve nothing.

"We have tried working through Canadian missions or directly with governments, but it doesn't help. There is no legal way to enforce return of the children.

"What could do it would be an expansion of extradition agreements between Canada and other countries to include this act of removing children in defiance of custody orders.

"Ignoring such an order is the equivalent of kidnapping children and we should have some way of reacting in the country to which they are taken."

Mr. Macdonald said he was finding the congress "rather frustrating" because of the many "bland statements" going unchallenged.

"For instance," he said, "many of the totalitarian states are saying they have no crime in their countries and they need jails only for Western visitors. Somebody should stand up and challenge this sort of thing, but everyone is too polite here."

He feels that Canadians could learn from the simpler judicial systems used in the third world.

"We have an elaborate, heavily bureaucratic procedure of justice. Our jail system is lousy. They are schools for crime rather than anything else.

"Canada also has intricate, expensive and delay-prone systems for solving disputes.

"The Third World, by contrast, has many interesting ideas for solving disputes between people quickly and cheaply, without elaborate bureaucracy. We can learn from them."

Switch disputed

Mr. Macdonald doesn't think much of the Ottawa decision that led to the congress being switched from Toronto to Geneva.

"Why shouldn't the congress have been held in Toronto? Surely it's better to talk to the Palestinians rather than keep them away.

"I understand and support Israel's concern for its continued existence, but I don't see that ignoring the PLO helps.

"We'll have the Habitat conference in Vancouver and I suppose we'll face the same questions. I think Canada copped out on the Toronto decision."

Canada disagrees 6/9/75 CITIZEN

World criminologists say female crime rate not rising

GENEVA (AP) — International criminologists have challenged claims that crime among women is on the rise as a result of their new freedom. However, a Canadian delegate said crime by women has been increasing in Canada.

Representatives from Communist, European and developing countries told a United Nations Crime Conference that female offences have not significantly increased in their countries and there was no basis for the conclusion that a freer, more active life makes a woman more prone to become an offender.

A UN working paper prepared for the meeting of 1,100 delegates from 90 nations stated increasing female crime "is a new universal phenomenon."

The paper cited mostly United States and West German statistics and admitted evidence from elsewhere was scant.

Bulgarian Justice Minister Svetly Baskalova, taking exception to the UN report, said that in her country the number of female offenders was declining "and this is valid for all Socialist countries."

"It is an absurd conclusion that the woman's struggle for equality makes them more inclined to crime," a delegate from Cuba added and said it was time for a thorough investigation of the social phenomenon of crime conducted in a scientific and uniform manner.

Ilkari Antila of Finland, president of the two-week conference, also said the female crime rate in her country remained stable.

Canadian court worker Dorothy Betz said female crime has been on the rise in Canada in recent years, but she questioned if this was the result of the changing role of women. She said a high percentage of Canadian women law breakers committed drug-related offences, "many acting under the influence of men to whom they are attached."

Lesotho delegate Chabokaani said in his young nation the female crime rate was low and "we do not agree female crime increases with job opportunities. The contrary seems to be true."

"The lot of our women has improved, and for instance the number of handkerchiefs stolen at our market places has gone down, simply because today the women can afford to buy them."

Warren Woodham of Jamaica suggested the UN authors update the report, "drawing on the experience of many developing countries that does not correspond to its conclusion." He said the female crime rate in Jamaica, where women make up 40 per cent of the labor force, has been stable over the last decade.

A representative from Greece said the Greek female crime rate had declined in recent years and doubted the UN document was based on accurate figures.

Australian delegate David Miles was the able speaker to agree with the working paper. He said "a small rise of female crime is still a relatively minor problem" in his country but "is undoubtedly due to emancipation and increased participation of women in the work force."

VIEWPOINT

UN crime meeting solves few problems, raises many

6-9-75
By HUGH WINSOR
Globe and Mail Reporter

GENEVA — If United Nations technical conferences are being stymied to the point of uselessness, it is not because of the "inevitable intrusion of unrelated political considerations" as the Canadian Government has said, but by the sheer weight of their own unwieldiness.

Now that it has passed into its final stages, it is possible to make some determination where the Fifth UN Congress on the Prevention of Crime and the Treatment of Offenders is going, if anywhere.

The question is not the one raised by External Affairs Minister Allan Maceachen in July when announcing the conference would not be held in Toronto. He said the crime prevention conference "cannot be held successfully anywhere this year."

The question is really whether any United Nations specialized conference on technical matters can be successful in anything other than being a gabfest, given the intrinsic nature of the United Nations and the leviathan bureaucracy it has created.

This is especially so on a subject like crime prevention because crime, unlike water pollution, is defined by the political process and thus varies with each political jurisdiction. Nevertheless, Canada committed \$1.7 million and two years worth of preparations with scarcely a thought to the overall usefulness of such a conference.

It was only because of the narrow and localized issue of the participation of observers from the Palestine Liberation Organization that Canada wasn't stuck with a conference whose overall contribution to the prevention of crime is marginal at best.

It is doubtful that one additional drug trafficker will be caught as a result of the conference, or one burglary averted. The most concrete effect of such a conference is to keep an international bureaucracy and a host of consultants busy making arrangements and writing reports on the social and economic effects of crime.

There may have been some initiatives taken here that could eventually lead to the rewriting of such international codes as the Standard Mini-

mum Rules For The Treatment Of Prisoners or an International Code Of Ethics For Police.

These are at most a benchmark against which to measure the performance of individual countries but there is really no effective means of implementing them. UN attempts at policing are dependent upon the participation of all the member states.

It is significant that in a UN Secretariat survey of member states concerning the treatment of detainees or prisoners, not one country admitted its prisoners were tortured.

There has been some talk about drafting an international understanding on the ways of curbing terrorism. The two favorite precedents in the speeches are the convention to eliminate piracy on the high seas and the sharp reduction of aircraft hijackings.

It is true that there has been a dramatic reduction in aircraft hijackings and some of the credit can be given to international agreements, especially the one between the United States and Cuba opposing the return of hijackers. As a matter of fact the multilateral treaty negotiated several years ago in Montreal has never come into effect. The major factor in the reductions, however, remains the physical security precautions and metal detectors at airports.

Unfortunately, such direct remedies do not seem to be available to prevent kidnappings or bombers in such prominent targets as London's Hilton hotel.

None of these developments, or lack of them, have been affected by the issues raised by Mr. Maceachen when he announced that Canada was withdrawing its invitation to Toronto for this year.

As to the "inevitable intrusion of unrelated political considerations", there were plenty of political interventions but they were all, including those on terrorism, related to the subject matter on the agenda. Mr. Maceachen's second reason was the "re-escalation of violence in the Middle East with its attendant spread of bitterness into Canada." The signing of

the interim peace agreement down the hall adds particular poignancy to that miscalculation.

Mr. MacEachen was right when he said the Middle East conflict adds to "the already hopeless confusion between civil crimes and acts of war." The discussion of terrorism involving one of the five sections of the conference did underline that "hopeless confusion" and added very little in the way of preventative measures.

But that discussion lasted only half a day—the PLO did not intervene at all—and it hasn't had any apparent impact on the rest of the conference, except for some worried to-ing and fro-ing by members of the External Affairs Department in what otherwise is a Department of Justice and Solicitor General's show.

We are thus left with a number of interesting generalizations: crime increases with the acceleration of social change, industrialization, urbanization, social mobility and the development of technology. The conclusion from all of this is that developing countries are in for fantastic increases in crime rates.

There have also been some general descriptions of organized crime turning away from rackets such as gambling and drugs towards the legitimate infiltration of banks, manufacturing and retailing companies—conclusions already evident to anybody familiar with the recent Quebec crime inquiry.

Again Canadians familiar with the demise of the Investors Overseas Syndicate have seen a close-to-home example

of how crime will flow to the countries with the least effective regulations.

There has also been the odd interesting revelation in 7 There has also been the odd interesting revelation in the background papers, like the fact that crime is estimated to cost every citizen in the United States \$420 a year. There has also been some documentation of the exploitation of developing countries by multinational corporations, but at best they represent a pulse-taking of the trends in international crime and all have been originally revealed elsewhere.

And then there are the speeches, most of them long and repetitive and few of them adding anything new to the conventional wisdom on the subjects. The eastern bloc speeches are at least consistent and follow the lines of the East German delegate who said his country had learned from Karl Marx that wise legislators should replace jailors.

Crime has been eliminated, the Bulgarian delegate boasted, because the coming of Socialism had eliminated the exploitation of man by man. Strangely enough, there still seem to be a large number of criminologists in the east bloc countries judging by the registration of the congress.

All of this is not to say that the conference hasn't been worthwhile for the individual participants in the same way that academic conferences are gatherings to see colleagues in the field, trade research, gossip and sometimes find new jobs.

Canadian crime prevention studied

The Chronicle-Herald
6/9/75.

By BOB HOWSE
Staff Reporter

Law enforcers from various countries concerned with the increasing rate of crime in the world have taken an interest in the views of Canadian police on extradition, police community relations, and ethics, at the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, now under way in Geneva.

Halifax police chief George O. Robinson, who is a member of the Canadian delegation to the crime conference, said Thursday the conference is indicating that nations everywhere "are concerned with increasing crime and are prepared to look for assistance wherever they can get it."

Speaking from Geneva in a telephone interview, Chief Robinson said much concern in the conference is being directed toward crime prevention and "handling the problems of tomorrow," and in this area "many countries are showing an interest in our views of police community relations."

Appointment of a community relations officer has proven invaluable to the Halifax police department, he said, in the organization of youth projects and in allowing the police to discuss their problems and role with any number of community groups.

FBI director, Clarence Kelly, heading the U.S. delegation, presented a paper on community relations before a committee of the UN congress, said Chief Robinson, and indicated that many of the same efforts at improving police community relations are being carried out in the United States.

After four days of meetings, the committee on which Chief Robinson is representing Canada has discussed police professionalism, international police cooperation, an international code of police ethics, and the present and future role of police.

Canada delivered a paper on police ethics, he said, and officially presented the draft of the United Nations International Code of Police Ethics, coming out strongly in favor of the document. The code would set regulations for the treatment of prisoners and provide standards of conduct for police both on and off the job.

"I think there must be a code of ethics if policemen ever hope to become professionals," he said.

One of the main issues concerning the Canadian delegation to the conference, the police chief said, has been the revision of laws of extradition on which "Canada has taken quite a stand."

"The Canadian delegation wants to revise extradition laws which were written before such things as drug related crimes or 'white-collar' crimes like embezzlement were widespread problems. We want to broaden and update old extradition treaties and get new ones from countries with which we don't have treaties now."

To date, talks on new extradition agreements which would include sections on drugs and white-collar crimes have been held between Can-

ada and Nigeria, said Chief Robinson, and the African nation has indicated it is willing to discuss a new treaty with these provisions.

Other nations have shown they are ready for international cooperation on extradition and "have given a good indication they are prepared to talk about new treaties," he said. The Canadian government will feel the benefits of this conference later when other countries begin to contact Ottawa in regard to these new agreements, he added.

Canada has pushed for agreements which would allow Canadians serving prison sentences abroad to serve their paroles in Canada. The Canadian delegation has suggested that the rehabilitation of offenders would be facilitated if they were allowed to serve paroles in their homeland, Chief Robinson said.

"We are concerned that men coming out of prison would have to live among strangers," he said, and added that Canada would offer the same parole benefits to other countries that it wants for Canadians. More than 200 Canadians are in trouble abroad at present for all types of crimes, he said.

The crime conference originally was scheduled to open in Toronto on Sept. 1, but the UN chose Geneva as a location after protests by the

Ontario government and Jewish groups against admission of delegates from the Palestine Liberation Group led the federal government to request a year's delay in the conference and relocation to another Canadian city.

Chief Robinson said there has been "no reaction against Canada" at the Geneva conference and no comment has been made on the Canadian decision to move the conference from Toronto.

Unacceptable face of terrorism

TORONTO STAR 8-9-75
The Syrian delegate wasn't saying anything new when he told the United Nations crime conference in Geneva that terrorism is justified to liberate people from foreign domination. For centuries, people have fought against oppressive rule with violence, and in an authoritarian state that's the only recourse.

But what is new—and totally repugnant—is international terrorism that strikes at innocent people of any nation, wounding and killing those who have no part in the oppression.

Bombings, hijackings, kidnappings and other violent acts are being used unconscionably all over the world to draw attention to the aggrieved people's plight.

Such contempt for the lives of innocent people

has no part in a liberation movement. It can only be the work of anarchists—whose doctrine is "there are no innocents"—because their ultimate goal is destruction.

A nationalist's goal should be a constructive one, to live in peace and freedom. To do that he may try to overthrow people who are preventing it. But that is a last resort.

Nobody can live in freedom in a state whose citizens murder at will, and no state where that is common can call itself free. Trans-national terrorists, who believe in indiscriminate killing as a political tactic, are only laying the groundwork for more oppression.

Frustration ne rime pas avec délinquance...

MONTREAL-MATIN, VENDI 8 SEPTEMBRE 1975.

GENEVE (PC) — Les criminologistes, tant des pays occidentaux que socialistes ou du tiers monde, siégeant à Genève au cinquième congrès des Nations unies sur la prévention de la criminalité, se sont inscrits hier en faux contre les conclusions d'un rapport de l'ONU selon lequel l'augmentation de la criminalité féminine est une conséquence directe de l'émancipation des femmes.

L'étude des Nations unies, qui évoque principalement la situation aux Etats-Unis et en Allemagne fédérale, conclut que l'augmentation de la criminalité féminine "est un phénomène nouveau et universel".

Affirmant, pour leur part, ne pas avoir constaté dans leurs pro-

pres pays d'augmentation significative de cette forme de criminalité, les représentants des trois blocs estiment que l'affirmation selon laquelle la délinquance est proportionnelle au degré de liberté des femmes est non fondée.

Mettant en doute la validité des statistiques internationales de l'ONU, la représentante de la Grèce a déclaré: "Il est vrai que l'adaptation des femmes aux profondes mutations de la société engendre des frustrations. Mais ces frustrations ne conduisent pas nécessairement à des délits. Il n'existe aucun lien entre le taux de criminalité féminine et le degré d'intégration des femmes dans la société".

Legal systems

criticized

TELETYPE STAR 9-4-75

GENEVA (AP) — Existing legal systems in the West tend to be divorced from reality and are powerless when confronted by the international criminal, a committee of the United Nations Congress on the Prevention of Crime reported yesterday.

The report, to be considered at a plenary session later this week, referred to such general problems as overburdened courts, inadequacies in law systems, overloaded prisons and the difficulties of dealing with professional criminals.

RETHINK PROCESS

The committee suggests that criminals seem more capable than police of gaining advantages through technical progress and the question arises "whether it was not necessary to rethink the whole basis of criminal policy and justice."

The report says that, in most countries there are distortions between the requirements of the law and the needs of the people. It says "it must be concluded that most judicial systems are biased" since the underprivileged classes are unquestionably over-represented among the people prosecuted.

REGRESSION NOTED

"What is more, a regression of criminal justice toward forms of severe repression is to be noted whenever a country has to face new phenomena."

In many countries, the report maintains, people no longer have confidence in a justice they consider either too indulgent or too severe.

"Justice seems unrelated to social reality: Its notions, criteria, setting and speech are alien to real life. There is a certain social schizophrenia or criminal justice.

"Divorced from reality, criminal justice no longer guarantees the safety of citizens and often seems uninterested in certain socially harmful situations."

Extradition pacts outdated: Report

GAZETTE 9-9-75

GENEVA — (AP) — Antiquated extradition treaties and different national laws often prevent international police co-operation in tracking down criminals, a report drawn up for the United Nations fifth Congress on Crime Prevention said yesterday.

Prepared by a committee drawn from the 1,100 delegates from 99 nations after a week of debate, the draft report will be submitted to a closed plenary Friday.

It said while international police co-operation and the assistance of Interpol had been credited with the successful conclusion of two major drug trafficking cases this year, there are many legalistic problems preventing police in different countries from co-operating with maximum effectiveness.

Thus, the report said, difficulties frequently arise in searching records for evidence and arranging for the interrogation of witnesses in connection with "white collar" crime where legislation

differs from country to country.

The report called for standardizing these laws and for wider acceptance of extradition proceedings. Many extradition treaties were ratified in the 19th century and are no longer effective in dealing with current crime patterns, it said.

The committee postponed a decision on a proposed international code of police ethics after considering two drafts, one based on a document compiled by Amnesty International laying stress on prohibiting torture. The committee proposed that a new document on police ethics be considered by the United Nations next year.

The report said that during debate delegates also stressed the following points:

- Police should reflect ethnic, cultural and educational trends in the community with women and minority group members being recruited and treated as equals

Women and crime:

OTTAWA JOURNAL
9/9/75

From accomplices to perpetrators

By DAVID MacDONALD
Journal London Bureau

GENEVA — Today's trend to give women more important roles in society's affairs has its dark side, in the opinion of world crime experts.

By urging women to compete more vigorously with men in the economic field, the way has been cleared for women to compete more vigorously in crime too.

And the result is soaring crime rates for women in most parts of the world.

This phenomenon has caught society's institutions unprepared. Neither policemen, courts nor prisons are adapting swiftly enough to this new reality.

Statisticians, too, have been caught unawares, with the result that many apparently-learned studies are being based on false premises.

Canada reflects all these problems, together with some of the more advanced thinking about how to solve them.

In the unwieldy, often time-wasting forum of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, several useful ideas about the real nature of female criminality and how to cope with it are being developed.

Dr. Freda Adler of the United States, who teaches law, explains that increased female crime reflects social changes.

"They are not likely to be involved in bar-room brawls, but there is a distinct tendency for them to move from being accomplices to being perpetrators of various types of crime."

This was to be seen in drug-peddling networks and other complicated criminal organizations. On a lower level, young girls were now forming separate street gangs and carrying out robberies or acts of violence.

"These all-girl gangs no longer want to be auxiliary to male gangs, they don't just want to keep the weapons and provide alibis for the boys.

"You can also see it in theft rings, such as one group of girls who told me they decided the risk involved in stealing \$10 transistor radios justified a greater return. So they hired a pickup truck, backed it up against a warehouse door and filled it with color television sets.

Seven per cent of Canadians charged with an offence in 1960 were women, but by 1969 this had risen to 14 per cent. This is in line with the world trend.

Statistics, however, are a difficult guide at the moment because changing attitudes to women are beginning to lead police to become less reluctant to arrest and charge them, and courts to convict them.

Nova Scotia Judge Sandra Oxner says one of the problems is that there are not enough women in the criminal justice system.

"I think few men are aware of the frustrations and conflicts faced by women in these changing times," she said.

She felt having more women on the bench would improve this, and said Canada has been dragging its feet in doing this.

"There are only 16 women out of 1,500 judges in criminal courts in Canada, although there are 20 women sitting as judges in family courts. This, despite the fact that women make up half Canada's population."

Access of women to the legal profession in Canada had been improving slowly, although few of them were entering such fields as litigation law "which doesn't leave you much time for a social life."

She said she had examined her own sentencing history and found that there was no truth in a belief current in some Canadian circles that women judges are more lenient generally, but harsher on women offenders. "The facts don't fit that theory," she said.

A general world problem has been lack of proper prison facilities for the larger female populations.

Mrs. Dorothy Betz, a court worker in Winnipeg and member of the Native Clan Organization, thinks part of the solution is to sharply reduce the number of women in prison.

Herself a mother of six children, she deplores the idea, for instance, of keeping mothers in custody before trial, except for very serious crimes.

