

of ten years. The Fifth Committee decided that the details of the scheme could best be worked out by direct consultation with the competent authorities of the Governments interested, and that the League of Nations should take the initiative by sending an expert adviser to discuss the matter on the spot with these authorities.

The Assembly adopted the resolutions and conclusions of the Fifth Committee on Social Questions (Document A. 65, 1937, IV.).

PENAL AND PENITENTIARY QUESTIONS.

In 1936 the Assembly decided to institute an inquiry—(1) into the number of prisoners over eighteen years of age in the different countries, and (2) into the measures taken in different countries during recent years with the object of reducing the number of prisoners. The International Penal and Penitentiary Commission was accordingly asked to conduct this inquiry, but, only about half of the Governments having replied, it was decided to postpone preparation of a detailed report until next year.

TREATMENT OF PRISONERS.

The Governments of the Free City of Danzig, Siam, Finland, France, British India, Mexico, Norway, Portugal, and Sweden submitted to the Secretary-General during the past year reports on the treatment of prisoners in their countries. Since the Assembly recommended to Governments in 1934 standard minimum rules for the treatment of prisoners, more than forty Governments have sent in similar reports. As a result of the circulation of these rules, many Governments have scrutinized their penitentiary systems, and various States have promulgated new decrees or laws, in many cases following the lines laid down in the Standard Minimum Rules for Treatment of Prisoners.

The treatment of witnesses and persons awaiting trial was under review. Concern was felt^t at the reported prevalence in certain parts of the world of practices which are inconsistent^t with the Standard Minimum Rules and contrary to the principles of rational treatment of prisoners. The Fifth Committee, with a view to later discussion of this question, recommended that the Secretary-General be asked to seek the advice and suggestions of the seven technical organizations referred to below on measures to protect against physical or mental constraint witnesses and persons awaiting trial.

During the course of the debate the French delegate submitted a report on this aspect of the question, and the Fifth Committee was pleased to note that in 1936 a Bill had been introduced in the French Legislature for the suppression of the Guiana Convict Settlement, and for the reform of the penal servitude and deportation system. Owing, however, to certain difficulties, mainly of a financial character, the Bill has not yet been passed, but it is to be proceeded with. Since 1936 no prisoner convicted in France has been sent overseas.

The Secretary-General's report to the Assembly (Document A. 23, 1937, IV) summarizes the 1936 activities of five international organizations which are independent of the League of Nations—*i.e.*, the International Penal Law Association (Paris), the International Bureau for the Unification of Penal Law (The Hague), the International Penal and Penitentiary Commission (Berne), the International Criminal Police Commission (Vienna), and The Howard League for Penal Reform (London). Many penal and penitentiary questions are now being studied by these organizations, and close contact with the League of Nations is maintained, as also with the International Law Association and the International Penal Law Union.

A memorandum transmitted to members of the Fifth Committee by the Howard League for Penal Reform concerning the position of "the accused" is of particular interest, as this constitutes a part of the general question of the treatment of prisoners.

POSITION OF ALIENS RELEASED FROM PRISON.

A resolution dealing with the moral re-education and social readaptation of delinquents passed by the Second International Congress of Comparative Law, which met at The Hague in August last, was brought to the notice of the Fifth Committee. This reads:—

"(1) While recognizing that penalties and precautionary measures by which individuals are deprived of their liberty fulfil in the first place the requirements of social defence against crime, the Congress considers that their application is of a nature to ensure in many cases the moral re-education and social readaptation of delinquents.

"(2) It is desirable that since short-term sentences by which individuals are deprived of their liberty may contribute to the spread of crime, they should be replaced by such measures as pardon by the Court, conditional suspension of sentence of probation, house confinement, &c.

"(3) The Standard Minimum Rules for the Treatment of Prisoners drawn up by the International Penal and Penitentiary Commission and recommended to States by the League of Nations constitute a minimum which should be attained in all countries in order to maintain those elementary hygienic, sanitary, material, and moral conditions that are indispensable to human life.

"(4) The specialization of penitentiary institutions should be effected, particularly by the creation of institutions for abnormal youthful delinquents, for recidivists, and by the grouping, as far as possible, of delinquents according to the motives of their crime. The officials of penitentiary institutions should receive a professional training.