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SUMMARY RECORD OF THE 74th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 65: CRIME PREVENTION AND CONTROL (continued) (A/35/572)

(a) CAPITAL PUNISHMENT: REPORT OF THE SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (A/CONF.87/9);

(b) SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (A/35/3/Add.26; A/35/629; A/CONF.87/14/Rev.1 and Add.1);

(c) IMPLEMENTATION OF THE CONCLUSIONS OF THE FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (A/35/289).

AGENDA ITEM 82: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued):

(a) QUESTIONNAIRE ON THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/35/369 and Add.1-2);

(b) UNILATERAL DECLARATIONS BY MEMBER STATES AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (A/35/370/Rev.1 and Add.1);

(c) DRAFT CODE OF MEDICAL ETHICS (A/35/372 and Add.1-2 and Corr.1);

(d) DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT (A/35/401 and Add.1-2; A/C.3/35/L.73/Rev.1, A/C.3/35/L.92).

Draft resolution A/C.3/35/L.73/Rev.1

1. The CHAIRMAN invited the Committee to resume its consideration of draft resolution A/C.3/35/L.73/Rev.1 and of its administrative and financial implications, contained in document A/C.3/35/L.92.

2. Mr. VOLLERS (Federal Republic of Germany) announced, on behalf of the sponsors, that a new operative paragraph 3 was to be added to the text, which would read:

> 'Decides to recommend to its thirty-sixth session to refer the consideration of the draft body of principles to its Sixth Committee'.

He expressed the hope that with that change, the draft resolution could be adopted without a vote.

3. Mr. GONZALEZ de LEÓN (Mexico) asked whether the new operative paragraph would replace the existing operative paragraph 2.

4. Mrs. WARZAZI (Morocco) said that the objective being sought in the Committee in connexion with the formulation of the draft body of principles would be fully met through consideration of the subject in the Sixth Committee. Nevertheless, it was difficult for the Committee to take an initiative on behalf of the Sixth Committee; thus, it must either delete operative paragraph 2, or make no mention of the open-ended Working Group.

5. Mr. VOLLERS (Federal Republic of Germany) said that the legal situation was clear; the General Assembly, at its thirty-fifth session, could decide to establish a working group at its next session but it could not decide on the allocation of an individual agenda item. Thus the Committee could only recommend that the item be referred to the Sixth Committee.

6. Mr. GAGLIARDI (Brazil) asked whether it was possible to amend a draft resolution after the closure of the debate. If it was not, the Committee must vote on draft resolution A/C.3/35/L.73/Rev.1 as it stood.

7. The CHAIRMAN said that although the debate on the draft resolution was already closed, delegations were entitled to introduce amendments before it was announced that the process of voting had begun.

8. Mr. GONZALEZ de LEÓN (Mexico) said that he could not support the addition of the new operative paragraph 3. He saw no reason why the General Assembly, at its thirty-fifth session, should be unable to refer an item to the Sixth Committee for its consideration or why it should have to wait until the thirty-sixth session to take that decision. Moreover, because of the proliferation of working groups within the Committee, no working group could work to full capacity. Since the consideration of the draft body of principles was already well advanced, a text had been produced and a number of principles had been agreed on, it was not necessary to establish a special working group on the subject. He therefore proposed that the item be considered by the working group established by draft resolution A/C.3/35/L.86 and that the wording of operative paragraph 2 be amended accordingly. Thus the Committee would continue its consideration of the draft principles and the matter would be referred to the Sixth Committee at a later stage.

9. Mrs. WARZAZI (Morocco) asked whether it would be possible to have the opinion of the Legal Counsel as to whether the Committee could decide to refer an item to the Sixth Committee.

10. Mr. SCOTT (Office of Legal Affairs) said that he had understood the representative of Morocco to ask whether the Third Committee had any authority to recommend that the General Assembly at its next session allocate a given item to the Sixth Committee. There was no legal barrier to that recommendation, but it should be borne in mind that no recommendation made by the General Assembly at its current session was binding on the Assembly at its next session. At that session, agenda items would be allocated by the General Committee subject to approval by the Assembly. The recommendation for allocation of a given item with important legal aspects to the Sixth Committee could be made under the provisions of annex II, *part I, paragraph 1 (d) of the rules of procedure.*

11. Mr. KLEIN (Austria) said that after consultation, the sponsors of the draft resolution had agreed that the new operative 3 should read: "3. Decides to refer, at its thirty-sixth session, the consideration of the draft body of principles for the protection of all persons under any form of detention or imprisonment to the Sixth Committee."