"Every time you do this you make the mother frantic with worry about her children, you frighten the children and bring into their lives the kind of instability that may lead to socially-costly delinquent behavior and you increase taxpayer costs because of the strain imposed on social services by the needs of the motherless children."

"It would be better for these women and less costly to society to give them bail. Where you have minor crimes it would be better not to jail women at all, but to put them in probation hostels or community clinics. And, where you must put a woman in prison, it should be as close to her home region as possible, because of her special responsibility to her family.

"It is particularly bad that in Canada there is only one institution, at Kingston, Ont.,

for women serving more than two years."

Mrs. Betz also favors the development and implementation by women, including inmates and ex-inmates, of programs that would help women who are "experiencing difficulties in getting along in our society."

A high proportion of women with whom she deals are in prison for drug-related offences "allegedly committed under the influence of a man to whom the woman is emotionally attached."

Canada's crime stand

642 ETTR 10.9.75

gains support

GENEVA — (CP) — Canada's call for international agreements to exchange convicts and parolees is reported to be gaining support among delegates to the United Nations crime conference and a special study committee may be set up when the conference ends Friday.

Informants said yesterday the United States delegation has shown keen interest in the proposal and that other groups are prepared to endorse further study. The Canadian view is that it is difficult to rehabilitate a pris-

er in a foreign jail and that a parolee would make progress if he were sent to his own country.

U.S. sources said thousands of Americans are serving sentences in other countries, mainly on drug charges. The U.S. probably had more prisoners abroad than any other country.

The conference, with more than 1,000 delegates, also appeared determined to pursue the idea of getting stronger extradition treaties to prevent "white collar" criminals from living safely in a foreign land

off the proceeds of fraud or tax evasion. Such crimes are currently insufficient grounds for extradition.

SPLIT APPEARS

Delegates, however, appeared divided on other issues with little progress likely as a result of the two-week meeting. A report calling for a thorough re-examination of the traditional ideas of criminal justice and punishment appeared headed for a paragraph-by-paragraph dispute.

On terrorism, the conference has failed so far even to define what it is, let alone decide on how to prevent it. Many delegates, especially from Arab countries, have maintained that a man or a group who carry out a terrorist act because of political repression or for national liberation policies should not be labeled "terrorist."

Several efforts were made to draw up an international code of police ethics — how policemen should behave to-

wards suspects and criminals.

A working group of policemen produced one draft code; Amnesty International produced another, laying stress on the specific prohibition of torture.

But most policemen felt it was wrong to start talking about torture in the context of their work and the experts had to report failure to agree. The result was to ask the UN General Assembly to establish another expert committee to draw up a code by next year.

Buck-passing, fence-sitting

OTTAWA JOURNAL 10-2-75

By DAVID MacDONALD
Journal London Bureau

GENEVA — Almost nothing of substance seems likely to come out of the expensive and lengthy attempt to confront the international problems of crime and punishment undertaken at the United Nations.

Vast quantities of paper and hours of talk in the early section of the fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders are being followed now by bureaucratic buck-passing, cynical manipulation of procedural rules and a mass rush to climb high on the fence when decision-time arrives.

Selective versions of the truth and irrelevant political

statements are described as "distinguished interventions" and everyone is far too polite to think of setting the record straight by challenging a previous speaker.

Few examples of original thought or striking conclusions have surfaced. Most of the millions of words written and spoken in the congress are depressing re-statements of the known and the obvious.

On a limited scale, Canada has probably put forward some of the most enlightened proposals, with the best chance of general acceptance. But, it is more likely that Canada will achieve its aims by bilateral action than by waiting for multilateral consensus.

These proposals include modernizing extradition treaties

abound at UN crime talks

Convict swap urged
Page 4

to include drug traffickers and practitioners of "white collar crime," reducing prison populations by various means, and transferring convicts and paroles back to their own countries to complete sentences.

The issue of terrorism, which has so dominated international affairs, since this five-yearly congress last met in Kyoto, Japan in 1970, is virtually untouched. Mostly this is because those taking part have been unable to agree on a definition of terrorism.

Similarly, discussion of criminal justice systems produced some tough criticisms but the report of the discussions has been attacked for being too radical and its conclusions watered down.

A Belgian lawyer, Sevezin-Carlos Versele, produced a report that was based on the debate and which called legal processes of several countries discriminatory. It said these processes tended to protect the guilty, punish the weak, encourage crime and divert attention away from the fact that greater social justice was the best way to prevent crime.

In an attempt to draw up a simple, basic international code of police ethics foundered and will go back into the United Nations committee machine to reappear, possibly, one year from now.

A resolution passed by the General Assembly of the United Nations in November, 1974, asked the crime congress to give "urgent attention" to developing such a code. A group of police experts met in January of this year and drew up a draft code that was studied by the congress.

In debate, there was argument over what the fairly innocuous wording of the draft code meant and Amnesty International caused some ruffled feelings by putting forward a draft code that stressed the prohibition of torture, something in which the policemen attending denied they indulge.

Gordon Pritchett, RCMP assistant commissioner, said in an interview Canada supported a code of ethics, "although the one put forward by the police experts is not as strong as we would want for Canada."

What is terrorism to one person is heroic liberation struggle to another. The result is that delegates agree that "strong multilateral action" is urgently needed to deal with "personally-motivated transnational crime. But, it is also agreed that "clear-cut definitions of the difficult terms and concepts involved are necessary to enable both personal and political acts of terror-violence to be appropriately and perhaps differently handled.

This is a good compromise among the conflicting views expressed, but unlikely to lead to any concrete international action against terrorists.

"But, we supported it because it seems like a good basis from which countries could draw up national codes. It would probably require national legislation in countries, with some form of overseeing and disciplinary mechanism, once the international basic code had been drawn up."

What is going to happen is that the UN General Assembly will be asked to set up a committee of experts to study the question of such a code "and in one year prepare a fresh document to be considered by the competent organs of the United Na-

International criminal can beat Western legal systems: report

Citizen 10/9/75.

GENEVA (AP) — Existing legal systems in the Western world tend to be divorced from reality and are powerless when confronted by the international criminal, says a committee of the United Nations Congress on the Prevention of Crime.

The committee's report is to be considered at a plenary session later this week. It referred to such general problems as overburdened courts, inadequacies in law systems, overloaded prisons and the difficulties of dealing with professional criminals.

The committee suggests that criminals seem more capable than police of gaining advantages through technical progress and the question arises "whether it was not necessary to rethink the whole basis of criminal policy and justice."

The report says that, in most countries there are distortions between the requirements of the law and the needs of the people. It says "It must be concluded that

most judicial systems are biased" since the underprivileged classes are unquestionably over-represented among the people prosecuted.

"What is more, a regression of criminal justice toward forms of severe repression is to be noted whenever a country has to face new phenomena," the report says.

"Justice seems unrelated to social reality: its notions, criteria, setting and speech are alien to real life. There is a certain social schizizophrenia or criminal justice. Divorced from reality, criminal justice no longer guarantees the safety of citizens and often seems uninterested in certain socially harmful situations."

Criminal law is attacked in the report as an "excessively static sub-system of social control." Its image is "to a large extent rendered sacred and ritualized by texts more understandable to officialdom than to the public." It can be termed "discriminatory"

because it is exercised against traditional forms of crimes and is unable to act against "socially harmful acts made immune because they were historically built into the political and economic structure."

The report also points to the "guilded" criminals — men with political and economic power — who can escape detection. They may be compared to some law functionaries who abuse their power, but remain unpunished because of this power.

The law often becomes an alienating factor, the report asserts. More and more procedures and decisions are no longer being understood and people sometimes hesitate to turn to the law, even when they become victims of crime.

Law also seems to be powerless in the face of international criminality, often handicapped by the "collusion of those in authority" as well as by legal and technical problems of competence.

Criminal *for the Soc. 10.9.75* exchange supported

GENEVA (CP) — Canada's call for international agreements to exchange convicts and parolees is said to be gaining support among delegates to the United Nations crime conference.

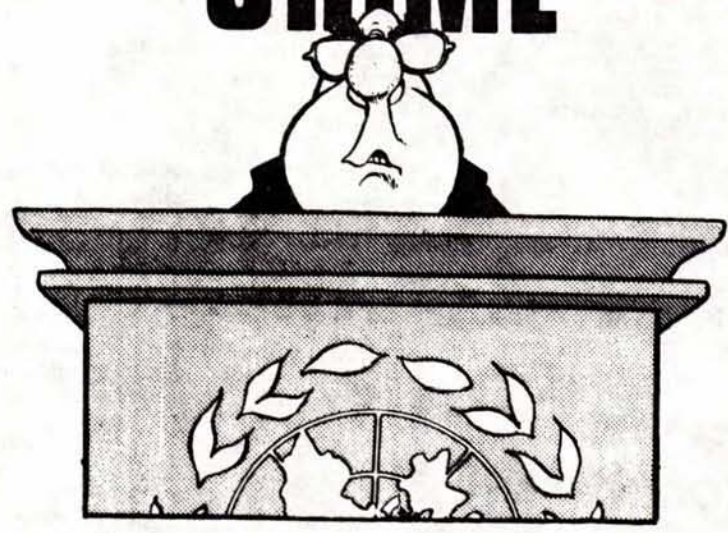
Informants says the U.S. delegation is keenly interested in the proposal and other groups are prepared to endorse a special study committee on the idea.

The Canadian view is that it is difficult to rehabilitate a prisoner in a foreign jail and that a parolee would make better progress if sent to his own country.

KINGSTON
WHIG
STANDARD
11-9-75

176

UN CONFERENCE ON CRIME



WUSKAY
EDMONTON JOURNAL

Now I'm going to turn my back and I expect whoever swiped the microphone to return it!

Crime conference *most real story 11-9-75*

THE UNITED NATIONS congress on the prevention of crime and the treatment of offenders received more publicity over Canada's position vis-à-vis PLO delegates than it is likely to get from its formal deliberations in Geneva. It has been, in short, a model of semantic futility.

Perhaps that should have been a foregone conclusion. No one seriously expected the congress to deal with the problem of terrorism, for instance, when even the UN itself was unable to define the term. Thus the conference, too, has been stymied trying to distinguish between terrorism and what some delegations call liberation struggles.

There were other matters, however, on which some optimists thought there might be consensus: the reduction of prison populations, the treatment of offenders and improved extradition treaties covering drug traffickers and practitioners of white-collar crimes. Those unrealistic hopes have not materialized.

Extradition matters will probably best be handled through bilateral agreements; reduction of prison populations and similar improvements will have to be dealt with domestically, as will a code of ethics for police.

Could things really have turned out differently? So many aspects of criminal law are national rather than international that a meeting such as this could have produced, at best, theoretical resolutions only.

With respect to what is broadly called international law, some of the nations represented at Geneva have violated it so repeatedly that any precise recommendations on the subject would have been either acts of hypocrisy or a self-criticism in which few delegations were prepared to indulge.

UN meet approves

GAZETTE 17.9.75

torture ban

GENEVA—(AP)—The United Nations Congress on Crime Prevention yesterday approved a draft declaration banning torture.

Prof. Gerhard Mueller, head of the congress, called the declaration the most important result of the two-week session.

The declaration, approved on the last day of the congress, now goes before the UN General Assembly.

The Canadian proposal that countries swap prisoners and parolees to speed rehabilitation also won support. Talks about a possible exchange of parolees were held among delegates from Canada, United States, India, Denmark and Nigeria. Sources said there may later emerge an agreement to exchange prisoners

where prisoners themselves accept such an offer.

As defined by the declaration, torture means "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person, for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons."

General agreement also was reached on the need to update international treaties to close loopholes through which shady businessmen, or wealthy white collar criminals, escape prosecution.

Support also emerged for "decriminalizing" certain offences, such as soft drug taking and homosexuality, as well as prostitution.

International price-rigging by big corporations was a major target of criticism, and there was also universal demand for this to be brought within the scope of the criminal justice system.

However, Arab insistence got the congress expressly to drop political terrorism from a list of "transnational" terrorist activities requiring stricter control.

Now, the only types of terrorism recognized by the congress as demanding counter-measures are straightforward criminal acts "intended for personal gain" or those committed by deranged people.

UN crime congress supports torture ban

GAZETTE 13.9.75

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Interdiction de recours à la torture

GENEVE (Reuter) —

Les experts qui participent depuis quinze jours à Genève au congrès des Nations unies sur la prévention du crime sont parvenus à s'entendre sur une déclaration en douze points interdisant le recours à la torture, y compris l'usage des sérum dits "de vérité", a annoncé hier le professeur Gerhard Mueller (Etats-Unis), secrétaire exécutif du congrès.

"Nous avons de bonnes raisons de croire que ce texte sera approuvé", vendredi en séance plénière par les 1,200 délégués des quatre-vingt dix pays participants, a-t-il estimé, au cours d'une conférence de presse. Le texte sera ensuite soumis à l'attention de l'assemblée générale des Nations unies.

Aux termes du document mis au point à Genève, est considéré comme une torture "tout acte par lequel une douleur ou une souffrance profonde, qu'elle soit physique ou mentale, est infligée intentionnellement par ou à l'instigation d'un agent public," dans l'intention de faire parler, punir ou intimider un suspect.

Terroristes et tortionnaires

Le Devoir 15/9/75.

Plus qu'un Congrès sur "la prévention du crime et le traitement des délinquants", Genève vient d'abriter une conférence sur la violence. La violence à tous les échelons de notre société, qui pose un défi nouveau à la justice mais qui, plus globalement encore, en pose un à l'intelligence.

Et si, d'un côté, notre société est débordée par le terrorisme, de l'autre, elle se trouve confrontée à la répression, et plus précisément, à la torture que certains régimes érigent en méthode de gouvernement.

Si à Genève, le problème éminentement politique du terrorisme a une fois de plus servi à démontrer l'incapacité de telles instances internationales à surmonter les querelles idéologiques, le problème de la violence des gouvernants a donné lieu à un début de prise de conscience qui se manifeste par une condamnation de la torture. Celle, la plus courante, pratiquée par des policiers et des militaires, et que dénonce avec chiffres à l'appui Amnesty International.

Le terroriste

Le terrorisme qui sort des moules de Ve Congrès est un détraqué, un

"psychopathe", dit la définition, ou plus péjorativement encore, un individu dont la motivation est le profit. Une réunion d'experts internationaux, qui a pu s'entendre pour dénoncer les sociétés transnationales accusées ici "de pillage systématique" de pays pauvres et de fixation de prix au seul bénéfice de leurs actionnaires, n'a pu faire mieux que de consigner les deux thèses en présence en ce qui regarde le terrorisme!

Pourtant, poser une bombe dans un avion, détenir des otages innocents et les exécuter une fois l'ultimatum expiré, tirer à l'aveuglette dans la foule des voyageurs, expédier des lettres piégées, sont des actes de terrorisme, que le Ve Congrès le dise ou non.

Comme c'est du terrorisme le bombardement, aérien ou autre, d'objectifs civils, de camps, de réservoirs de carburants ou de barrages.

Comme c'est du terrorisme la menace à la vie, le chantage économique — qu'il s'agisse d'embargo pétrolier ou de représailles alimentaires —, l'emprisonnement arbitraire.

Nous rejoignons là la notion de la torture et, comme il est plus facile d'être pour la vertu et contre le vice que de dire ce que sont la vertu et le vice, tout le monde s'est retrouvé d'accord pour condamner la torture. On touche ici du doigt le paradoxe: condamner la torture sans condamner son équivalent qu'est le terrorisme n'est pas qu'une demi-mesure: par ce qu'elle ne dénonce pas explicitement, la définition ridicule sortie des forges du Ve Congrès est un blanc-seing à l'autre terrorisme, au vrai, à celui qui ne fait pas la distinction entre innocents et responsables, celui qui justifie les moyens par la fin.

Ainsi, il aura fallu attendre cette conférence pour savoir qu'il y a des agissements, qui ressemblent en apparence à des actes terroristes, mais qui poursuivent un autre but, une cause pour être plus précis, et qu'il ne faut pas confondre avec les agissements d'un psychopathe ou d'un criminel à but lucratif.

Dans ces conditions, peut-on dire à quelle catégorie appartient l'individu qui détient des otages et réclame une rançon dont le montant servira à l'achat d'armes et de munitions destinées à une cause politique? Cet individu qui réclame un profit dont la destination finale ne sera contrôlée que par lui-même, et qui plus est, sans être "psychopathe", abat un ou deux otages pour démontrer le sérieux de ses menaces, est-il ou non un terroriste?

Au sortir d'un Congrès comme celui-ci, laisser en pratique chaque pays libre de décider des poursuites éventuelles, libre de s'associer ou non à des mesures internationales de prévention, équivaut à un constat d'échec. Sur le plan technique, les échanges ont certes été utiles, les communications ont été appréciables, mais s'agissant d'un congrès organisé

par les Nations unies et pompeusement appelé "Sur la prévention du crime et le traitement des délinquants", il y a lieu d'être pour le moins réservé devant de telles entreprises condamnées par la politisation des thèmes choisis.

Ce qui n'a rien à voir, faut-il le souligner, avec la décision canadienne de ne pas tenir cette conférence à Toronto, et en aucune façon le résultat décevant de ce Ve Congrès ne peut a posteriori servir de justification au refus d'Ottawa.

Les tortionnaires

Sans chercher à accabler inutilement les organisateurs du Ve Congrès, nous préférons, au chapitre de la torture et des tortionnaires, recourir à Amnesty International, entreprise privée dont la contribution a été essentielle au Congrès lui-même. Et c'est hier, à Saint-Gall, que le conseil d'AI a rendu public son propre rapport annuel, qui illustre mieux que ne pourra faire une conférence onusienne limitée par l'idéologie de ses participants, les ravages officialisés des gouvernements par la violence. On ne s'étonnera sûrement pas de trouver dans le même lot de tortionnaires des régimes présumés "populaires" et des régimes présumés "démocratiques". Car si le terrorisme — le vrai, pas celui défini par le Ve Congrès — offre le même visage et les mêmes mains sanglantes, les régimes recourant à la torture ont le même souci de légitimer par le bien collectif leurs abus contre les individus et les minorités. C'est ainsi qu'en tête de liste, on trouve l'Union soviétique où, dit le rapport, le sort des prisonniers politiques est plus dur et où les conditions de détentions sont plus sévères que par le passé. Dans un pays-continet qui peut s'enorgueillir du sinistre privilège d'avoir inventé le crime d'hétérodoxie politique, sous un régime qui pousse le souci du bien collectif jusqu'à recourir à la psychiatrie pour détruire non seulement l'être physique mais aussi l'esprit des dissidents, dans un système de gouverne-

ment qui ne se survit que par la répression et qui voit dans la contradiction une menace pour ses fondements mêmes, paraître en tête de liste d'AI ne signifie pas grand-chose. La réponse officielle est prévisible: Ai et consorts font preuve d'antisovietisme et, pour peu qu'on accorde crédit à ces allégations de "violations des droits humains", on est soi-même un dangereux partisan de la guerre froide. Pour peu qu'un autre gouvernement s'inquiète par exemple du sort de Plyoushtch ou de Moroz, de Grigorenko ou d'Amalrik, il s'ingère dans les affaires intérieures de l'Union soviétique. Moscou peut même pousser le luxe jusqu'à se réfugier derrière certains des vœux pieux du document d'Helsinki qui lui laissent les mains libres pour réprimer ses minorités, tout en ignorant d'autres qu'il a pourtant signés au même titre. Le

tort suprême du Kremlin n'est pas de recourir à la violence mais de mettre les autres au défi de l'en empêcher.

Dans la même liste, on trouve l'Indonésie où croupissent depuis plus de dix ans, dans des conditions de détention inhumaines et sans procès, cinquante-cinq mille opposants ou présumés tels: l'Iran et l'Irak, ces éternels adversaires qu'oppose le partage des eaux du Chatt el-Arab et qu'impatient la rivalité pour le leadership du golfe Persique; se retrouvent côte à côte par la grâce d'une internationale de la répression et des hasards de l'ordre alphabétique; en Iran, empire pahlavi, les estimations varient entre vingt-cinq et cent mille prisonniers; en Irak, c'est "un grand nombre" d'arrestations arbitraires et d'exécutions sommaires, dont celles de deux cent cinquante personnes associées à tort ou à raison à la franc-maçonnerie.

Il y a une certaine ironie à retrouver du même côté de la barrière l'Afrique du sud de l'apartheid et son accusateur, l'Ouganda d'Idi Amine Dada. Il y a aussi cette élémentaire évidence que la répression institutionnalisée a réussi là où la Charte des Nations unies a échoué: elle se fait sans discrimination de race, de religion et de sexe.

La situation dans les prisons de cent sept pays est passée en revue dans le rapport d'Amnesty International, et la palme de la torture revient aux pays susmentionnés, auxquels se joignent l'Espagne de Franco, la Corée du sud de Park Chung Hee, le Guatemala, l'Uruguay, l'Argentine, le Brésil — tous, pays sud-américains à la démocratie "bon teint" — et, enfin, le Maroc de Hassan II.

A titre d'énigme, on signalera que les quatre pays qu'AI se félicite de signaler comme ayant procédé à des libérations en masse de leurs détenus politiques, à savoir le Vietnam du Sud, le Portugal, la Grèce et le Mozambique, ont connu tous quatre un changement fondamental en 1974, genre coup d'Etat ou libération. Est-ce à dire qu'une amélioration du sort des prisonniers politiques n'est possible, dans des régimes se maintenant et se survivant par la répression, que par un éclatement total?

C'est peut-être là le noeud du problème, qu'on aurait aimé voir cerné par le Ve Congrès, un mécanisme aberrant qui a abouti, d'une part, à faire percevoir la violence comme seul recours de changement — côté terroristes — et à légitimer la torture, manifestation de la violence au niveau d'un establishment politique et économique, — côté gouvernants.

Dans les deux cas, la conférence a failli: elle s'est attachée à des épiphénomènes, tournant le dos à l'épicentre. Elle ne pouvait certes pas faire autrement. Ce qui est, précisément, le drame de réunions de cette nature.

Les travaux du Ve Congrès de l'ONU

sur la prévention du crime

Pour une justice pénale mieux axée sur les formes significatives de criminalité

■ A la suite du refus que lui avait signifié le Canada, l'ONU a décidé de tenir quand même à Genève à la date prévue le Ve Congrès International sur la prévention du crime. Le congrès s'est déroulé sans aucune perturbation en provenance de l'extérieur, contrairement à ce que redoutaient les autorités canadiennes. Le directeur du département de Criminologie de l'université de Montréal, M. André Normandeau, était au nombre des conférenciers. Il a présenté aux congressistes une communication sur les nouvelles priorités que devrait s'imposer la justice pénale à la lumière des travaux scientifiques récents et de l'expérience des spécialistes de la criminalité. Voici des extraits de la communication de M. Normandeau.

Le Devoir, lundi 15 septembre 1975.

par ANDRÉ NORMANDEAU

A de multiples reprises, et de diverses sources, l'attention s'est portée sur la situation de plus en plus préoccupante de la justice pénale au Canada (cf les Commissions d'enquête canadiennes Guimet, Prévost). Depuis longtemps, les responsables de la justice, au niveau de la prévention et de la délinquance juvénile, de la police, des tribunaux, des pénitenciers, de la probation et des libérations conditionnelles, ont demandé qu'on leur donne les moyens juridiques et matériels de remplir convenablement les fonctions qui leur incombent: apaiser les conflits, protéger les citoyens dans leurs personnes et dans leurs droits, et garantir à chacun — au-delà des luttes d'intérêts ou d'idéologies — la paix, la liberté et la dignité.

Ces appels n'ont été que très insuffisamment et très momentanément entendus. Le retard

et l'inadaptation de la justice au monde moderne ne cessent d'augmenter. Il faut donc reconsidérer complètement le rôle de la justice pénale, et non pas se contenter de proposer ça et là quelques améliorations ou expédients.

Le problème fondamental en matière de délinquance et de criminalité n'est pas judiciaire. C'est un problème politique qui concerne l'ensemble des citoyens et ne peut être résolu qu'au plan politique. Des travaux réalisés dans les pays scandinaves et en France ont tracé des avenues de réflexion critique dans cette perspective, et le Canada nous semble prêt à emprunter cette voie progressive.

Les sociétés post-industrielles sécrètent un certain nombre d'inconvénients, dont fait partie l'augmentation rapide du taux de criminalité. Certaines des caractéristiques dominantes de

l'organisation sociale ont, aux yeux de l'ensemble de la population, un effet quasi mécanique sur la courbe de la criminalité.

En fait, on pourra augmenter indéfiniment le budget de la justice: rien ne pourra lutter efficacement contre l'accroissement de la criminalité si l'on n'apporte pas à toutes les questions posées par notre société les réponses politiques indispensables.

Aussi convient-il de rechercher les grandes orientations d'une nouvelle politique criminelle avant de préciser au plan matériel et technique les moyens de cette politique. Il faut prévenir l'inefficacité des efforts de la justice et le gaspillage de ses moyens. Comme les affaires étrangères, comme l'armée, comme l'économie, chacune dans leur domaine, la justice doit appliquer une stratégie d'ensemble pour faire

face à la criminalité. L'élaboration de cette stratégie est évidemment fort délicate.

Elle l'est pour des raisons scientifiques tenant à toutes les incertitudes qui subsistent en criminologie, notamment quant à l'importance respective des divers facteurs criminogènes, à la notion de responsabilité individuelle et à l'efficacité des divers modes d'intervention de la justice pénale. Mais elle l'est aussi pour des raisons politiques qui concernent la détermination d'une ligne de partage acceptable entre les droits de la collectivité, exercée dans l'intérêt de la paix et de la sécurité publique, et les libertés essentielles du citoyen.

Ces difficultés inévitables sont encore augmentées par une sorte de blocage des esprits dont il importe de prendre nettement conscience si l'on veut précisément sortir de cet immobilisme de pensée et

associer le plus grand nombre de personnes à l'oeuvre de rénovation de la justice pénale.

La plupart, en effet, considérant la multiplicité et l'alourdissement continu des tâches qui accablent les responsables de la justice, réclament une augmentation sensible de personnel ainsi qu'un effort considérable en matière d'équipement. Ces revendications sont parfaitement légitimes et ils est impératif que l'on y satisfasse à bref délai. Mais des moyens nouveaux ne constitueront jamais à eux seuls une politique et il serait illusoire d'en attendre la solution des grands problèmes de la justice répressive.

La justice pénale embrasse trop large

Certains, suivant en cela leur conception d'ensemble de la

société, soutiennent qu'il suffirait, pour freiner l'expansion de la criminalité, d'appliquer le code dans toute sa rigueur et de se montrer "un peu plus sévère" qu'on ne l'est actuellement. D'autres au contraire, estiment que l'injustice sociale explique et, dans une large mesure, justifie la criminalité; ils proposent en conséquence d'adopter par principe une attitude "permissive" à l'égard de la criminalité considérée comme une "déviance" quelconque. Ces théories, si opposées soient-elles, ne sont pas dépourvues d'enseignements utiles, mais appliquées à l'état pur, elles ne manqueraient pas de conduire à de dangereux excès. Il importe donc de les intégrer dans une synthèse globale du traitement de la délinquance et de la criminalité.

Enfin, si les résultats des travaux scientifiques déjà réalisés dans le domaine de la criminologie fournissent des indications très précieuses pour les autorités responsables du fonctionnement de la justice, ils ne permettent pas encore de proposer des solutions concrètes.

Il faut donc faire abstraction de toutes les querelles d'idéologie et surmonter ce courant général de pessimisme qui affecte trop souvent les responsables de la justice.

Pour tenter de définir les grandes orientations d'une justice pénale renouée et chercher ensuite à dégager, secteur par secteur, les grandes lignes des réformes possibles, il paraît réaliste de partir des difficultés, des échecs, des carences et des critiques liés au fonctionnement actuel de l'institution.

La justice intervient avec des moyens à la fois insuffisants, archaïques et trop uniformes; devant "tout" juger avec des procédures qui sont alourdies par le respect de formalités souvent excessives, elle est très mal armée pour faire face à une criminalité multiforme.

Il apparaît donc, compte tenu de la vétusté et de la modicité des moyens dont elle dispose, que la justice pénale devrait concentrer l'essentiel de ses efforts sur quelques secteurs-clés de la criminalité, considérés comme des objectifs prioritaires et alléger son action partout ailleurs.

Une autre cause de faiblesse de l'intervention des juridictions répressives doit être recherchée dans le caractère équivoque de la sanction pénale. Celle-ci, en effet, est censée à la fois punir, intimider, éliminer ou neutraliser, au moins provisoirement, amender et resocialiser le criminel, tout en exerçant un effet de dissuasion sur ses imitateurs éventuels. Ces diverses fonctions ne sont en réalité guère compatibles. Il est certain, par exemple, que si l'indulgence manifestée à l'égard d'un coupable peut avoir sur celui-ci un bien meilleur effet qu'un châtiment sévère, cette compréhension a de grandes chances d'être considérée par d'autres malfaiteurs comme une marque de faiblesse et un encouragement à la criminalité. La notion de "punition" est considérée comme dépassée par nombre de criminologues ou autres spécialistes et celle de "traitement" leur paraît seule réaliste: les tribunaux — partagés entre ces deux objectifs — prononcent des sanctions qui ne sont bien souvent ni intimidantes ni rééducatrices. Ils n'osent plus punir, ils n'ont par ailleurs pas les moyens de traiter, de telle sorte que ce "mélange des genres" rend l'intervention judiciaire équivoque, parfois aberrante et finalement peu efficace.

Le moment est peut-être venu de renoncer à faire de la plupart des décisions pénales des demi-mesures, des compromis entre "punition" et "traitement", et d'opter nettement — compte tenu de la personnalité des criminels et de la forme de leur criminalité — pour la compréhension à l'égard de l'individu ou pour la protection sans faiblesse de la société.

Les nouvelles priorités

Il conviendrait donc de cantonner autant que possible l'intervention des juridictions répressives dans les domaines où leur action s'avère évidemment nécessaire. Ainsi on pourrait décriminaliser certaines ac-

tivités ou certaines conduites "déviantes" comme le vagabondage, l'avortement, l'adultère ou la pornographie.

Non seulement la justice pénale ne devrait pas agir dans tous les domaines, comme elle le fait actuellement. Il lui faudrait plutôt concentrer ses efforts dans certains secteurs-clés de la criminalité, quitte à considérer les autres domaines avec un certain sens du relatif qu'elle ne manifeste pas toujours.

De ce point de vue, et sauf quelques grandes causes exceptionnelles, le spectacle des tribunaux ne peut que procurer un sentiment de profond malaise. Des citoyens d'humble condition, un peu associés, un peu négligés, un peu malhonnêtes; des jeunes voyous auxquels la publicité commerciale s'est intéressée de plus près, des automobilistes à qui l'on avait promis l'évasion, la séduction, la revanche sociale par la possession d'une voiture trop chère pour leurs ressources ou trop puissante pour leurs réflexes; et puis, de ce de là, un pauvre bougre de vagabond ou d'immigrant, qui a tout cassé après avoir bu, ou qui a pris le portefeuille de son camarade de chantier. Au fond, tout un étalage assez déprimant de sottise ou de misère.

Si, en s'appuyant sur les études réalisées en matière de coût du crime, on tente plutôt de mesurer la part de criminalité réelle qui demeure inconnue des services de police — par exemple, le racket, la corruption, les vols de faible importance ou la fraude en matière de sécurité sociale — et si l'on apprécie la délinquance en fonction de la gravité réelle des préjudices qu'elle occasionne, on peut considérer qu'à notre époque quatre secteurs de la criminalité doivent être tenus pour essentiels:

1) Les infractions contre la qualité de la vie: criminalité de la route; accidents criminels du travail; sécurité publique: protection du consommateur et pollution de toutes sortes.;

2) La criminalité en col blanc, celle des milieux d'affai-

res: trafic d'influence; fraudes électorales; corruption; détournements de fonds; fraudes fiscales; fraudes à la sécurité sociale; publicité mensongère; fraudes économiques...;

3) Le crime organisé, le crime professionnel.

4) La criminalité violente et impulsive contre les personnes et contre les biens.

Ainsi, l'organisation judiciaire, dans le domaine de la délinquance, doit tendre vers une rationalisation générale de son activité. Cet effort doit porter tout d'abord sur la délimitation des secteurs de la criminalité auxquels il est devenu indispensable de consacrer le maximum d'attention, et sur la détermination sans équivoque des buts de l'intervention pénale, préventive, curative, ou punitive selon les cas. Mais le même effort de rationalisation doit être poursuivi aussi dans le choix et l'utilisation des moyens nouveaux qui sont indispensables.

A ce prix, la justice pénale pourra s'engager résolument dans le monde moderne et devenir enfin un grand service public tourné vers l'efficacité, mais proche du justiciable et entièrement crédible aux yeux de l'opinion publique.

L'efficacité, soit. Mais pas n'importe quelle efficacité, ni à n'importe quel prix, ni pour n'importe quoi! Si l'on entend par là des objectifs d'efficacité, de célérité et d'économie dans l'accomplissement de ce que la société et les justiciables attendent de l'autorité judiciaire, alors cette notion d'efficacité doit devenir une visée majeure pour la justice. Elle est la conjonction de trois éléments qu'on ne saurait séparer dans l'appréciation de la qualité d'une bonne décision: l'équité, le coût social et la célérité. L'interprétation correcte du droit et l'appréciation raisonnable de la mesure ou de la peine ne sont pas à elles seules totalement satisfaisantes. Il convient dans tous les cas de se demander en outre si l'intervention de la justice n'a pas été inutilement coûteuse en fonds publics ou en personnel, et si elle a produit effet en temps utile.

Ultime tentatives pour

éviter une rupture à la

LE DEVOIR 15-9-75

session spéciale de l'ONU

NATIONS UNIES (AFP) — La tension montant à la septième session spéciale des Nations unies sur le développement, le représentant des Etats-Unis, M. Daniel Moynihan, s'est montré très pessimiste sur l'état de la négociation, au cours d'une déclaration télévisée.

M. Moynihan a indiqué que jusqu'aux premières heures de la matinée il avait cru un accord possible mais que de nouvelles propositions faites par le tiers monde étaient venues compromettre le succès de la négociation.

Il a mentionné en particulier les problèmes de l'indexation et des objectifs de l'aide au développement comme les deux principaux points d'achoppement de la négociation.

Nous pensions que l'accord était pratiquement réalisé sur ces deux sujets, a-t-il dit, mais il ne l'est pas. M. Moynihan a ajouté en substance que les Etats-Unis avaient répondu aux demandes du tiers monde comme beaucoup l'espéraient mais qu'il n'était pas sûr qu'ils pourraient

continuer.

Les Américains semblent donc préparer l'opinion publique à un échec de la septième session spéciale, tout en "se lavant les mains" des conséquences d'une rupture du dialogue puisqu'ils estiment en avoir assez fait.

Mais comme ce raidissement des Américains intervient au moment où le tiers monde affiche soudain un optimisme modéré, après s'être raidi au cours des derniers jours, l'hypothèse d'une manoeuvre tactique des Etats-Unis, qui mènent désormais la négociation avec les "77" (groupe des pays en voie de développement à l'ONU) ne peut pas être écartée.

Les Américains ont en tout cas fait certaines concessions au tiers monde sur des points tels que le programme intégré sur

les produits de base, dont ils accepteraient de faire figurer le principe dans le texte final, ainsi que sur l'amélioration des termes de l'échange des pays en voie de développement. Mais il s'agit de concessions de forme plutôt que de fond puisque les pays industrialisés ne veulent pas engager à l'ONU une véritable négociation. Les "77" s'impatientent et voudraient que les Américains s'engagent notamment sur la question du "lien" entre les allocations de droits de tirage spéciaux par le Fonds monétaire international et l'aide au développement. La bataille entre le tiers monde et les pays industrialisés sur ce problème semble avoir désormais changé de forum. Les pays en voie de développement, après avoir dû battre en retraite sur le "lien" au F.M.I., ont ranimé le débat à l'ONU.

La possibilité d'une rupture à la session spéciale reste donc une hypothèse sérieuse. Toutefois, il serait surprenant que les Occidentaux, comme le tiers monde, décident de fermer la porte au dialogue après autant d'effort. Les "77" ont senti se dessiner un revirement de l'attitude des pays industrialisés à leur égard, qui contient certaines promesses. Quant aux Américains, qui ont largement contribué à ce changement de climat, ils laisseraient échapper l'occasion de prendre de vitesse les pays du camp socialiste, qui sont restés pratiquement en marge de ces négociations, en établissant des relations privilégiées avec le tiers monde qui pourraient renforcer la crédibilité du monde capitaliste.

All quiet in Geneva

The Gazette, Monday, September 15, 1975.

The United Nations crime conference in Geneva has wound up its business so quietly that the emotional excesses over its earlier incarnation, the United Nations crime conference in Toronto, seem remote and almost unreal. Did we fear violence? It would have come only from ourselves. Was our self-fear the real basis of our timorousness and the reason for the change of setting? Too bad, for as it turned out, not much happened. Perhaps the Swiss, more accustomed to such meetings, are a little more mature about them than Canadians.

Canada made some amends for its fractured hospitality by contributing ideas that were well received, particularly on updating extradition treaties and returning parole offenders to their country of origin.

The latter carries an inherent inner logic that makes it surprising it has not come up before. The whole purpose of parole is to help reintegrate individuals with society, and the only society with much chance of integrating

them is their own. There is small point in trying to adapt a Canadian arrested for transporting dope in Turkey to Turkish life, or vice versa. There are at present about 600 foreign nationals in Canadian prisons who could benefit from parole agreements.

Extradition treaties in many cases have simply become obsolete as emphasis has shifted to crimes that often are not covered — drug offences, tax frauds, and others. They need to be updated.

A declaration to ban torture was approved the last day, but torture's handmaiden, terror, was left undisturbed.

Terrorism remained too prickly and indefinable for discussion, one man's terror being another man's liberation strategy. It will be left for the future, along with such up-and-coming crimes as pollution, theft of fishery resources, and fraudulent manipulation of computers. It is doubtful we shall ever run out of variations on a theme that is as old as mankind itself.

La criminalité augmente partout en volume, en gravité et en violence

GENÈVE (AFP) — La criminalité augmente partout dans le monde, en volume, en gravité et en violence, ont constaté quelque mille magistrats, policiers, criminologues et psychologues de quatre-vingt-dix-neuf pays, réunis à Genève pendant deux semaines pour le 5e Congrès de l'ONU sur la "prévention du crime et le traitement des délinquants".

L'organisation de ce congrès avait rencontré des difficultés particulières, car le gouvernement canadien a refusé de l'héberger à Toronto, des invitations ayant été adressées à des observateurs de l'Organisation de libération de la Palestine. Pour la même raison, Israël n'a pas voulu y parti-

ciper. Finalement transféré à Genève, le congrès n'a pris aucune décision, à part une condamnation de la torture par les policiers et soldats. Du moins a-t-il été l'occasion d'échanges de vues internationaux sur les divers aspects de la criminalité.