12. The CHAIRMAN announced that a separate vote had been requested on operative paragraph 2 of the draft resolution.

13. Mrs. WARZAZI (Morocco) said that her delegation, which had requested the separate vote on operative paragraph 2, would withdraw its request if the order of operative paragraphs 2 and 3 were reversed.

14. Mr. VOLLERS (Federal Republic of Germany), supported by Mr. KLEIN (Austria), said that the draft resolution had been carefully worked out by the sponsors, who would have some difficulty with a separate vote being taken on operative paragraph 2. They could therefore agree to a reversal of the order of operative paragraphs 2 and 3.

15. Mr. GAGLIARDI (Brazil) said that his delegation regretted that the Third Committee was seeking to submit a matter to the Sixth Committee which was not a legal issue. He expressed the hope that when the matter was taken up at the thirty-sixth session of the General Assembly, the General Committee would see fit to allocate it again to the Third Committee. However, his delegation would go along with the consensus on the draft resolution.

16. The CHAIRMAN said that if there was no objection, he would take it that the Committee wished to adopt draft resolution A/C.3/35/L.73/Rev.1, as revised, without a vote.

17. Draft resolution A/C.3/35/L.73/Rev.1, as revised, was adopted.

18. The CHAIRMAN said that the Committee would now proceed to the explanations of votes, after the vote, on draft resolutions A/C.3/35/L.72, A/C.3/35/L.73/Rev.1, A/C.3/35/L.85 and A/C.3/35/L.86.

19. Mr. JOHNSON (United States of America) said that his delegation regretted that it had had to abstain in the vote on draft resolution A/C.3/35/L.85. As it had stated at the 73rd meeting, his delegation had attempted to work constructively within the Working Group and it shared the idea underlying the principle of respect for all human rights. However, it did not see the need for a new convention and felt that, if one was needed, it should be worked out within the framework of the International Labour Organisation. Furthermore, the third preambular paragraph made no reference to countries of origin, which had a major responsibility with respect to migrant workers. With regard to operative paragraph 2, his delegation had already stated that it had difficulties with the report of the Chairman which, in certain aspects, was incomplete, inaccurate and biased. Operative paragraphs 4, 5 and 6, which invited the Secretary-General to submit the report of the Chairman of the Working Group to Governments, did not request comments from the latter. The sponsors apparently did not want comments from Member States and international organizations on the issues which his delegation had raised in the Working Group.

(Mr. Johnson, United States)

20. The amendments proposed by his delegation had not been intended to delay the work of the Committee. His delegation, however, had been encouraged to note that some 50 delegations had supported its amendments or had abstained in the vote on the draft as a whole. If the Secretary-General did not request comments from Governments and organizations or set a deadline for the submission of such comments, then none would be forthcoming and the General Assembly would be under no obligation to take any comments that might be submitted into consideration.

21. His delegation regretted that at the 73rd meeting one delegation had attempted to suggest that the United States was opposed to the interests of migrant workers. Its abstention on the draft resolution did not mean that the United States was against the human rights of migrant workers. It had participated in good faith in the Working Group and believed that its views should have been taken into a account and fully reflected in the report of that body. His delegation hoped that in future all views expressed in the Working Group would be taken into account because the interests of migrant workers would be fully protected under the proposed convention only if it was universally accepted.

22. Mr. GIUSTETTI (France) said that the essential provision of draft resolution A/C.3/35/L.85 on migrant workers was the intersessional meeting of the Working Group, which was rather an exceptional procedure. No country that participated in the Working Group had opposed the meeting, and all delegations, including his own, participated in the Working Group in a positive spirit. A convention could be a very useful instrument if it did not duplicate the existing international instruments. The matter itself had already been dealt with by existing instruments, conventions or recommendations of the International Labour Organisation, and it was thus in the area of human rights that something remained to be done. A constant principle of his delegation was that the General Assembly should abstain from infringing on the responsibilities of the International Labour Organisation and other specialized agencies. There was a precise division of competence among various organizations which should be respected. The General Assembly could rightfully take up the matter of the rights of migrant workers only on the condition that it fully involved the International Labour Organisation at all stages.