Ces échanges ont parfois été contradictoires. C'est ainsi que le congrès s'est trouvé divisé sur la définition du terrorisme. Si tous les pays ont admis qu'est "terrorisme" un acte commis "par un individu ou un groupe ayant pour but un profit personnel, ou pour auteur un psychopathe", de nombreux participants ont refusé d'appliquer cette définition à des actes présentant pourtant ces caractéristiques, mais commis pour servir non pas

les buts personnels des auteurs mais une cause à laquelle ils se sont voués. Ces divergences entre ceux qui condamnent et ceux qui admettent le terrorisme politique se retrouvent dans le rapport final où les deux thèses ont été enregistrées successivement, faute de vote pour les départager.

Le congrès s'est toutefois accordé à reconnaître la nécessité de "renforcer le pouvoir de la justice criminelle" pour "punir les terroristes", chaque pays restant en dernière analyse maître de participer à une action internationale contre tel ou tel "terroriste". "Il importe, estime le rapporteur, M. Heleno Fragoso, Brésil, d'engager d'urgence une action multilatérale contre la criminalité actuelle de portée transnationale, en particulier la violence criminelle".

Le congrès a également étudié la criminalité la plus spectaculaire, celle qui s'opère en plein jour, souvent dans la rue. Pour M. Fragoso, "le comportement violent paraît être la manifestation externe d'une crise de la politique sociale et des contrôles sociaux de la communauté contemporaine, notamment de la part de ceux qui voient se fermer devant eux les voies du progrès et de la réussite. Ces gens, selon le rapporteur du congrès, peuvent concevoir que les moyens légaux sont inefficaces et accepter la violence comme une solution commode".

● Les jeunes et les femmes

Le rapport final dénonce, à propos de la délinquance des jeunes, "l'échec ou l'absence des politiques nationales de la jeunesse". Il constate également que "le taux de délinquance féminine a augmenté beaucoup plus vite que chez les hommes au cours de la dernière décennie, ce qui pouvait peut-être être attribué au fait que les femmes ne peuvent participer pleinement à la vie socio-économique".

Pour le rapporteur du congrès, l'alcool joue un rôle majeur dans la délinquance violente. "Les statistiques révèlent, entre autres, que dans la majorité des décès par homicide, le meurtrier ou la victime était en état d'ébriété". Jusqu'à présent, on condamnait surtout la toxicomanie en tolérant l'alcool.

APPENDIX J

REPORT OF MANITOBA SEMINARS

124

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

GENEVA, SWITZERLAND

REPORT
ON THE
PUBLIC SEMINARS
HELD IN
WINNIPEG, MANITOBA

TABLE OF CONTENTS

		<u>Page</u>
I	INTRODUCTION	1 - 2
	Congress Agenda	2
	THE FIRST PUBLIC SEMINAR	3
	<u>Group I</u>	
	Crime Against Humanity	
	Political Crimes	
	Organized Crimes	
	Commercial Crimes	
	"Victimless" Crimes	
	Canadian Incidents: (Quebec, Kenora)	5
	Recommendations: (Group I)	6
	<u>Group II</u>	6
	Manipulating Stock Market	
	Loan Sharking	
	Prostitution	
	Drug Dissemination	
	Betting	
	Discussion and Suggestions	7
	Recommendations: (Group II)	9
II	THE SECOND PUBLIC SEMINAR	10
	<u>Group Studies</u>	10
	Criminal Legislation	
	Law Enforcement	
	Judicial Administration	
	Community Corrections	
	Institutional Corrections	

	Recommendations	12 - 13
III	THE THIRD PUBLIC SEMINAR	14
	<u>Group Studies</u>	
	Institutional Corrections	
	Community Corrections	
	Inmates	
	Families of Inmates	
	Community at large	
	Discussion and Recommendations (Institutional Corrections)	14 - 15 - 16
	Discussion and Recommendations (Community Corrections)	16 - 17 - 18
	Medical Services	18 - 19
	Discussion and Recommendations (Inmates)	19 - 20 - 21
	Discussion and Recommendations (Families of Inmates)	21 - 22
IV	THE FOURTH PUBLIC SEMINAR	23
	<u>Panel Presentations</u>	
	Keynote	
	Economic and Social Consequences of Crime - New Challenge for Research and Planning	
	Economic Consequences of Crime	
	Consequences of Crime and Victim	
	Demoralizing Effects of Crime	
	Method of the Citizens Involvement	
	Keynote Address	24
	Economic Consequences	25
	Crime and Victim	25
	Demoralizing Effects	26 - 27

127

Citizens Involvement	27
Discussion and Recommendations	28
Issues and Questions	31
Conclusion of Public Seminars in Winnipeg	32

Annexes:

- Annex 1 Past and Future Criminality -- Society's Response
- Annex 2 Economic and Social Consequences of Crime: New
Challenges for Research and Planning
- Annex 3 Consequences of Crime for the Victim
- Annex 4 Press Clipping taken from The Tribune,
Monday, March 24, 1975
- Annex 5 Press Clipping taken from Winnipeg Free Press
Thursday, April 17, 1975
Monday, April 21, 1975
- Annex 6 Press Clipping taken from Winnipeg Free Press
Tuesday, May 27, 1975
- Annex 7 Planned Community-Oriented Rehabilitative
Services
May 16, 1975

I

INTRODUCTION

With the support of the Provincial Government and assistance of the Department of the Secretary of State, Federal Government, it was decided to organize, in Winnipeg, a series of Public Seminars pertaining to the questions of the Prevention of Crime and the Treatment of Offenders to be studied at the World Congress in Toronto, next September.

The program of the Public Seminars in Winnipeg was designed in such a way that all the Agenda Items of the Congress would be reviewed by the community at large. The objectives of the Public Seminars were as follows:

Gather recommendations and suggestions from the community regarding Crime Prevention and the Treatment of Offenders in the institutions and in the community;

Through the process of group reviews, studies and discussions inform the members of the community about the function of the law enforcement, judiciary and corrective systems and about the necessity of co-operation between the state and private sectors of the community in facing the problems of crime;

Prepare a comprehensive report on the Public Seminars for the Provincial and Federal Government; it may facilitate the work of the official Manitoba Delegates to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and contribute to the Canadian National Position Papers to be submitted to the Congress by the Federal Government;

Stimulate review and improvements of the Manitoba measures, policies and programs in the field of crime prevention and corrective and rehabilitative services.

It should be mentioned that the Federal Government, after having accepted the responsibility for the organization of the Congress in Canada, decided "to take the Congress to the Canadian People".

..

The series of the Public Seminars was sponsored by the Manitoba Society of Criminology and the United Nations Association.

Within the framework of the Public Seminars program implementation, several other Non-Governmental Organizations (NGO's) and individuals were invited to participate.

..

The Agenda for the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is as follows:

CHANGES IN FORMS AND DIMENSIONS OF CRIMINALITY - TRANSNATIONAL AND NATIONAL;

THE ROLE OF CRIMINAL LEGISLATION, JUDICIAL PROCEDURES AND SOCIAL CONTROLS IN THE PREVENTION OF CRIME;

THE EMERGING ROLES OF THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES, WITH SPECIAL REFERENCE TO CHANGING EXPECTATIONS AND MINIMUM STANDARDS OF PERFORMANCE;

THE TREATMENT OF OFFENDERS IN CUSTODY OR IN THE COMMUNITY, WITH SPECIAL REFERENCE TO THE IMPLEMENTATION OF THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS ADOPTED BY THE UNITED NATIONS;

ECONOMIC AND SOCIAL CONSEQUENCES OF CRIME: NEW CHALLENGES FOR RESEARCH AND PLANNING.

..

The First Public Seminar organized at the University of Manitoba was held on January 25, 1975. (According to the Department of the Solicitor General, Federal Government of Canada, the Public Seminar in Winnipeg was the first in Canada.)

The theme of the Seminar was: "Changes in Forms and Dimensions of Criminality - Transnational and National".

The theme was sub-divided into five specific subjects, each one to be studied by a group of citizens. They were as follows;

Crime Against Humanity;
Political Crimes;
Organized Crimes;
Commercial Crimes;
"Victimless" Crimes.

(It should be noted that after a snow storm, the City of Winnipeg was almost totally crippled on January 25th, the day of the Public Seminar. In spite of it, several invited guests and speakers from Ontario and Saskatchewan managed to arrive shortly before noon on Saturday, January 25, 1975, as the Winnipeg International Airport was closed from 7:00 p.m. on Friday, January 24th until 7:00 a.m. Saturday, January 25th.)

The guest speaker of the First Public Seminar of January 25th was Brian A. Grosman, Professor of Law and Chairman of the Law Reform Commission of Saskatchewan. (See attached copy of Prof. Grosman's address (A-1).

Owing to circumstances caused by the snow-storm, the attendance was limited. As a result, only Two Groups were created during the First Public Seminar.

The First Group, under the Co-Chairmanship of Mrs. Thelma Baker of

Toronto, and Judge R.L. Kopstein of the Provincial Judges Court of Manitoba;

The Second Group under the Chairmanship of Mr. J.G. Dangerfield, Criminal Prosecutor, Department of the Attorney General of Manitoba, assisted by Mr. A. Biggs and Mr. Kean Johnstone of the Police Department of the City of Winnipeg.

The First Group reviewed the questions of the Crimes Against Humanity and the Political Crimes. The report, submitted by the two Co-Chairmen of the First Group follows:

Points that were discussed:

What is a "Political Crime" and what should be considered to be "Political Crime";

Assasination of a political prisoner;
Theft of public funds.

Do Political Crimes have a special status? It was agreed that a "Political Crime" may be regarded as anything that undermines the political process or is done for political gain, or subverts the integrity of the state system.

What should our attitude be toward political offenders and who should bear the responsibility for political crimes:

Should Nixon be held responsible for all crimes committed at "Watergate"?

Political Crimes and Crimes Against Humanity are interrelated.

Political prisoners are tortured;

Red Cross not allowed into prisons in Vietnam.

Nobody admits to using torture, but it becomes a way of controlling and terrorizing the population; it is a very effective method of control, still applied by some states.

_____ .. _____

Canadian Incidents:

War Measures Act in Quebec:

It was felt that the politicians can revoke all human rights. What was the U.N.'s opinion of this? A committee was sent to investigate, but by the time it arrived, the trouble was cleared up. They investigated the prisons where people arrested, at this time, were kept.

Kenora:

Why were no charges made in regard to use of weapons as a threat. In the case of minorities, when does a "Political Act" become a "Criminal Act"? At what stage do the rights of minorities conflict with the rights of others? How should situations of this sort be handled, as obviously the police were not effective in this case. As at the situation at Wounded Knee in the States, the police precipitated a lot of new crimes.

It was agreed that it was a political problem rather than a legal one. The reason might be disparity in wealth and poverty of the minority peoples. It is a violation of the Criminal Code when one threatens with a weapon, but one cannot overlook the political aspect of such an act. Are property offences political or not? Is it a Sociological or a Political Problem? Who administers the laws in favour of whom? The group agreed that the situation in Kenora was primarily a social problem. Kenora is a deprived area.

The people who do not understand the law, feel oppressed. They then break the law; subsequently, the laws are tightened and the people break more laws.

How wide is the gap between social justice and legal justice?

It was felt that we have a responsibility to concern ourselves with both. The law tends to look upon the offender as an individual rather than as a group who feels a social injustice.

Political interference into political actions in other countries leads to torture of political prisoners, e.g. interference by the U.S. into the politics of Chili.

RECOMMENDATIONS:

The Canadian Government should formally submit to the World Congress a Statement of Principle against torture in any form, and recommend that:

instruments of torture should not be manufactured, sold or used by any nation;

that no schools of torture be organized or maintained;

that torture be regarded as a crime against humanity;

it was resolved that the Resolution 3218 adopted by the General Assembly of the United Nations, November 6, 1974, regarding torture and cruel, inhuman or degrading treatment or punishment in relation to detention and imprisonment be adopted and implemented.

..

The Second Group, mentioned above, reviewed the questions of the Organized Crimes, Commercial Crimes and "Victimless" Crimes.

The report and recommendations submitted by the Chairman of the Second Group follows:

Points that were discussed:

Use of money from commercial crime to finance deals such as:

- Manipulating stock market;
- Loan sharking;
- Prostitution;
- Drug Dissemination;
- Betting.

The attitude of the businessman is often at fault. If someone gets away with a swindle, such as tax evasion, he is often admired. The letter of the law is followed rather than the spirit.

In the case of "white-collar crime", the punishment does not have much effect on the offender. It is not rehabilitative. The "white-collar criminal" is already highly educated. Prison only cuts him off from society for a specified time, but does not get at why he committed the crime.

Many crimes, felt in Canada, are internationally financed and law enforcers cannot get to the root, or even stop it in the planning stages. In Winnipeg, for example, the crime is only known about after it is committed, as it is planned somewhere else.

How is universal law made and how is it adhered to?

Example: Canada was among the first to sign an international agreement to outlaw cannabis. Now some factions in Canada would like to legalize marijuhana. What would the other signatories feel if Canada drops out now. Countries cannot agree on the severity and degree of crimes even among minor crimes.

It was agreed that the root cause of much crime is the moral and apathetic

attitude of many citizens who prefer to ignore what is going on rather than make any complaints.

i.e. "Victimless Crimes" are actually crimes in which the victim just does not complain.

The Group suggested that U.N. set up an Investigating Committee or a Group to discover how large sums of money are internationally transferred for illicit use and charge the persons involved with conspiracy. But all countries would have to co-operate and enforce such a crime preventive measure.

"INTERPOL" is an information gatherer and distributor, not an investigatory body.

It was realized that many countries would not like a U.N. entity investigating on their territory.

Workable "International Information Committee on Crime Prevention" could funnel information into one country where the conspiracy could be identified and prosecuted.

Computers facilitate commercial crimes and these are almost impossible to control in areas of credit cards. Things such as "Universal Credit Cards" would make crime in this area easier. Too much information can be and is stored and can be too easily retrieved for illicit purposes.

Problem is anonymity of credit card used. Ease of passing on. Banks will not withdraw as they are making money on them. Everybody pays for losses in credit card game; but still no-one complains. (Lowering of moral fibre allows this to continue.)

It was agreed that there was an urgent need for:

Identification of victims;

Identification of criminals;

Getting across international borders to pursue or prevent a crime;

Finding root of criminal activity;

More investigation and co-operation between the nations and systems;

Information to be submitted to victims to make them aware of what is going on;

Laws to facilitate action against commercial fraud.

RECOMMENDATIONS:

That the U.N. discuss the possibility of investigation and research into the total picture of organized crime, to discover the main receivers of receipts with the view to some type of international law to be able to proceed with conspiracy charges by means of an investigative body that can investigate at an international scale.

That the Fifth U.N. Congress on Crime make a detailed study to define what is a "Victimless" Crime.

Introduce and apply national and international measures to make it difficult for the international organized crime to operate by using co-operation in supplying identification information.

_____ .. _____

II

The Second Public Seminar, in Winnipeg, was held on Saturday, March 22, 1975 at the Fort Garry Hotel.

The theme of the Seminar was "Needed Improvements in Criminal Justice and Corrections".

The theme adopted by the Organization Committee of the Public Seminars was to review the questions of the Second and Third Agenda Items of the Congress, namely,

"The role of Criminal Legislation, Judicial Procedures and Social Controls in the Prevention of Crimes", and

"The emerging roles of the Police and other Law Enforcement Agencies, with special reference to Changing Expectations and Minimum Standards of Performance".

To review the above questions, it was decided to create Five Citizens' Groups, each one headed by a moderator as follows:

Criminal Legislation	- moderator - G.R. Goodman, Q.C.
Law Enforcement	- moderator - Max Mulder
Judicial Administration	- moderator - Judge R.H. Harris
Community Corrections	- moderator - Clarence Epp
Institutional Corrections	- moderator - Prof. Steve Brickey

The Guest Speaker was Prof. Ronald Price, Faculty of Law, Queen's University, Kingston, Ontario.

The Seminar was attended by a large group of citizens, among them high school (Grade 12) and university students, N.G.O. representatives as well as professionals and officials of the correctional services, law enforcement and

judicial administrations.

The Government of Manitoba was represented by the Honourable J.R. Boyce, Minister of Corrective and Rehabilitative Services. Senior Judge Ian Dubiensi and Mrs. Dorothy Betz, Members of Manitoba Delegation to the Congress participated in group studies and general discussions. Several officials of the Government of Manitoba, among them, Mr. G.E. Pilkey, Q.C., Deputy Minister, Department of the Attorney General and his Associate Deputy Minister, Mr. G.R. Goodman, Q.C., as well as Mr. Eric Cox, Director of Correctional Services and Mr. Lloyd Dewalt, Director of Probation Services participated in the Plenary Session deliberations and Group discussions.

Mr. Frank P. Miller, Canadian National Co-ordinator of the Fifth U.N. Congress to be held in Toronto next September attended the Second Public Seminar in Winnipeg.

His presence and participatory contributions during the Plenary Session and Group Studies enhanced the entire process of the Seminar.

This particular Seminar was subject to a large publicity (Press, Radio, T.V.) in Winnipeg, previously mobilized on our behalf by Mrs. Sarah Gunning, Information Officer, Office of Canadian Participation Directorate, Department of the Solicitor General, Ottawa.

The entire operational planning of the Public Seminars in Winnipeg, logistical, financial and technical questions were continuously reviewed and evaluated in co-operation with Mr. Don Irwin, Director of the Canadian Participation, Ottawa. His support proved to be invaluable.

Locally, Miss Annette Treble of the British Consulate, rendered an exceptionally valuable service in the field of Public Information about the Seminars. She was recommended by Mrs. S. Gunning.

General Public reaction to the Seminar was positive, encouraging and appreciative.

_____ .. _____

The recommendations of the Second Public Seminar were as follows:

Institutional Corrections System should be reviewed at national level in order to determine as to whether a Federal jurisdiction over the institutions located in a Province was advisable: The division between the Provincial and Federal Correctional Institutions does not seem to contribute to an effective rehabilitative process of the offenders;

The process of the rehabilitation within the Institutional Corrections should be revised and improved;

The contact between the inmates of the Institution and the Community, and specifically with their relatives, should be strengthened;

The inmates of the Correctional Institutions should have the right to use legal aid;

The inmates should be consistently kept informed about the function, programs and services of the institutions;

The complaints of the inmates should not be dismissed by the "institutional system" without examination and/or explanation why;

Judicial Administration should be reviewed and the structure of the Courts functioning at different, seemingly artificial levels

should be adjusted in order to stream-line the judicial process;

Community should be effectively involved into the rehabilitative process of the offenders; some Scandinavian rehabilitative community programs should be reviewed and applied, with appropriate modifications, within the Canadian Correctional System;

The role of the Police should be reviewed and gradually improved, not only in the area of law enforcement, but also in the area of community educational and information programs (Youth, Educational Institutions);

Criminal Legislation should be revised, simplified and updated; several "criminal offences" are based on some ancient legal provisions adopted a hundred years ago; at present, they are obsolete and ridiculous within the national, provincial and local Canadian reality situation.

_____ .. _____

III

The Third Public Seminar on "Crime Prevention and Control" was held on Saturday, April 19, 1975 at the Fort Garry Hotel.

The theme of the Seminar was: "The Treatment of Offenders in Custody or in the Community with Special Reference to the Implementation of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations".

Five Groups created for the review of the theme were as follows:

Institutional Corrections	- Group Leader -	Hugh Knight;
Community Corrections	- Group Leader -	Ben Bieber;
Inmates	- Group Leader -	Larry Hewitt;
Families of Inmates	- Group Leader -	Len Kaminski;
Community at Large	- Group Leader -	Anne Loutit.

The modified process of the Public Seminar started with the Group Studies. Subsequently, the respective Group Leaders formed a Panel. The moderator of the Panel Discussion was Mr. Paul Faguy, Former Commissioner of Penitentiaries of Canada.

The representatives of the community at large as well as of the N.G.O.'s submitted through their Group Leaders the following reports and recommendations:

INSTITUTIONAL CORRECTIONS

Minimum Rules:

They seem to be too broad and general, but must apply internationally;
Some current Manitoba Institutions do not apply the Minimum Rules;
Example: City lock-up; Provincial Government should take responsibility
to provide an adequate facility for remand and make sure
that it is:

separate from police stations;

with adequate accommodation;

has a provision for recreation;

The rules pertaining to:

exercise;

med. services;

visitation;

access to defence (Family - Normal Social Supports);

protection from police persecution, pressure or harrassment;

surveillance for safety (plus security);

privacy (question of electronic surveillance) - they all grow out of rights.

Discrimination:

Re: Native Inmates:

There is a lack of community support; as a result there is reduced access to privileges and resources.

The application of "Middle Class/ standards in correctional institutions is detrimental to all re-educational programs.

Mental Health Problems: (Retardation & Psychosis)

The facilities in Manitoba are inadequate.

Character disorder is, in fact, a Mental Health problem, but it cannot be adequately dealt with in a Correctional Institution. As a result, inappropriate offenders are in Jail in place of being in a Mental Health Institution.

There is a lack of facilities on release.

It was noted that indeterminable sentences were used in some countries.

Protective Custody:

There is a restricted access to programs and facilities;

There is a need for National Standards regarding Mental Health services to be applied by the Provincial Correctional System.

There is a need for specialized institutions.

Sentencing and Quasi-Judicial Decisions:

The inmates should have right to consistency of administration of justice;

Right to know the rules and criteria of the process of rehabilitation;

Right to have a reasonable idea of what decisions are based on;

Nevertheless, while applying established criteria, "Human Factors" should consistently be taken into consideration.

Parole Supervision:

It was agreed that much supervision is meaningless, but required by the conditions;

A greater flexibility was necessary to vary intensity and nature of the sentence.

COMMUNITY CORRECTIONS

It was agreed that the rules be taken section by section, and reviewed to see

how they can be improved or how they can apply to community corrections.

Are there separate, more comfortable institutions set aside for white-collar offenders? There is discrimination within the institution as to how rules are applied to different individuals.

There is a difference between separation of offence and separation of individual offender.

It was agreed that there should be no discrimination on the basis of class or wealth as to placement;

There should be no discrimination within a detention centre;

There should be no discrimination at the court level.

White-collar criminal who steals from a Company is treated more leniently than someone who steals an automobile.

In some cases, social origin and status are considered in determining when and how an inmate is released. If an inmate has no contacts in the community or place to go, parole or temporary absences are not granted.

It was suggested that Parole Authorities adopt a minimum standard of rules for the treatment of offenders in obtaining parole with the power to improve or add to facilities in the community so that an inmate's rights to parole can be implemented.

It is a frustration that we think only in terms of "from the institution to the community". As a group, we need to put forth a greater effort to have offences dealt with, as in Holland, before reaching the courts and formal Systems.

We should have minimum rules calling for facilities in the community dealing

with the former offenders.

We recommend that there be more community facilities earlier in the process of rehabilitation.

It was also agreed that:

Untried prisoners should not be kept in the same building as those convicted. They should be kept in a separate building with easy access to council.

Young prisoners are sometimes held in adult facilities and put together with general population. It is recommended that a separate institution be established specifically for young offenders.

Prisoners in remand are frequently held separately, but with fewer privileges than the convicted prisoner.

Medical Services:

It is recommended that there be available adequate medical services. It was emphasized that the psychiatric services should not be separated from the community in which a person lives.

It was agreed that:

Institutionalization in itself is degrading;

Separation from the community doesn't allow for proper therapy;

The cohesion in psychiatric services was indispensable;

The prisoners had a fear of forced therapy.

Prisoners should be detained as close as possible to their home community to encourage contact with the community.

Administration should not be allowed total jurisdiction in transfers.

It is the duty of society to use preventative measures before incarceration. The incarceration in large institutions does not encourage self respect and development of prisoner's sense of responsibility.

The merit of institutionalization is questionable.

The classification be based on individual positive attributes. These should be accentuated and problems identified in the course of developing these attributes.

Seminars be held with the community in the institution.

A number of persons are incarcerated because of social problems rather than criminal.

The Minimum Standards re: "Open Institutions" need rewriting as pertains to North America. The people have gone beyond acceptance. The U.N. Standards of 1958 speak of prisons: We no longer need to look to an institution only, but focus more on community corrections, beginning with the courts.

Screening should be done at a predisposition level.

The present prison system is not conducive to physical and mental health of the offenders.

INMATES

(Majority of recommendations were submitted by the participating inmates.)

We recommend that there should be a review of lost civil rights of the inmates to decide if they should not be retained to maintain and develop the inmates sense of responsibility, specifically concerning the right to vote in Provincial and Federal elections. Not singling out Federal institutions alone, but including those in Provincial institutions as well.

We feel the segregation cannot be carried out without implementation of a program of smaller "specialized institutions". This is for the two fold reason: of protecting the inmates and to provide better treatment for those requiring in depth psychiatric care. One of these should be a smaller Medical Centre for the inmates who are in need of special psychiatric care.

No prisoner should be punished except in accordance with the terms of the laws or regulations and never twice for the same offence. Present double standard: if found illegally at large, the prisoner is punished first by the court; then second punishment follows from the prison Board.

We recommend the inmates should get sentenced only in one system. Either by the courts, or by the prison Board, not both.

Staff should be moved around with not more than five years on the inside, after which they should be given an opportunity to participate in another environment.

The staff training programs should be revised: old programs should be abolished; new, more human justice oriented model of training should be worked out.

A closer evaluation of the personality should be done in hiring staff; Understanding of Inmate sense of justice and of the humanitarian principles should be one of the pre-requisites of hiring;

Closer links between treatment and custodial staff is mandatory so they could assess both views.

Reassessment of all staff is necessary; if any is unsuitable, he should be replaced.

We recommend a creation of an outside Committee or an Appeal Board, so that the minority groups could appeal infringements and discrimination due to race, colour, religion, nationality, etc.

FAMILIES OF INMATES

Reaffirmation, expansion and application of existing U.N. Minimum Standards are recommended.

There should be no discrimination on the basis of race, colour, religion, socio-economic or other status at all levels of the criminal justice system including arrest, bail, trial, sentencing and aftercare.

Recommendation to the effect that the reconciliative restitution model be considered as an alternative to incarceration before and after sentencing.

In order to prevent abuse, safeguards be built into the corrections system vis à vis the use of medical and paramedical as well as other "treatments" for offenders to protect the civil rights of the individual. This includes specific rights of inmates to participate or not participate in particular treatment programs.

That there be some diversity of institutions to deal with the different needs of offenders.

In order to minimize damage due to prolonged separation of the individual from the community, sexual co-incarceration be considered as part of the creation of a "normal environment" within the institution. This implies as well the minimal separation in time and space of the married offender from the spouse and family.

In view of the different stages of development of Social Policies in the area of public security and criminal justice in various countries and continents of this globe, that perhaps two sets of Minimum Standards be considered by the U.N. to permit the different countries to apply levels relative to their situations.

It is recommended that the terminology of the U.N. Minimum Standards (1958) and appropriate definitions be established in relevance to modern practices in the judiciary, law enforcement and corrections systems.

Well established definitions will contribute to the gathering, organization and use of comparative statistics at national and international level.

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IV

The Fourth Public Seminar was held on Monday, May 26, 1975 in Hotel Fort Garry, Winnipeg.

The theme of the Seminar was "Economic and Social Consequences of Crime: New Challenges for Research and Planning".

The Fourth (and the last) Public Seminar was carried out within the framework of a Panel Plenary Session. The Panelists were as follows:

Dean R. Bellan of the University of Manitoba interpreted the Economic Consequences of Crime.

Prof. Rick Linden, Department of Sociology, University of Manitoba presented the Consequences of Crime and Victim.

Rev. A. Bell, Chaplain of the Stoney Mountain Institution illustrated the Demoralizing Effects of Crime, and

Mr. C.N. Friesen, Director of "Open Circle" described the Needs and Methods of the Citizens Involvement.

The Keynote Speaker and Moderator of the Panel Plenary Session was Dr. S.D. Johnson, Department of Sociology, University of Manitoba.

The Chairman of the Seminar was Mr. L.W. Dewalt.

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In his opening remarks, Mr. Dewalt mentioned that the series of Four Public Seminars was carried out with the support of the Provincial Government and financial assistance of the Department of the Secretary of State of the Federal Government. The Manitoba Society of Criminology and the United

Nations Association sponsored all the Seminars.

He specifically expressed his appreciation on behalf of the Seminars Organization Committee of the effective co-operation displayed by Dr. Ron Con and Mr. Ralph Friesen of the Department of the Secretary of State, Federal Government. He also welcomed the presence of the Honourable Howard Pawley, Attorney General of Manitoba and of some members of his staff.

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The Keynote Address presented by Dr. S.D. Johnson pertaining the theme, "Economic and Social Consequences of Crime: New Challenges for Research and Planning", contained basic information about the forms and dimensions of crime as phenomena of our times which, translated into the financial consequences proved to be extremely expensive. He underlined the fact that although we have some empirical data, frequently fragmentary, the assessment of the total cost of crime was difficult, as not all the crimes were reported. Therefore, the New Challenges for Research and Planning would be the fundamental question to be answered: "How much crime is committed within a nation and what are the causes of crime?"

There were different thoughts about the calculation of the cost of crime that included not only the cost of physical construction of correctional institutions, but also the employment of thousands of policemen, institutional guards, judges, lawyers, probation and rehabilitation staff, but also the inevitable measures of safety installations, increased insurance rates and a number of "intangible" costs related to the treatment and rehabilitation of the social and psychological factors of the victims of crime, which sometime are and remain irreparable.

The Keynote Speaker also underlined a deplorable rationalization of the political crimes committed in different forms and dimensions. He recommended that totality of the criminal legislation in Canada be reviewed

and that the changes in the law be adjusted to our reality of life and resolved politically. The protection of the society should represent an unflinching and permanent effort of the law enforcement, judiciary and corrective systems of our society.

(See attached, a text of Dr. Johnson's presentation.) (A-2)

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Dr. Reuben Bellan, while talking about the economic consequences of crime, mentioned that according to his estimate, there are in Canada about 10 - 15 thousand "career criminals". The economic consequences of crimes in Canada are enormous; they are estimated at a cost of over Two Billion Dollars a year. The economic consequences of crime should represent new challenge for research and planning, Dr. Bellan recommended. A constant cost-benefit analysis should be carried out by the appropriate authorities and made public, in order to make the society aware of the high price it pays for every single crime. The society should also be encouraged to constantly watch and evaluate the environmental conditions within the community that breed the crime. The society should initiate and carry out appropriate measures in order to prevent and/or eliminate crime. Dr. Bellan recommended very strongly to make appropriate financial provisions for the crime prevention programs and services, although he realized that the outlay of the "visible cash" for the "invisible preventive benefits" represented a difficult task for the legislators.

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Dr. Linden believed, in his presentation of the consequences of crime on victim, that a purely economic interpretation of crime would be inadequate as there are innumerable other consequences of crimes which cannot be "rehabilitated" by any money. Many consequences of crime on victims represent a permanent damage, specifically in the physical, psychological and social areas. Sometime the assessment of the consequences of crime on victims is very difficult and quite impossible. (Example: Commercial sales of the

thousands of tons of meat from the dead animals to the people in the Montreal area.) Several other examples were submitted. However, he stipulated that the restitution of the lost property, goods and values should be a permanent objective of the social justice.

(See attached text of Dr. Linden's presentation.) (A-3)

Rev. A. Bell interpreted the demoralizing effect of crimes on individual and the society at large. He stipulated that the general reaction of the people to any crime was primarily the anger. In fact, it represented the under-current and basic element of fear of the society at large. After a crime was committed, the members of our society, in a state of fear and anxiety, raise for themselves the question: "it could have happened to me; it could have happened to my children; it could have happened to my family". He believed that the Nixon - Watergate drama has demoralized the entire North American Society.

However, frequently the society seems to be irrational in its reactions to the crime. It is unable to adequately assess the roots and motivations of the crime. The society would like to be protected. Therefore, it hires an army of policemen, institutional guards, and security guards, judges, and lawyers and assigns a task to the politicians to protect the people with a clear cut mandate: "you do the job for us and protect us, and if you do not do it well, we shall be angry with you".

The demoralizing effect in our society seems to be also the fact that some, so called "big crimes" and "big criminals" are somewhat admired and eventually even celebrated.

As a result, the young generation may believe that it pays to be a "big and famous criminal" and be subject to the front page headlines of the

newspapers of the nation and/or the world.

Nevertheless, the criminal should have the chance of getting rehabilitated. Many offenders regret their criminal activities and have a sincere desire to become honest members of the society. The destruction of hope for any improvement or rehabilitation is a tragic event in human life.

There seems to be a great misunderstanding of the coloured and native people as well as of the refugees who arrive in Canada. Therefore, Rev. Bell recommended that the education and information about the administration of justice should be one of the main objectives of the crime preventive programs to be applied for the native people and new-comers.

The crime demoralizes all the members of a family. The family members of the criminal suffer in many cases, socially and psychologically. Therefore, the totality of the rehabilitation process being carried out by the police, parole and probation officers and social workers should include not only the offenders, but also all the members of their families. The community at large should be integrated into this process, Rev. Bell recommended.

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Mr. C.N. Friesen believed that in case of any crime, the community at large is a victim. The families are affected. The community should be concerned about the committed crimes. In order to be really involved into the process of the crime prevention and rehabilitation, the society needs more information. Mr. Friesen specifically recommended the newly published papers by the Law Reform Commission of Canada. The members of the community should have more information about the function of the police, courts, judges, lawyers, and parole and probation services. There should be a dialogue with the prosecutors, judges and lawyers and the community in order to stimulate citizens involvement and their effective participation. It is quite evident

that the interrelated judiciary, law enforcement and corrections systems needed badly the support of the community at large.

Mr. Friesen's formula as to "How can a citizen become involved" is as follows:

Discussions and Recommendations

Become informed of the present system, attend seminars, read current correctional books or papers;

Attend court as observer - think of alternatives;

Dialogue with crown prosecutors, lawyers, judges, parole or probation officers, police and security personnel;

Don't accept front page information as the total story - much has happened to people before it reaches court and news media - there usually is a human story behind the problem;

Become vocal in protesting our present liquor laws and federal acceptance of the usage of alcohol. 93% of all cases receiving 90 day or less are a result of alcohol;

The Law Reform Commission has done an extensive research and written papers on law reform. Papers are available for study purposes for free, at Information Canada, Grain Commission Building, Portage and Main. The Commission is requesting the citizens to become involved in studying these papers and commenting on them. They need support in propagating these ideas.

The Church Council on Justice and Corrections will be

contacting all the communities through the churches, across Canada, to help them with information and ideas on crime prevention and rehabilitation of offenders.

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Discussions by all the participants produced several additional recommendations and suggestions as follows:

The "Work Camps" for the offenders to offset economic losses as a measure should be considered. However, such a program should not represent a punitive or retaliatory measure of the society or of the systems; it should be based on the individual desires and decisions of the offenders to participate in a "Work Camp" program.

There may be a close relationship between the unemployment and crime. According to the statistical data, it is evident that the crime increased every time there was an economic slump or crisis.

It costs tax-payers \$24.31 per day in Manitoba to support one offender in Headingly Institution. Consequently, it would be advisable to spend a portion of the money for the preventive and rehabilitative measures, programs and services.

The fear in itself should not be used as a deterrent. It is advisable to teach our children and young adult to exercise their duties and responsibilities rightly and honestly; that function would be assimilated by them into their personality. The fear of punishment may only teach them to hate those who impose the measures and enforce "the orders" by force.

The Economic and Social Consequences of Crime of women should

be carefully examined. There seems to be a correlation between the unemployed and/or under-paid women and the crime.

The Economic and Social Consequences of Crime should be examined in relation to the alcoholism.

Appropriate measures should be launched to prevent the excessive consumption of alcohol; in majority of cases it proved to be the cause of many crimes in different forms and dimensions.

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SOME ISSUES AND QUESTIONS

WHICH MIGHT CALL FOR AN EXPANDED DISCUSSION

Extraditions of Offenders
(National legal provisions and international agreements)

Legislation and Public Attitudes regarding Abortions

Native People and Administration of Justice

Parole Supervision

Death Penalty

Treatment of Young Offenders

Legislation and Public Attitudes regarding Pornography

Vagrancy and Criminal Justice System

Medical and Non-Medical Use of Drugs

The Role of the Government

The Role of the Police (Police Ethics)

Police - Citizen Relations

Private Policing

Judicial Procedures

Social Control

Crime - Offender and The "Media"

Diversion (Community Corrections)

Correctional Institutions

Criminal Records

International Co-operation

In concluding the session of the Fourth Public Seminar, Mr. Dewalt expressed a hope that the reports on all Four Seminars will assist the Manitoba Delegation to the Fifth United Nations Congress to be held in Toronto next September, and eventually, contribute to the formulation of the Canadian National Position Papers.

He also expressed a hope that the involvement of the community at large in all the Four Public Seminars will lead to the review and revision of the policies, programs, and services in the field of corrections as well as in the legislation and law enforcement and the administration of justice in Manitoba. He expressed thanks on behalf of the Organization Committee to the participating panelists and specifically to the Chairman of the Organization Committee, S.D. Johnson and J.R. Troniak. "The Economic and Social Consequences of Crime, New Challenges for Research and Planning" should represent a task at the Provincial and National level of our country to identify and tackle the new forms and dimensions and causes of violence and crime.

Winnipeg, Manitoba

May 30, 1975

Submitted by Mr. J.R. Troniak

(original signed by Mr. Troniak)

PAST AND FUTURE CRIMINALITY -- SOCIETY'S RESPONSESaturday, January 25, 1975

Address delivered by Brian A. Grosman, Professor of Law and Chairman of the Law Reform Commission of Saskatchewan, at the Public Meeting regarding "Changes in Forms and Dimensions of Criminality Transnational and National" - organized by the United Nations Association and Manitoba Society of Criminology and held on January 25, 1975 at the University of Manitoba, Winnipeg.

It was not so very long ago (in the early 19th century) that English law imposed the death penalty for over 100 criminal offences. The vast majority of these capital punishment offences related to crimes against property. Capital punishment was utilized as a harsh means to control the unruly poor. The example cited often to indicate the effectiveness of capital punishment in controlling crime is that of the public hanging where a pickpocket is being hanged in the public square before a large crowd, for the crime of picking pockets. As the hanging progresses, the pickpockets in the crowd continue to pick the pockets of the spectators.

One of the lessons of that tale, I believe, has nearly been forgotten -- that is, it is not the severity of the punishment for the crime that deters others from similar criminal activities, but rather the high likelihood of apprehension and penalty. If apprehension is unlikely, then the possibility of punishment becomes remote. The more unlikely the apprehension, the less concern with hypothetical punishment. Remember, here we are talking about calculated property crimes where deterrence may work, not crimes of passion and violence where the perpetrator seldom considers the consequences of his act.