23. His delegation believed that there was no conflict of interest between host countries and countries of origin. It was in the interest of both that migrant workers should be treated with justice. Although it was widely agreed that migrant workers should be treated in the same way as national workers, the area in which the host country and the country of origin differed most clearly was with regard to migrant workers in irregular situations. The worker in an irregular situation was a problem posed by national workers as well as migrant workers. A Frenchman who worked without having been regularly recruited found himself deprived of legal protection in the same proportion and for the same reasons as the foreign worker under the same conditions. A foreign worker could be in an irregular situation with regard to three types of legal provisions, those regulating, first, admission to the country, secondly, paid employment, and thirdly, length of stay in the country. Differences of views on the subject between host countries and

(Mr. Giustetti, France)

countries of origin should be surmountable. His delegation believed there had been a positive change during the first session of the Working Group, but it deplored the fact that the resolution adopted did not give the specialized agencies the position they deserved. Since the relevant amendments had been rejected, his delegation had felt obliged to abstain.

24. Concerning draft resolution A/C.3/35/L.86, his delegation attached great importance to the question of the international legal protection of the human rights of individuals who were not citizens of the country in which they lived. A great step forward had been made in the draft declaration before the Committee, but the importance of the matter went beyond a declaration of principle. Throughout the history of mankind, all civilizations had had to resolve the problem. His delegation hoped that the draft resolution would receive all the attention it deserved.

25. Mr. SVIRIDOV (Union of Soviet Socialist Republics) said that his delegation had voted in favour of draft resolutions A/C.3/35/L.54/Rev.1 and L.85 because the former called for the implementation of measures against imperialistic pharmaceutical firms, and the latter for the adoption of effective measures for protecting the rights of migrant workers. His delegation had no objection to draft resolution A/C.3/35/L.84 because, under operative paragraph 3, the seminar mentioned in operative paragraph 2 could be held only after consultation with all the States of the Asian region regarding the agenda.

26. The Soviet Union did not object to the adoption of draft resolution A/C.3/35/L.72 but it could not accept the financial implications contained in document A/C.3/35/L.91, which called for two Professional posts and one General Service post to carry out the recommendations of the Sixth Congress. His delegation was concerned at the tendency of the Secretariat to use any decision as an excuse to increase the staff of sections and subsections and thus increase budget estimates. In his delegation's view, there was already sufficient staff to deal with the task. The financing of various measures in draft resolutions A/C.3/35/L.54/Rev.1, L.73/Rev.1, L.84, L.85 and L.86 should not require supplementary budget estimates and should be carried out by economizing and redistributing current resources.

27. Mr. URIARTE (Chile), speaking in explanation of his vote on draft resolution A/C.3/35/L.72 said that his delegation wished to reiterate the reservations it had stated in Caracas at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The favourable vote of his delegation on draft resolution A/C.3/35/L.72 should be interpreted in the light of its voting record in Caracas, since it had voted against several of the resolutions adopted there.

28. Miss FAWTHORPE (New Zealand) said that her delegation had abstained on draft resolution A/C.3/35/L.85 because, although her Government was firmly committed to human rights for all and recognized the problems of migrant workers, it felt that there was no need for an additional convention, that the General Assembly was not the appropriate forum for the drafting of such an instrument in any event, and that

(Miss Fawthorpe, New Zealand)

the International Labour Organisation had responsibility in that area. In addition, her delegation felt that comments should have been invited from Member States and specialized agencies.

29. Mr. EDIS (United Kingdom) said that his delegation could have joined in a consensus on draft resolution A/C.3/35/L.85, but since a vote had been called for, it had abstained. It had reservations about the financial implications of paragraph 3; moreover, there was no reference to the need for comments from Member States. His delegation's abstention did not affect its willingness to pursue a convention on the human rights of migrant workers, but both the countries of origin and the host countries should be consulted.