While the hangings proceeded apace, there was beginning the rudiments of our present-day police system. Watchmen were hired by local merchants in order to guard their enterprises and to patrol the streets of London. So-called watch committees were to be composed of local citizens who would take their turn on watch duty. Quickly, the more affluent merchants, were found to be hiring stand-ins, to assume their duties for an appropriate fee. Too often those who were hired were local scoundrels and ruffians who showed no compunction as they

sold their services as protection to the local criminal element.

Corruption was rife. Apprehension was minimal. Hangings were primarily a symbolic gesture made by the government to dissuade like-minded individuals. It was also a form of local entertainment for the grisley-minded, and as I said, an opportunity for crime.

Crime flourished in a society built upon a rotten foundation of social injustice, deprivation of the masses of poor, workhouses, child labour and the harsh realities of the industrial revolution. One need only to consider the writers of the time who complained that it was unsafe to walk the streets of London in the evening. Mugging is not a 20th century innovation. It flourished in England in the 19th century and earlier. Crime grew out of deprivation and lack of proper policing, combined with a cynical imposition of Draconian punishment in order to protect the property of the few from the grasp of the many. The Biblical injunction, "an eye for an eye and a tooth for a tooth" was adopted as penal philosophy before the advent of prisons.

There were, of course, the courts. Courts applied the law as set forth in a great conglomerate of piecemeal criminal legislation that seemed to grow by the week like some great amoeba sucking in those unlucky enough to stumble into its ever-widening cellular grasp.

The reconstitution of the jury, from their original function as local accusers, to that of triers of fact, provided a humanizing process. Juries refused to convict where they felt capital punishment was unjustified for the crime committed. Those obviously guilty were acquitted when the jury believed that the punishment provided by law did not fit the crime. As a result, judges have always been suspicious of juries for their tendency to engage in this kind of "irrational" behaviour.

Reform movements in England in the 1830's and 1840's provided the catalyst for Sir Robert Peel to propose a new form of policing the streets

by means of the Bow Street runners who were then put on regular salary, disciplined and eventually became the forerunner of our modern police force. They were called London Bobbies after their namesake and founder "Bobby" Peel. The police idea was roundly defeated when first proposed in Parliament. Parliamentarians feared the European example -- police as a political force. Persistence by Peel eventually overcame great local suspicion that argued that the dangers inherent in a permanent police force far outweighed the benefits to be achieved.

While the police idea was being sold to a skeptical public, social welfare agencies were on the rise. They displayed a real concern for the plight of the poor, the destitute, the child labourer, the black slave in a way that has made English concern for social justice admired throughout the western world. The birth of John Howard Societies and later the Elizabeth Fry Society were a natural outcome of an age that sustained a multitude of "mothers bountiful" and their good works. No professional correctional personnel, no psychiatric assessments, no personality tests, just concerned human beings, concerned enough about the miserable plight of their fellows to do something about it. They not only helped individuals but mounted protest for reform. Society was not taken as given -- but policies challenged and eventually changed. They gave, they felt it was their duty to give -- albeit often accompanied by a strong dose of religious fervour.

Guilt was real and salvation a possibility. One could be saved and through religious commitment find the road to rehabilitation. We may smile cynically today and consider these evangelical reformers naive. How much further along the road to real rehabilitation and the re-integration of the offender into society are we today?

As I mentioned, the criminal laws were various and fragmented. Sir Fitzjames Stephen proposed, in 1870, that England adopt his codification of the criminal law -- a codification that contained the moral imperatives of a Victorian England in full flower. The English would not adopt Sir Fitzjames

Stephen's Code of Criminal Law. Undaunted, he sailed for India and attempted to sell the Indian government on his glorious Code. The Indians thought about it and rejected it. Not to be dissuaded, this travelling salesman of criminal law set sail for Canada where, in 1876, the government adopted Sir Fitzjames Stephen's Criminal Code. It remains today, with some amendment and alteration, the criminal law of Canada. A potent dose of Victorian morality was ingrained in some of its provisions. Present sections of the Criminal Code such as those relating to gross indecency, echo a quaintness and prissiness appropriate to the age in which the concept was hatched.

Our Criminal Code emphasizes individual guilt through concepts of "mens rea" and "actus rea". Offences are, for the most part, the result of "a guilty mind" or a "negligent mind". These artificial concepts prove useful as an evidentiary tool in the courtroom even though they have no relation to reality in terms of present-day socio-psychological and psychiatric understandings.

The Criminal Code not only emphasizes guilt, but does so on an individual basis. The individual charged must be proven guilty beyond a reasonable doubt. This guilt is based upon an assessment of the individual's "intent".

The adversary system, since 1896, has surrounded the accused with procedural protections which relate to the nature of the evidence which can be adduced, the facts which are relevant, the burden of proof resting upon the Crown, and the acceptance of the accused's refusal to testify, without comment by the court. Statements made by the accused must be voluntary. The police must not intimidate a suspect verbally or physically. The accused is found either guilty or not guilty after the stylized court room combat. He cannot be somewhat innocent and somewhat guilty. There are no grey areas. His act is defined in court, not according to what happened, familial interrelationships or psychic history, but only in terms of the evidence which is relevant to the criminal act with which he has been charged. If

guilt cannot be established beyond a reasonable doubt by relevant evidence, the accused becomes a free man no matter the unproven implications of his behaviour.

There has been some disenchantment with the adversary process evidenced by police and their supporters on the one hand and on the other by correctional personnel. To simplify these different positions, one might create characters that sound something like this:

Police Officer: "I am a professional police officer. I am highly trained in the detection and apprehension of criminals. I do not arrest innocent people. I only arrest those who are guilty of a criminal act. The adversary system and the courts give these criminals an opportunity to escape their just desserts by reliance upon legal technicalities. Even if they don't escape, they are out on bail committing more crime in no time. Soft-hearted judges give them light sentences. Then they are out on the street again and I have to start all over in order to control their criminal activities."

Question: Do you think that once a professional police officer has made an arrest we ought to skip the whole court process and criminal procedures and ship him off to the prison? How many police officers would shout an enthusiastic and positive reply? If that was done -- what would be missing? How important is it that certain values inherent in our present criminal procedure and judicial process not be lost?

Correctional Officer: "I am trained in socio-psychological techniques and personality assessment. I am highly qualified in the assessment of offenders and their potential for rehabilitation. The courtroom process merely places the offender in a competitive position against the state where he must rely upon his rights, his wiles and procedural protections rather than considering what is needed to correct his behavioural patterns in order to lead to his effective re-integration into

normative societal patterns. The whole adversary process is destructive of therapeutic treatment. Those who are assessed by persons qualified, like myself, as deviant, should be treated in a proper setting conducive to their therapy and released only when their treatment has been successful and they can re-integrate into society. Judges are sentencing some offenders to two years in prison when they may only require one year of treatment and they are sentencing others to one year in prison when they require five or six years of treatment if their deviant tendencies are to be cured. Judges have no expertise to make such an assessment. They are merely punishing and permitting release prior to rehabilitation. I would not engage in the primitive ritual of punishment, but would avoid the whole adversary and procedural symbolism and involve those deemed deviant in therapy programs aimed at cure."

How many of those now working in the corrections field would subscribe to this Skinnerian approach? What would be lost by avoiding the judicial process, by moving the suspect from arrest directly to prison, to treatment and holding him until "cured"?

New confidence in the policeman's ability to assess criminality and the development of new forms of treatment based on a growing professional expertise in corrections threatens the viability of the traditional judicial process.

Let us consider, for a moment, the powers provided police and the judiciary. Police in Canada have broader arrest powers, with less legal restrictions than police in any other western country. Provincial court judges, sometimes called magistrates, have the widest jurisdiction over crimes and offenders of any lower court judiciary in the western world. Ninety percent of all criminal charges are processed through Magistrates Court. It is, in this sense, a peoples court. The Magistrates Court has over the years suffered inadequate personnel, facilities and funding. The burden of the criminal caseload in urban areas has given rise to a

well-documented phenomena called "plea bargaining". (Grosman, The Prosecutor, University of Toronto Press 1969.) Accused persons plead guilty to a lesser offence and the prosecution drops and reduces charges in the exchange. This negotiation process, although often informally acknowledged by police and judiciary, is surrounded by no procedural protections. The bargain is often struck in the court hallway with the arresting officer or in the prosecutor's office beyond any judicial supervision or procedural control. The factors which induce the accused to enter a plea of guilty to a lesser charge are never explored. Whether he is induced to do so by a defence counsel or in response to police over-charging is seldom known.

The accused, in this way, proceeds from arrest through the custodial care by the shortest possible route. A route which bypasses the benefits provided by procedures inherent in the adversary system and judicial process. Cases are, in this way, expedited. The courts consider those cases which the police and prosecution consider not to be amenable to mediation or to negotiation. What effects does this kind of bargain have on the offender's perception of the judicial system and his potential for rehabilitation? This question is only now being considered.

The proliferation of "criminal" laws, particularly at the provincial and municipal level, has reached a point where such laws exceed in number those prohibitions contained in the Criminal Code. While laws sprout like weeds in the spring, police resources remain relatively unchanged. Municipal and provincial laws grow apace, but financial support for those who must police them does not keep pace. As a result, the wide discretion given to the police is exercised in the selective enforcement of law. Obviously, all laws cannot be enforced all the time. There are not enough police resources to go around. Thus, a decision is made by executive police officers about priorities in policing. Those decisions are based upon unknown factors. Enforcement priorities differ from month to month and from place to place. A person may be arrested for

soliciting for the purposes of prostitution or for the possession of marijuana in one city while just a few miles away, these offences are committed with impunity. Police are ignoring this behaviour which they consider of low priority when they are pursuing different forms of criminal activity which they have been instructed are of greater importance.

I mention an example to you which I have set out in my forthcoming book titled Police Command (Macmillan Company of Canada, 1975).

In one Canadian city, not so long ago, the municipal police, on the instructions of the Police Chief, mounted a campaign of arrests for the offence of possession of drugs. Many of those arrested were students from middle class and upper class homes. Charges were laid. The local prosecutor came under substantial pressure from prominent lawyers and citizens to drop the charges. Most of the charges proceeded. The judge, however, dismissed a number of charges on the basis of insufficient evidence. Those few convicted received suspended sentences. The police believed that their efforts and those of the prosecutor had gone unrewarded. Police resources were, accordingly, moved from drug enforcement to other areas considered more productive in terms of the convictions and sentences to be achieved.

Selective enforcement, based on inadequate police resources, low-visibility police discretion and a multitude of laws, subjects certain groups to prosecution on the basis of poorly understood police and public priorities. The judicial process exercises little or no control over arrest procedures, little control over negotiated guilty pleas. In a practical day-to-day way, there is a mass processing of offenders with little judicial supervision and with minimal access to protective adversarial procedures. The largest number of accused persons proceed from arrest through to conviction on the basis of a guilty plea with a perfunctory appearance in a court of law merely to confirm what has been prearranged. It would not surprise me to find that the vast majority of

those who enter pleas of guilty, who do not seek the protection of the court and the judicial process, are the uneducated, the poor, the unemployed, and the native population of this country. For it is they who also make up the vast majority of our prison population. New forms of criminality also bypass traditional judicial and adversary procedures for totally different reasons. It is alleged that formal procedures are slow and inefficient in times of perceived crisis.

Lack of confidence in regular criminal and judicial process was evidenced by the imposition of The War Measures Act at a time of perceived crisis. This involved the detention of over 400 persons without charge and without trial. Terrorism and political torture also do not seem to fit nicely into Sir Fitzjames Stephen's Criminal Code categories. Mass deviance, whatever its form -- riots, protest, massive drug use at be-ins, love-ins and rock concerts, strain a system built upon the need to prove individual intent and a guilty mind. Political terrorism initiates a natural tendency on the part of government to move around the strictures and protections provided by the judicial system in order to cope with new forms of criminal activity with new techniques for control while at the same time subscribing to the ideas of a free society under the rule of law.

In these circumstances, the judicial process survives as a symbolic reassurance to a frightened public crying for the restoration of order.

Media projection of Mafia images and international criminality and violence brings the terror of crime to the most tranquil village where families sit in front of T.V. sets. If crime is out of hand in Detroit, immediate media projection means that Saskatoon trembles.

Self-induced public panic about rising crime is promoted through massive corporate advertising expenditures made to support the

projection of T.V. violence. The reallocation of the massive sums now spent on police and crime T.V. shows, to crime prevention programs, police training and the up-grading of correctional facilities would go a long way towards solving some of the crime problems. Instead we escalate society's ills by beaming them into every home. Media promotion of the "big scare" promotes also the devaluation of individual protections. The public respond by feeling an immediate need for repression to combat their vision of "rampant" criminality.

The growth in our society of demands for more and greater social control make it imperative that due process values and the rule of law are strengthened even as new forms for conflict resolution are created. Whether these new techniques are mediational, involve pre-trial discovery, arbitration, victim participation, amendment of the Criminal Code to strictly prohibit mass violence, aircraft hijacking, terrorism and political crime -- the new structures and laws must contain the important protections that maintain human dignity. It is the visible application of regular procedures under law that separate a free society from totalitarianism -- no matter how beneficent.

Nor can the public ask the courts and the police to take over the social control functions rightly the responsibility of the family, parents, schools, churches, the local community and government. We ask too much of the police and the courts and by doing so, tend to make their task impossible. The proliferation of laws against those who cause no harm to others -- homosexuals, vagrants, prostitutes, alcoholics, and a variety of persons suffering economic deprivation and lack of opportunity burdens the court system and enforcement agencies with social problems which must be handled elsewhere.

Change is endemic to our society. Radical evolution is required if the judicial and adversary process is to remain relevant to our times and is to deal with those forms of behaviour which seriously threaten our society

and individuals with harm. Encrusted definitions of crime concocted in a Victorian sitting room must be re-examined and reformed. New and more subtle systems for determining criminality and dealing with it ought to gain high societal priority.

Criminologists must not only involve themselves in the micro-concerns of dealing with individuals and their problems, as important as they are, but must also be involved, as were the reformers of the 19th century, with macro-concerns of a society that in many ways promotes criminality by its own example. If money means everything and access to it and opportunity are unavailable, people in a competitive society will use imaginative and deviant means by which to achieve this vaunted goal. If, as Durkheim has argued, crime is part of society, criminologists have a duty not merely to take society as given, but to involve themselves in an examination of the need for social and economic change leading to a reduction in criminal behaviour.

Criminologists and those working in the field of corrections must remain critical of insular professionalism and self-perpetuating bureaucracies no matter their benevolence. Bureaucracy too quickly becomes resistant to and threatened by change. The move towards community policing, public participation in policy formulation, and decentralized corrections is to be encouraged. No bureaucracy or professional organization should become so strong that it surrounds itself by a high wall of protectionism so that its policies and programs are not open to effective challenge. Open policies in an open society committed to freedom under the law will encourage public participation in an evolutionary process thereby reducing political and social tension while at the same time increasing public acceptance of institutional change.

Law and order do not go together like ham and eggs. Laws protect us from those who would impose order to matter the cost. The need for legitimate legal process cannot be underestimated. It is the fabric which protects our society from a variety of subtle forms of tyranny. Vigilance is indeed the

price of freedom. Contemporary demands by the public and by government for more control, combined with the headlong rush to the new technology, will in the future, overrun the capacity of law to maintain safeguards and lead to the development of massive machinery to facilitate the control of human behaviour deemed deviant, unless public awareness is maintained and traditional legal structures adjusted to meet modern requirements.

The future is made in the present -- by the decisions that government and people like yourself make right now. Just as our present correctional and judicial philosophy was formulated by decisions taken in the past, so too will our future policy be made by the decisions we take today. If we fail to take the initiatives required for reform, our children will live with a system that has grown without direction, from what we have today into an unknown tomorrow. Your deliberations on this day are of vital importance to the kind of societal reaction to criminality, new and old, that we can expect in the years ahead.

I wish you foresight, perception and stamina.

PAPER PRESENTED AT THE

FOURTH PUBLIC SEMINAR

ON

"CRIME PREVENTION AND CONTROL"

ON

May 26, 1975

Economic and Social Consequences of Crime:
New Challenges for Research and Planning

To present an informative and useful address on the economic and social consequences of crime is a difficult task: the more one learns about the subject, the more awesome the task becomes. This is because we feel that we know certain things at a very general level, but when one looks for the empirical data upon which they are based, the data is either contradictory, fragmentary or lacking altogether. For example, I think that most of us would agree that there is a very vast amount of crime in the contemporary world. Newspapers, books, television and magazines all tell us that. Those of us who are involved with the criminal justice and corrections system in any way realize that there is far more crime than is ever reported, and of that which is reported, a large, but undermined amount goes unsolved. We could probably get quite general agreement with the oft quoted assertion of the U.S. President's Commission on Law Enforcement and the Administration of Justice that, "there is far too much (crime) for the health of the Nation" (1967). Beyond that point, however, we would very soon find ourselves in disagreement regarding how much crime there really is, what causes it, what it costs, and, most especially, what might be done about it. While I certainly do not pretend to offer you answers to all of these questions, I do believe that I can direct your attention to some of the salient issues concerning the costs and consequences of crime, and perhaps stimulate you toward a fruitful discussion concerning some of the research planning that might be undertaken with respect to them. It is to this task

that I now direct your attention.

Looking first at the economic impact of crime, the available estimates tell us that it runs into billions of dollars per year. Since the estimates are about as varied as the estimators, about all that we can safely conclude is that crime is indeed very expensive. We can, however, extract from the literature concerning crime costs a number of factors which markedly affect the magnitude of the crime bill. For modern industrial societies, these would be:

1. Loss of productive labour which is diverted into coping with crime. We take, for example, the labour of thousands of physically superior and mentally alert young men and women and divert them into police work. We take bright capable young people and divert them to become criminal lawyers and court personnel. Thousands of steady, reliable people devote their productive years to staffing our goals and prisons. But it goes much further than this. Burglar alarm makers and installers, safe builders, bondsmen and a host of others direct their labour toward meeting the challenge of crime. Finally, we must realize that there is a very considerable amount of potentially useful labour of the criminals themselves which is lost to society. We are all aware of a large number of offenders who are sometimes designated by the term professional criminals, although I very much prefer career criminals as a more accurate label for this group. Call them what you will, these are people who have adopted crime as a good way to get ahead in life, and as a result, often eschew lawful productive work of any kind. While it is extremely difficult to attach a dollar value to this loss of productive labour, I think that it is safe to say that in today's world, it represents a very sizable expense.
2. Economic waste cause by crime: Property is sometimes destroyed or its value diminished because of crime. Illustrations of this would include a safe blown apart and papers destroyed, a building burned

to the ground as a result of arson, a stolen automobile recovered after being abused or badly damaged. The kinds of cost factors which we must include here include such things as the many so-called hidden costs which merchants attach to the retail price of their merchandise to cover the cost of insurance, plant protection, allowance for stock shrinkage (a fancy term for employee theft and customer theft of merchandise). In addition, money to cover the cost of crime prevention programs undertaken by governments must be paid by someone, and it is usually the purchaser who not only makes his own contribution via taxes, but often pays the businessman's share to the taxes through inflated retail prices. Probably some businesses must carry part of the costs of robberies, burglaries, and hijacking or they would be unable to compete if they raised prices sufficiently to pass all of the costs along to the customer. But this in itself could lead to illegal price fixing among some businesses as an effort to cope with this kind of problem.

3. Shift of money and property from victim to criminal: Although Normandeau and Rizkalla (1975:7) argue that in property offences such as fraud, thefts and swindles, "there is no loss in national income, but merely a transfer of wealth, the victim's loss generally being compensated by an equivalent gain in the criminal sector," other authors such as Elmer Johnson (1968:6) have argued, that, "It may be that the total immediate consumption of income is increased through the transfer of wealth from those who would withhold it from the market to those who immediately purchase goods and services". Most certainly, however, as Martin (1964) has indicated, the costs of this kind of transfer must be recognized as a loss for the victim, no matter how one views it from the level of the national economy.
4. Expenditures for crime control and care of offenders and their dependents: Part of the economic impact of crime involves the costs of administering the criminal justice and corrections system. Administrative costs for these systems amount to many millions of dollars per year in nearly every country in the modern world. Some

of the costs of caring for indigents would also be charged to this type of expenditure. We are talking here not only about the costs of caring for the criminal offender, but in many cases, of providing for his dependents while he is in custody. I am not implying that if it were not for criminals we could shut down our police departments and welfare offices. I do think, however, that a much smaller and less costly police establishment would be required if traffic control, crowd control and peace keeping were its only tasks. Certainly welfare costs would go down if prisoner's families and offenders who find themselves unemployable because of their prison records were removed from the public assistance rolls.

So far I have mentioned but a few of the most well known economic factors most of which relate to conventional crimes and offenders. Certainly the size of the crime bill is very great and the financial burden for governments, business and private citizens is very high, but this does not represent the total cost of crime by any means. There are a number of important social and psychological consequences of crime that should be examined, and it is to these that I now direct your attention.

One of the types of crime that has a very profound psychological effect on both Canadian and American societies is that of organized crime. By organized crime, I mean the operation of illegal enterprise by a group of criminals to make profit by supplying goods and services ordinarily prohibited by law. Under some circumstances, organized crime may include illegitimate operation of an otherwise lawful undertaking. Well known examples of the former include gambling, commercialized prostitution, narcotics distribution, and more recently pornography distribution. The latter would include the illegitimate operation of a labour union or business by organized criminals. A major consequence of this widespread form of crime for present purposes, is that it often leads to the corruption of public officials through direct bribery or indirectly through blackmail or intimidation. In either case, once

a public official has made a deal with organized crime, his value to the public has been destroyed and from that point on he will probably constitute a considerable public liability. The other major consequence which is, perhaps, equal in its long term consequences to the corruption of public officials is that as a result of the continued and widespread success of organized crime many people have more or less come to accept the idea that such criminal behaviour is normal human behaviour and consequently, have either become indifferent to it or have come to willingly participate in it through the purchase of the illegal goods and services which it offers. The popularity of off track betting and numbers games in some areas attests to the validity of this assertion. No one has yet made public a good estimate of what this form of crime costs Canadian society through the loss of tax revenues on unreported criminal incomes and through the syphoning off of the profits to the centres of criminal business activity in the United States.

Another form of crime which has very serious social psychological consequences concerns the criminal activities of business and professional people which the late Edwin Sutherland called white collar crime. Here we are interested in offences involving violations of the Combines Act, misrepresentation in advertising, infringement of patents, financial fraud and violation of trust by business people and professional people during the regular performance of their occupations. Marshall Clinard carried the concept somewhat further to include the offences of professional persons such as doctors, druggists, government employees, lawyers, and a variety of others who become systematically involved in what he referred to as occupational crime. Whether we label it white collar crime or occupational crime is beside the point. What is important for present purposes is that it often involves very large sums of money which the business or professional person steals in violation of law, and that it is often so rationalized and justified that many persons who would not otherwise become involved in crime tend to think of it as being "not really crime" but merely the "sharp practices" which one must engage in to get

ahead in a strongly competitive economy. I would argue that white collar crime has a very demoralizing effect on the society that goes far beyond the actual financial costs involved, great as they may be.

The final type of crime which I want to mention in relation to its economic and its social psychological cost is what Haskell and Yablonsky (1974) have called political crimes. Every government must, as a requisite for holding and wielding power, insist on the acceptance of the decisions made by those who possess legal authority. Anything less represents an abdication of the power to govern. Since the 1960's in many western countries, and for the last sixty years in U.S.S.R. there has been an increasing number of cases where persons have challenged governmental authority or violated existing laws for political purposes rather than for profit or emotional gratification. In his book The Gulag Archipelago, Aleksandr Solzhenitsyn (1973) who was himself a political criminal, set forth the magnitude of this problem in the Soviet Union and provided some indication of how it profoundly affected the organization and functioning of the law enforcement apparatus and the criminal justice and correctional system of that nation. In the United States, the 1960's and 1970's have produced a number of political crimes and trials which we have more or less followed via extensive mass media coverage. Here one recalls the trials of the "Chicago 7" for allegedly violating federal laws relating to political activities; the Harrisburg 7 involving an alleged conspiracy to kidnap Henry Kissinger and disrupt governmental activities in Washington, D.C. Names like Dr. Spock and Father Berrigan became household words and passionate support for them or displeasure with their activities was often manifest. In Canada, the political events leading to the apprehended insurrection in Quebec and the more recent political actions of some Indian bands who use armed violence to seek political changes has brought the importance of political crime much to our attention. The economic costs and psychological consequences of this type of crime can be very great indeed. They can range from the extreme case of civil war or revolution to the failure of a legitimate government to respond to the challenge often resulting in a

complete loss of power. When a legitimate government does respond between these extremes, the financial cost may involve a long series of very expensive investigations and court trials, sometimes accompanied with a considerable loss of personal freedom that would, for many Canadians, constitute a heavy psychological price to pay. In any event, the category of political crime is one about which we should be concerned and concerning which we should have a great deal more reliable information.

What I am suggesting by all of this material is that most countries, including Canada, are not coping very well with the challenge presented by crime in the modern world. From a variety of points of view, much attention has been focused on the situation in Canada. In 1938, we had the Archambault Report on the state of the penal system; in 1956, we had the Fauteux Report which, among other things, established the principle of treatment rather than custody and eventually lead to the National Parole System as we now know it. In 1969, we received the Ouimet Report which had an almost single minded preoccupation with treatment and rehabilitation. Each of these reports resulted in changes and an ongoing attempt to modernize and perfect the criminal justice and correctional system of Canada. But as calls for change and for help to the system, they are only heard at long intervals. Meanwhile, the system seems not to be achieving its major goals; namely, keeping the Queen's peace, protecting lives and property, and facilitating the continuance of the political and economic system which most of us cherish. In fact, our system may not be achieving any of its goals with any great success. Data presented by Conineau and Veevers (1972) suggest that the correctional system does little to protect the public or to reform criminal offenders. In fact, its major accomplishments may be to provide a revolving door for recycling some offenders and for teaching them the role of criminal and prison inmate. Other sources suggest that law enforcement may be most successful in apprehending the poor, the illiterate and the friendless, while career criminals and those with a good education negotiate a deal. According to Normandeau and Rizkalla, (1975:27), "Our modern world continues to experience

a backward and cumbersome form of justice. The penal justice role must be completely overhauled; it is not sufficient to propose a few improvements or expedients here and there."

What we seem to be facing, then, is a crisis in our criminal justice system which we will have to deal with in one manner or another. It is more than just a problem of tinkering with a revision of the bail act, a modification of juvenile delinquents act, or some small changes in the way that society is organized and this most certainly will have to be resolved politically. Post industrial societies have all suffered from increasing crime rates and an increase in violence. It seems to be part of their social organization. There is some research on this and a few countries in Scandanavia and Western Europe have achieved some success in dealing with the problem. Canada should learn what lessons they have to teach, and then go on from there to develop our own unique solution based on our particular problem and our particular set of experiences.

At the present time, all that I can do is to join with Normandeau and Rizkalla and suggest some of the directions in which we might search for a new criminal policy.

1. Given the magnitude of the tasks which criminal justice officials face, one of the things which the observer notes is that they continually ask for an increase in staff and equipment. These demands are, for the most part, quite legitimate and should be met quickly. More staff and equipment, however, are not a substitute for a new better policy. Just giving more staff and equipment alone would quickly lead to the squandering of these resources. More is needed.
2. Perhaps a major help would be to limit intervention, where possible, to areas where action is absolutely indispensable. Certain areas of activity even though deviant, could be decriminalized. These might include abortion, adultery,

10076

pornography and certainly vagrancy. Here what is being suggested is a strategy of limiting criminal justice intervention to areas of crucial concern and not dissipating resources in areas of personal morality where little seems to be accomplished and much time and effort seem to be expended. Key areas for intervention might include:

- (a) white collar or business crime;
 - (b) organized and professional crime;
 - (c) violent personal crime against persons or property.
3. Sentencing might be modified somewhat. Where it is now something of a compromise between punishing the offender and trying to implement the goal of treatment or rehabilitation, decisions might be based much more on the criminal's personality, the type of crime and an unfailing effort to protect society.

In conclusion, what I suggest is that we need to adopt new strategies and concentrate our efforts where major effectiveness is badly needed. This must be done in light of what we have, ourselves, learned and what we can learn from others who have dealt with the problems. If we do this, we may be able to develop a criminal justice and corrections system that works and is entirely credible in the eyes of the public.

S.D. Johnson

Winnipeg, Manitoba

May 26, 1975

PAPER PRESENTED AT THE

FOURTH PUBLIC SEMINAR

ON

"CRIME PREVENTION AND CONTROL"

HELD IN

FORT GARRY HOTEL, WINNIPEG, MANITOBA

ON

May 26, 1975

CONSEQUENCES OF CRIME FOR THE VICTIM

Very few criminology texts refer to the victim and most of those that do look only at the role of the victim in precipitating crime i.e. the victims of con men, of some assaults, and some homicides. Thus criminologists have concentrated on the causes of victimization without looking at the consequences. This gives a very misleading view of the situation since it is quite unlikely that the victims of most crimes are really responsible for their status as victims.

Specifying the victim of crime can be a difficult task. The term victim can be applied very directly as in the case of a murder victim can be applied in the broad sense in which we are all victims of crime in that as taxpayers we pay the costs of maintaining the criminal justice system and we make up the losses caused by those who cheat on their taxes; or we pay for the medical costs of those who are the victims of violent crimes; or we pay increased insurance premiums because of the prevalence of arson and theft.

A couple of cases which are currently in the news indicate how the public can be victimized in other ways. The first of these involves the dredging scandal. Because of price-fixing and kickbacks to public officials, the taxpayer at various levels has had to pay an inflated bill. The other case involves the meat frauds which took place in Quebec which the CBC has

begun calling the Alpo 67 case. This particular fraud starts at the level of dead animal collectors who have the job of collecting dead or diseased animals. They paid a farmer \$5.00 (or less) to haul away these animals. The animals were intended for sale to make fertilizer or pet food, and sold for about 8¢ per pound. However, instead of this they were sold to middlemen for about 40¢ per pound. These wholesalers (who appear to have some connection to organized crime) then sold the tainted meat to small meat markets for about 80¢ per pound. From there or from other suppliers such as sausage makers, it was sold to the public. There was big money involved in this venture - it was estimated that one of the dead animal collectors made over \$250,000 over an 8 year period by selling nearly 3/4 million pounds of bad meat. There were a number of classes of victims involved here, including the meat producers as well as the public, who faced the possibility of contracting diseases such as T.B. or undulant fever from the meat (however, cooking is a fairly effective way of purifying the meat, so there was not an epidemic of these diseases as a result of the frauds). Also all victims in terms of demoralization, fear, anger at criminals. Fear underlies anger. Those who work in correction field become callous, families of those incarcerated suffer.

Looked at from the point of view of the citizen-at-large, rather than from the point of view of the more direct victim of crime, the costs are rather enormous. Extrapolating from 1969 data presented in a report from the Economic Council of Canada, a conservative estimate of the overall direct cost of crime in Canada would be about 2½ billion dollars or about \$100 for every person in the country.

Looked at from the point of view of the direct victim, the costs, of course, can be much greater. The victim of a violent crime may face a long period of hospitalization with a loss of income for that period. Some victims never fully recover from the physical or mental damage they have suffered. Even if their physical injuries are not great, they still have to put up with the time costs involved in testifying at a trial. Victims of

property crimes also suffer. While most property offences do not do irreparable financial harm to the victim, this is not always the case. Many people have had their savings wiped out as a result of frauds like the Atlantic Acceptance Company failure in Canada or the Equity funding bankruptcy in the U.S. There have been cases where pension funds have been misappropriated leaving retired workers penniless. Thus even property offences may do serious harm to the victim.

Recently, governments have attempted to make things easier on the victim who has really been "the forgotten man of the criminal law". They have begun to introduce schemes involving restitution and compensation. Neither of these schemes is really new - in fact, they are very old. The notion of victim compensation and dates back at least to the Code of Hammurabi (1775 B.C.) which provides for communal responsibility for certain crimes where it was impossible to place individual blame. According to one part of this code "If a robber has not been caught, the robbed man shall declare his lost property in the presence of the god, and the city and governor in whose territory and district the robbery was committed, shall replace him for his lost property". In addition to this compensation for property loss (which goes far beyond anything which exists today) provision was also made for compensation to be paid to victims of violent offences. This type of procedure was not restricted to relatively advanced societies. In fact, most preliterate societies provide for payment of money or goods by the family of an offender to the victim of a violent crime. It is presumed that without such payment, a state of social unrest would be created, marked by constant vendettas.

This system gradually died out as societies became more advanced. For example, we can look at the case of medieval England. At first, there was no criminal law as we know it. Disputes were dealt with by a process greatly resembling our civil law. When an individual felt that he has suffered damage because of another's wrongful conduct, he was permitted either to settle the matter by agreement or to proceed before a tribunal.

Restitution was the order of the day and other sanctions, including imprisonment were rarely used.

As the criminal law developed, the situation changed. Numerous acts were seen to be "offences against the state" (crimes) rather than personal wrongs. This trend to characterize some wrongs as crimes was encouraged by the practice under which the lands and property of convicted persons were forfeited to the kind or feudal lord; fines as well became payable to the feudal lord and not the victim. The rationale which led to such a reformulation of the law is reflected in our current Criminal Code which makes compounding an offence (that is, accepting an economic benefit in satisfaction of the wrong done without the consent of the court or in a manner which is contrary to the public interest). Such a law, obviously, discourages private settlement or restitution.

Restitution can be ordered by a judge, (usually in conjunction with a probation order) but it is used rarely. i.e. a study by the Law Reform Commission of Canada indicated that it was used in only .1% of the convictions studied (though informally, restitution undoubtedly plays a role in sentencing which is not reflected in this data).

Thus for a long period of time, the only recourse which the victim had was to proceed through the civil courts. This was not an effective remedy for a number of reasons: it is expensive and time-consuming; the offender must be found and must be able to pay; and there has been ineffective enforcement in the judgements made by civil courts. Recently, however, there has been a trend around the world to reintroduce compensation systems. This interest did not really pick up until the 1960's, starting with New Zealand in 1963 and Britain a year later. In Canada, the Federal Government picks up about 50% of the cost of compensation programs, (based on a formula) with all provinces except P.E.I. and Nova Scotia participating. In Manitoba (as is the case almost everywhere) compensation is granted only in the case of physical injury.

These programs have generally been effective though in a limited way for the future. A number of alternative programs have been proposed including compensation for the victims of property crimes, though this will not likely occur very soon. Another direction which has been taken has been in the creation of restitution programs for victims of both violent and property offences in which the offenders make payment to their victims. For example, in Minnesota, a project is currently underway in which offenders guilty of property crimes are placed in a halfway house where they establish a contract with their victims to make some form of restitution. We can probably expect similar kinds of programs to take place in Canada as the Law Reform Commission has taken an interest in making restitution central to sentencing theory and practice.

R. Linden
Winnipeg, Manitoba
May 26, 1975

Legal aid for prison inmates getting some results: professor

By CAROL COLLIVER
Tribune Staff Writer

Persons performing public functions have an obligation to give reasons for their decisions, according to recent court rulings in the U.S. and elsewhere, a penologist said in Winnipeg.

Prof. Ronald Price, of the faculty of law, Queens University, Kingston, Ont. summarized current trends in a seminar on corrections Saturday.

The seminar was sponsored by the Manitoba Society of Criminology and the United Nations Association to provide information for a United Nations congress on the prevention of crime and treatment of offenders in

Toronto later this year.

Though formerly prison officials and others were not required to give reasons for their decisions, the trend appears to be changing, and "that won't do anymore," he said.

"No one knows what goes on in prisons" is the general rule, he said, even those who are trying to understand.

But, he said, inmates' needs are "so immediate and so real and so pressing" that he and others embarked in a clinical program to provide legal aid about four years ago.

Prof. Price said that in at least one instance he met with a blunt rebuff from the prison system.

An application was made

on behalf of a prisoner and was denied, but the response of the prison was, in effect, "We are not obliged to tell you why," he said.

The picture appears to be changing because of shifts in administration law sweeping the U.S. and England that require disclosure of reasons, he said.

Prof. Price, who is currently researching legal aspects of prison decision-making, outlined a number of areas of prisoners' complaints, whether the complaints are correct or incorrect.

In Manitoba, one landmark case involves the question of whether an inmate loses statutory remission — or "good time" — if day parole is revoked, he said.

On commission to prison, an inmate is credited with one-fourth of his time as a means of control which can be lost if the inmate is disruptive, escapes, has parole revoked, or for other reasons, he said.

A number of complaints are received in this area, because remission is

regarded as "one of the only things one can characterize as a right" of prisoners, he said.

Initially, cases involving prisoners' rights were usually lost, he said.

Increasingly, "we win the occasional one," he said of the test cases.

Prof. Price cited prisoners' complaints on parole, transfer between institutions, solitary confinement, medical care, protection and sentencing.

The practice of sentencing so inmates can obtain psychiatric care may lead to a situation in which a prisoner is not paroled because he has not obtained it, even though it is not available in the institution. It can also lead to unnecessarily lengthy sentences.

Existing remedies for prisoners are limited, he suggested.

Following Prof. Price's keynote address, discussion sessions were scheduled on criminal legislation, law enforcement, judicial administration, community corrections and institutional corrections.

Inmates Attend Crime Prevention Conference

Twenty-five inmates from Stony Mountain penitentiary among Headingley Jail were among 200 people who attended a public conference on crime prevention Saturday at the Hotel Fort Garry.

J. R. Troniak, one of the organizers of the one-day conference, said the inmates made a distinct contribution to the seminar groups.

"One of the inmates I spoke to moved me very much. He said, 'I have a feeling that we count here,' and it's true they are a part of our community" said Mr. Troniak.

The conference is the third of four to be held in Winnipeg

to gather recommendations for a United Nations conference on crime prevention to be held in Toronto in September.

The seminar groups returned five recommendations to the general assembly after their discussions:

- The public should be better informed about the operation of the police, the courts, and correctional institutions.

- The public should have wider knowledge of the causes of crime in the community and the prevention of crime.

- There should be smaller institutions where offenders can be treated more adequately as individuals and not as members.

- An information program should be available in the school system to educate students about the functions of the courts, the police and criminal corrections.

- The community at large should be more informed about the functions of the three systems that deal with offenders. Those being the police who arrest, the courts who sentence, and the institutions who attempt to return the offender to the community.

The recommendations will be forwarded to the provincial attorney-general's department as well as the federal government. The federal government is preparing a national policy paper on the subject of crime prevention for the UN conference.

Mr. Troniak said that the main theme among the seminar groups was that there should be more interaction between the community and inmates so that offenders could return to the community more easily when their sentences were up.

He said there was some definite concern voiced at the seminar that people in the community did have fears about parolees and people who committed crimes.