30. Mr. CASCAIS (Portugal) said that protection of the human rights and the dignity of migrant workers was a major concern of the Government of Portugal. His delegation supported in principle the elaboration of a draft convention and had voted in favour of draft resolution A/C.3/35/L.85, but Portugal would have preferred the text to have been adopted by consensus. Without the co-operation of the host country and the country of origin, no solution could be reached. Since migrant workers were a universal phenomenon, the principles and solutions proposed should be universal in scope.

31. Mr. YEPES-ENRIQUEZ (Ecuador) said that his Government's decision to join the sponsors of draft resolution A/C.3/35/L.71/Rev.1 on the situation of human rights and fundamental freedoms in El Salvador stemmed from its constant concern for human rights in all countries, especially after the recent tragic events in El Salvador, which were condemned by his Government. His delegation was striving to obtain a full account of those events, especially those involving members of the Nationalist Front.

32. The CHAIRMAN invited the Committee to take up the substantive items on its agenda, items 65 and 82.

33. Mrs. SIPILA (Assistant Secretary-General for Social Development and Humanitarian Affairs), introducing subitem (b) of agenda item 65, said that, as the report of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.87/14) revealed, the central theme of the Sixth Congress had been crime prevention and the quality of life; the Caracas Declaration stated in its preamble that the phenomenon of crime impaired the over-all development of nations, undermined people's spiritual and material well being, compromised human dignity and created a climate of fear and violence that eroded the quality of life. The General Assembly had been invited by the Congress to take appropriate action at the earliest opportunity in accordance with the Declaration.

34. Since 1955, the United Nations had convened six congresses on the prevention of crime and the treatment of offenders. The salient feature of the Sixth Congress was that, pursuant to General Assembly resolution 32/60, its rules of procedure had been brought into line with those of other comparable United Nations bodies, thus transforming it into a full-fledged intergovernmental world conference with representation at the highest level. The Congress had been attended by representatives from over 100 countries and several non-governmental organizations.

(Mrs. Sipila)

35. The Sixth United Nations Congress had reflected yet another important new dimension in its focus on crime prevention and criminal justice in the context of economic and social development. The Caracas Declaration emphasized the principle that crime prevention and criminal justice must be considered in the context of economic development, political systems, social and cultural values and social change, as well as in the context of the new international economic order. A wide range of important recommendations had been made by the Congress in regard to further work on the interrelationships between crime prevention and economic growth and social change. There was undoubtedly a need for better understanding of the interaction between certain aspects of development, such as urbanization, industrialization, employment, population growth and migration, on the one hand, and the incidence and types of criminality, on the other. The role of the family, education, employment and the community in dealing with criminality, particularly juvenile delinquency, was significant. The Congress had also emphasized the need study further the emergence of new types of criminal activity in the context of changing socio-economic structures and to deal with the question of abuse of power extending beyond national boundaries to international structures and relationships.

36. The Sixth United Nations Congress had underlined the importance of dealing with criminality on a multidisciplinary basis. Different sectors in the economic and social field of activity had important contributions to make towards the reduction, if not the elimination, of crime. A comprehensive and multisectoral approach was needed at all levels, national and international. Within the United Nations, the decisions of the General Assembly on the report of the Sixth United Nations Congress would need to be carefully studied by all the relevant agencies and organizations of the United Nations with a view to reorienting and strengthening, as necessary, their activities in pursuit of the common objective of preventing crime and promoting criminal justice.

37. The Sixth United Nations Congress had yet another important dimension in the importance it had attached to the development of indigenous capacities to deal with problems in the field of crime and criminal justice, taking into account the diversity of national situations, and to promote the exchange of experience among countries with similar circumstances and traditions. That dimension had been clearly reflected in the emphasis placed by the Sixth Congress on the development of appropriate regional and subregional initiatives and in the strengthening of the United Nations technical assistance supplied to developing countries upon request. In that respect the Congress had called for the strengthening of the United Nations Social Defence Research Institute and the establishment and strengthening, as necessary, of regional institutes.