"This is normal," he said. "However, there has to be some appropriate relationship within the systems of arrest, sentencing, rehabilitation and the community."

Mr. Troniak said that the findings of the previous three conferences had proved to be valuable, and were included in an interim report for the federal government.

The conference was sponsored by the Manitoba Society of Criminology and the United Nations Association. The next conference on treatment of offenders, and crime prevention will be held May 17 at a place not yet determined.

WINNIPEG FREE PRESS, THURSDAY, APRIL 17, 1975

Treatment To Be Theme

The Manitoba Society of Criminology and the United Nations Association will hold a joint public seminar on treatment of offenders in the Fort Garry Hotel Saturday.

Paul Faguy, former commissioner of detentions, will be one of the speakers.

The theme of the meeting is the treatment of offenders in custody or in the community, with special reference to the standard minimum rules for the treatment of prisoners adopted by the United Nations.

Stop Coddling Criminal, End Parole: Sociologist

WINNIPEG FREE PRESS, TUESDAY, MAY 27, 1975

By GLEN MACKENZIE
Free Press Staff Writer

Criminals should be dealt with harshly and protection of society shouldn't be compromised with attempts to rehabilitate offenders, Dr. S. D. Johnson, a University of Manitoba sociologist, said Monday.

Dr. Johnson said that in sentencing organized, white-collar and violent criminals there's a "need to stop dealing with them gently," suggesting an end to the parole system and hanging where the law prescribes it as ways this could be done.

Speaking to about 30 people at the fourth seminar of the Manitoba Society of Criminology in the Hotel Fort Garry, Mr. Johnson also called for the "decriminalization" of abortion, pornography and vagrancy — actions he felt the criminal justice system doesn't need to intervene in.

In an interview after his speech, Mr. Johnson said he felt that judges, in weighing the possibility of rehabilitation for the offender and deterrence to protect society "try to do both and don't do either."

He conceded a judge should consider the personality of the offender, whether it's a first offence and seriousness of the crime but "then make a decision to protect society."

In a discussion session later, Mr. Johnson said the number of penal inmates is fairly constant, meaning not much protection for society and not much rehabilitation for inmates.

During the same discussion it was mentioned that few women are sent to jail. G. R. Goodman, an assistant deputy attorney-general of Manitoba, said "they (judges) are male chauvinist pigs."

Mr. Johnson said in his speech there was no accurate estimate of the amount of money lost due to crimes because of the number of unreported and unresolved crimes but he estimated the loss in Canada to be in the billions.

He said the effects include loss of productive labor, the labor of several thousand alert, bright young people" working on police forces, as prison guards or as criminal lawyers, not to mention work provided for manufacturers and installers of burglar alarms and manufacturers of safes.

Crime also results in an economic waste because property is destroyed or reduced in value, he said, adding that hidden costs like night watchmen, burglar alarms and stock shrinkage ("a polite term for employees stealing them blind") add to the price of

goods, and "we pay for it."

Mr. Johnson also mentioned white collar crime, which he called occupational crime, referring to breaches of business trust and of the federal Companies Investigation Act, misleading advertising and fraud which often result in big financial losses.

"You seldom run into a million dollar buglar but a million dollar business fraud isn't unusual."

He said those in positions to commit such crimes often rationalize it by thinking "I'm just a sharp operator," or "you have to be competitive to stay in this business."

Mr. Johnson believed others see crime as something normal, a way of getting ahead, citing a recent trip to New York to see a Godfather picture, where "people stood up and cheered when the criminals won."

Dr. Rueben Bellan, an economist at the University of Manitoba, estimated there are between 10,000 and 15,000 career criminals in Canada and taxpayers must come up with about \$2 billion for policemen, courts and "custodial institutions" (jails) to deal with them.

He also said policemen spend about two-thirds of their time dealing with crime and one-third with traffic, domestic disputes and handling crowds.

Mr. Bellan estimated the loss to society of a person's decision to pursue a criminal career, based on \$10,000 a year salary earned legally, means the decision costs society about \$500,000 during the life time of the criminal.

He suggested a cost-benefit analysis shows an investment of \$300,000 or \$400,000 a criminal to fight the causes of crime would be worthwhile.

However, Mr. Bellan said governments would be required to spend cold cash on an endeavor where benefits wouldn't be visible.

During the discussion that followed, Mr. Johnson said jokingly that "If someone offered me \$300,000 it would have kept me from becoming a sociologist."

Rick Linden, also a sociology professor at the University of Manitoba, dealt in his remarks with the victim, the "forgotten man of the criminal law."

He said the victims include all taxpayers, who must bear the medical costs and insurance of victims of violence. He also cited the Hamilton, Ont., dredging scandal, a trial involving price fixing on the part of some companies and political payoffs to public officials, all of which is paid by taxpayers.

Mr. Linden also dealt with

the question of compensation for victims, saying this was included in Hammurabi's Code in ancient Babylon in 1775 B.C. and in medieval England, where restitution was effected through contract between offender and victim or imposed by a tribunal.

Rev. Alfred Bell, Protestant chaplain at Stony Mountain penitentiary, said when people read newspaper accounts of crime they feel angry that someone might commit a certain crime, but really, are afraid it will happen to them.

Citing a personal experience, he said the murder of prison guard Stanley Green last year at first outraged prison guards but he felt the real problem was fear, that when the guards were assembled for the funeral he told them "This week we've all been afraid. It could have been any one of us instead of Stan."

Mr. Bell said the victims most affected by crime are families.

"Can you call a fellow who lashes out a criminal if he was beaten all the time by his dad? If the boy gets caught he's the criminal, not his dad."

The seminar Monday was the fourth and final one held in Winnipeg this year in connection with the Fifth United Nations Congress on Prevention of Crime and Treatment of Offenders, to be held in Toronto in September.

DATE: May 16, 1975

PLAN COMMUNITY-ORIENTED
REHABILITATIVE SERVICES

- - -

Alcoholism, Corrections Plans
To Stress Smaller Facilities

Smaller, community-oriented facilities and services enabling participants to undergo treatment in settings closer to their everyday environments are being emphasized in Corrective and Rehabilitative Service, says Minister J.R. Boyce.

Introducing the Corrective and Rehabilitative Services estimates May 12 in the Legislature, Mr. Boyce said these smaller facilities are being planned or established in adult and juvenile corrections and through the Alcoholism Foundation of Manitoba.

In corrections, said the minister, the government is focusing on "re-integration of the individual into a positive and healthy living environment and on the use of community resources and interested groups in the over-all corrections process".

Among the corrections facilities in the planning stage in a short-term offenders' unit, to be set up in Winnipeg for offenders serving terms of 60 days or less. About 25 offenders would be maintained in a community setting, under the supervision of specially trained staff. The program in the unit would emphasize counselling and educational, employment and social skills, plus involvement by family members and community agencies.

A study is underway to determine the feasibility of establishing a facility for boys and girls from the Manitoba Home for Boys and the Home for Girls, to allow the boys to be closer to their families and to relieve the caseload at the Home for Girls, allowing it to provide more comprehensive therapeutic facilities for its residents.

Mr. Boyce also said a residential treatment home for eight to 10 residents of the Home for Boys is being planned for Winnipeg, to help re-orient juveniles back into their community and surrounding environment.

He said his department is examining existing remand facilities, capacities and administration to determine if remand centres and programs for adults and juveniles are needed. A report will be submitted by the fall of 1975. Plans are underway to set up staff training programs for adult and juvenile corrections staff, to consist of two years of specialized training.

Discussing correctional centres, the Minister said his department is considering architectural plans for the proposed new Brandon Correctional Institution. Pending a decision on a new correctional institution for The Pas, inmates from the present institution are to be moved to the former Women's Jail there. The department is also considering the possibility of setting up a Northern Correctional Facility Planning Group to carry out some of the recommendations of the Northern Corrections Committee, which reported in December.

Proposals are being considered for the replacement of the Bannock Point Rehabilitation Camp, destroyed by fire in 1974. The Birds Hill Camp has been phased out and its staff transferred to other jobs in the department.

Discussing probation services, Mr. Boyce said his department is planning a re-organization of probations in the Thompson region, which will include increased use of community services and support.

Also in planning are one or two intensive supervision units, where offenders on probation will take part in lifeskills programs, including family therapy. There will also be frequent contacts between offenders and probation officers.

Mr. Boyce said there are, on the average, about 1,300 adult Manitobans on probation at any time, with 761 placed on probation in 1974.

Pre-sentence reports are being compiled at any one time on another 180. Adult probation may be imposed instead of imprisonment, or may follow a prison sentence.

In juvenile corrections, 8,961 juveniles were referred to various delinquencies to probation services in 1973. Of these, 3,049 -- involved in less serious delinquencies -- were then referred to other authorities without going through the juvenile justice system. In 1973, 1,020 juveniles were placed on probation, 40 committed to training school and the rest dismissed with a fine or suspended sentence. On any day, there are about 1,600 juveniles on probation supervision and another 1,500 being processed.

Mr. Boyce announced that alcoholism treatment facilities have been expanded through agreements between the Alcoholism Foundation of Manitoba (AFM) and agencies in The Pas and Ste. Rose du Lac. New and permanent facilities combining both detoxication and treatment units will be set up in conjunction with St. Anthony's Hospital in The Pas; a temporary facility was established May 1. In Ste. Rose, an agreement has been made with the Alcare Resort Centre, Inc. to provide up to 20 beds for treatment of alcoholics in the Parklands region.

The AFM will also establish a detoxication unit in Brandon and has helped with program and facility design and finances in the establishment of a small treatment unit in Churchill.

Mr. Boyce said the AFM is expanding its research in alcohol and drug abuse and is developing educational materials with the Department of Education to be tried out in six schools next fall. The foundation is upgrading the knowledge and skills of its field staff through a staff development training program of short courses and seminars.

APPENDIX K

REPORT OF TORONTO SEMINAR

193

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

GENEVA, SWITZERLAND

REPORT FROM
THE UNIVERSITY OF TORONTO
CENTRE OF CRIMINOLOGY ALUMNI ASSOCIATION

117

The Alumni Association of the Centre of Criminology in the University of Toronto was pleased to host a one day workshop in mid-April to consider three of the agenda items of the U.N. Congress. The items we chose were Legislation, Treatment of Offenders and Law Enforcement. Our workshop was broken into three small groups and the resulting deliberations of each group are hereby submitted for your information. The workshop was made up of an interdisciplinary group of representatives of government departments, private agencies and appropriate Alumni Associations. The following reports are those submitted by the recorders of each group.

DISCUSSION GROUP CONCERNING CRIMINAL LEGISLATION, JUDICIAL PROCEDURES AND SOCIAL CONTROLS.

The government appears to have a positive attitude towards community involvement in treatment.

However, there is a low amount of community involvement in programmes. We would suggest the following corrective measures.

- (1) Although the government attitude appears to be positive it could be doing more in this area in terms of funding, programme initiative and programme evaluation.
- (2) There is a lack of integration between helping professions and enforcement professions and too much specialization.
- (3) Not enough concern with preventive community

involvement to lower the probability of crime.

- (4) Co-operation and understanding between various agencies involved in criminal process would tend to increase mutual understanding and possibly greater community effectiveness.

There is considerable discretion available in present legislation, thus community involvement is not impeded. We feel that it is not necessary to pass legislation to get community involvement. In order to maximize community involvement, credibility of public and the courts is affected by delays, discourtesy, and biases which hamper the appearance of the justice process. Legislation should be minimally involved in moral problems and these should be transferred to the home, school and churches etc. There should be some legal machinery to reduce the lag in coming to trial, and unnecessary delays in courts.

Improvements which we see as needed in criminal legislation are:

- (1) Legislate for more opportunity for restitution to victim.
- (2) Re-evaluate victimless crimes as soon as possible and eliminate from criminal legislation.
- (3) There should be no minimum determinate sentences.
- (4) Rationalize the present adversary system without interfering with the due process sustaining that system.

- (5) With a view to social harm, serious thought should be given to amend criminal legislation to reconsider the criminal liability of those incapacitated by intoxicants.

Services or institutions which we see as appropriate to keep legislation sensitive and relevant to opportunities for the community prevention of crime and the integration of offenders are:

- 1) Government
- 2) Law Reform Commission
- 3) Media
- 4) Educational Institutions

DISCUSSION GROUP CONCERNING THE EMERGING ROLES OF THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES

Recommendations:

- 1) Emphasize the "Preventive Model" of Policing as opposed to the "Crime Control Model". Policing is not simply a role involving crime control through strict law enforcement, but the prevention of crime. In the Preventive Model, the function of policing involves perpetuating healthy police-community relations which in turn may promote a high level of respect for the law. The Police and the citizenry must be sensitized to the fact that effective law enforcement and the prevention of crime is not simply the function of a specially organized

quasi-military force, but involves equal participation and responsibility on the part of the citizenry working in co-operation with the law enforcement agencies. A report prepared for the President's Commission on Law Enforcement and Administration of Justice (1967) states:

The peace and security of the community do not rest alone upon the efficient and technological performance of law enforcement. More important is law observance or the consent of the governed which involves meaningful participation in the formulation as well as the implementation of law as a means of social control ... A fundamental error is made when too heavy a reliance is placed upon law enforcement and too little reliance is placed upon other means of social control.

"A National Survey of Police and Community Relations" (p. 360)

Law enforcement, as a public service agency, is not intended to be a professional organization in the sense of an autonomous unit isolated from the influence of the community. Rather than functioning as an outside power imposing its will on society, it should be an integral part of the community, an agent acting on its behalf. The Preventive Model stresses police-community co-operation and co-ordination in order to facilitate greater law observance and respect for the law. This in itself would be facilitating the prevention of crime.

- 2) Encourage diversion practices at the law enforcement level in the sense that minor offences may be handled informally as opposed to invoking the criminal process (e.g. an individual who has committed a petty theft should not necessarily be taken to court but an informal resolution could be facilitated between the victim(s) and the offender by having the latter provide some form of recompense for the infraction). In this manner, the community plays an integral part in resolving conflicts which may have reached the later stages of the criminal justice process (i.e. court proceedings). Thus, they are necessarily involved in "the implementation of the law" in conjunction with the law enforcement agencies. This, we contend, will facilitate healthier police-community relations.

- 3) In order to further facilitate police-community co-ordination and co-operation, a step should be undertaken to encourage and promote more educational programs dealing specifically with law enforcement and the prevention of crime at both the elementary and secondary school levels. The public (i.e. students) should not only be sensitized to the police role of preventing crime, but also their respective role - that they share an equal and major responsibility in that direction. Educational programs are one viable method of facilitating such an understanding. Equally as important, the police will become more sensitized to the expectations

of the community (i.e. students) by participating in the various programs. We stress the point that the prevention of crime is a co-operative learning process. However, it should be emphasized that the proposed educational programs are not an attempt to "sell the police image" to the citizenry. As one Presidential Commission on Law Enforcement submitted:

A community-relations program is not a public-relations program to "sell the police image" to the people. It is not a set of expedients whose purpose is to tranquilize for a time an angry neighbourhood. It is a long range, full scale effort to acquaint the police and the community with each other's problems and to stimulate action aimed at solving those problems.

The primary aim of educational programs is to sensitize both the police and the citizenry to the fact that the prevention of crime is not a "one-sided" responsibility, but a co-ordinated and co-operative undertaking.

- 4) We feel that there should be a redefinition of the police role which does not undermine the law enforcement function, but emphasizes the preventive function which includes as a major objective the maintenance of respect for the law. We would propose that the title "policeman" be changed to "peace officer" to facilitate a redefinition of the police role. The introduction of a new title may be functional in sensitizing the citizenry to other facets of policing which stress the "maintenance of

order" and not solely strict law enforcement.

- 5) We encourage the use of discretionary powers by the police in order to facilitate Recommendations (2). Discretion is mandatory if diversion practices are to be successful in promoting healthier community relations.
- 6) Lastly, a major effort will have to be directed toward bringing the police more in line with the community and vice versa through improving the caliber of police officers and increasing the opportunities for interpersonal and intergroup or interagency contacts and conflict mediation. Meaningful police-community relations is not merely a desirable objective; it is vital to the prevention of crime.

DISCUSSION GROUP CONCERNING THE TREATMENT OF OFFENDERS IN CUSTODY OR IN THE COMMUNITY

The purpose of our group was to discuss the treatment of offenders in custody or in the community. We dealt with specifics on attitudes in the community, the administration, and corrections with reference to the implementation of the standard rules for treatment as developed in the U.N. guidelines. A special emphasis was provided on the question whether administrators in criminology should respond to the public's desires for the treatment of offenders, or whether the public should be led by the administrators.

In order to lay a foundation for a discussion, we constructed a set of definitions that would be used frequently in order to avoid confusion regarding the suggestions being made

by each member of the group.

1. COMMUNITY - defined as "Joe Public" and his influences upon the administrators and the media. A community included a diversity of treatment attitudes among its members, and was specific to a geographical or a sociological area. (For example, those living in the Kingston area may have an entirely different attitude toward offenders and prisons because they are located so close to a penal institution.)
2. ADMINISTRATION - consisted of the policy and decision makers (e.g. those in the government). There is a distinction between policy and practice. We agreed that we should be more concerned with the operational level since they are the more influential group. Administration can establish and enforce guidelines, but it is the live staff that employs discretion in its actual relations with offenders.
3. CORRECTIONS - is the implementation area of whatever is suggested for treatment. It was stated that policy makers establish treatment techniques, and practitioners relate to what treatment techniques work for them. Idealism and practicality frequently clash regarding treatment of the offender because of this difference.

SUGGESTIONS FOR TREATMENT

It was agreed that a policy for standard health care must be provided for the offender in regard to dental care, physical checkups, and segregation of the sexes.

It was further agreed that there was a need to separate certain types of offenders from others instead of the current tendency to lump prisoners together regardless of the type of offence committed, its seriousness, or the characteristics of the particular offender. (For instance, sex offenders are so low on the prisoners' hierarchy that their safety is threatened if they are not in some way detached. Indeed, there have been several murders inside Kingston when separation has not been enforced. Suggestions were made that there was also a need to separate older, more experienced offenders from younger, first-time offenders; as well as the petty offenders from the more violent offenders.)

Additionally, there is a need to develop a set of guidelines in community institutions for treatment to meet the needs of the individual and to secure a program that would best be suited for his purposes. Considerations included the offenders' re-entry into the community, and it was proposed (and strongly supported by group members) that it was the responsibility of members of the community to assist in this re-entry, preferably by developing some kind of one-to-one relationship. Such a system would provide some kind of social reinforcement for the individual in that he would be regarded as contributing to society, and having a functional role (besides that one of being an "ex-convict", which is the toll a released offender is usually provided with). The system would also make the individual feel socially accepted, instead of socially repelled. Protection for the inmate was foremost. A means toward securing this goal, for example, would be to destroy the records of an inmate's previous convictions five years after his release. Further, his records should be made confidential immediately upon his release so that the ex-inmate would not be confronted with discrimination when he applied for employment.



There was a considerable amount of discussion as to whether or not treatment should be provided at all in prisons, primarily because past and present techniques have either proved to be worthless or even more harmful for the individual than a regular prison term. It was recognized that most inmates do not want treatment, and would prefer to merely serve their term. In light of this latter preference, it was agreed that perhaps the better "treatment" would be to release the prisoner as soon as possible from the institution, and focus on ways of preventing his return.

The final proposals to the U.N. Congress to consider were:

- 1) How does one safeguard the individual rights of the person in the treatment process?
- 2) How can the community be educated in the acceptance of correctional and judicial programs?

May 15, 1975.

4