38. The Sixth United Nations Congress had also expanded the horizons in areas of continuing concern. In regard to the elaboration of norms and guidelines for crime prevention and criminal justice, for example, it had called for the formulation of minimum standards of juvenile justice and of guidelines to ensure the independence and improve the selection and training of judges and prosecutors. It had pronounced itself against the practice of extra-legal executions and had made several recommendations in regard to the deinstitutionalization of corrections. In

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addition, it had called on the United Nations to provide information on world trends in crime and criminal policy on a continuing basis with strengthened data collection and analysis.

39. The report by the Secretary-General on the Sixth Congress (A/35/629) outlined preliminary suggestions for action at the international level to implement some of its recommendations. That document was an attempt to respond to the urgency and importance attached by Member States to the issues dealt with at the Congress and to its deliberations. Those suggestions constituted an initial step in an evolving effort to implement the priority recommendations of the Congress. It was clear that the activities of the United Nations system as a whole, and in particular those of the Centre for Social Development and Humanitarian Affairs which provided a focal point for the programme, would need to be considerably reinforced. While efforts were being made within the context of the programme budget for the biennium 1982-1983 to reorient activities in relevant economic and social sectors to deal with crime prevention and criminal justice, immediate action was necessary to strengthen the resources of the Centre to meet its enlarged mandate and permit it to function more effectively as a catalyst and to sustain the momentum of its work. Immediate measures must also be taken to initiate appropriate activities at the regional level and not only the regional institutes but also the regional commissions must be closely involved.

40. Mr. MULLER (Chief, Crime Prevention and Criminal Justice Branch), introducing subitems (a) and (c) of agenda item 65, recalled that the General Assembly, in resolution 32/61, had requested the Secretary-General to prepare a report on capital punishment, which was to be submitted to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and to the General Assembly at its current session. The Sixth United Nations Congress had devoted more time to the question of capital punishment than to any other item, and those who believed that capital punishment should be abolished had been disappointed that no agreement had been reached. The Congress was perhaps not the most appropriate forum for achieving progress in that matter. The Economic and Social Council, at its most recent session, had referred the question to the Third Committee.

41. On the question of the implementation of the conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, he recalled that after that Congress, the Committee had requested that a follow-up study be prepared on the decisions, conclusions and recommendations adopted at the Congress and on action taken by Member States during the five years between the Fifth and Sixth Congresses. The Secretary-General had prepared a report on the basis of the replies received from Member States (A/35/289) which had been considered by the Sixth Congress; the results of that consideration could be found in document A/CONF.87/14/Add.1. It was gratifying that, as Member States had indicated, the conclusions and decisions of the Fifth United Nations Congress had been broadly reflected in subsequent Government activities and it was noteworthy that in resolution 17, the Sixth United Nations Congress had recommended the continuation of the processes initiated by General Assembly resolution 32/59 with respect to the conclusions of the Fifth Congress.

42. Mrs. SANTANDER-DOWNING (Secretary of the Committee), speaking on behalf of Mr. Van Boven, Director of the Division of Human Rights, introduced agenda item 82. She said that Mr. Van Boven had noted in an earlier statement to the Committee that United Nations human rights bodies, when dealing with problems of violations of human rights, considered specific situations and their causes as well as certain phenomena which occurred in various countries. One such phenomenon in which the General Assembly had been especially interested pertained to torture and other cruel, inhuman or degrading treatment or punishment, and the adoption of the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been a significant achievement in that regard. In considering the question, attention had been given to the elaboration of standards such as the Declaration itself, the Code of Conduct for Law Enforcement Officials, the draft Code of Medical Ethics and the body of principles for the protection of all persons under any form of detention or imprisonment. The comments of Governments on the draft body of principles for the protection of all persons under any form of detention or imprisonment were contained in document A/35/401 and the addenda thereto and their comments on the draft code of medical ethics were contained in document A/35/372. The report of the Commission on Human Rights on its thirty-sixth session outlined the progress achieved by that body in elaborating a draft convention against torture.

43. The General Assembly had also invited States to make solemn declarations not to engage in acts of torture and other inhuman or degrading treatment or punishment and a report on that aspect was contained in document A/35/370 and its addenda. The replies received to the questionnaire on measures taken to implement the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were contained in document A/35/369 and its addenda. Related studies were also being undertaken in human rights bodies on topics such as human rights during states of exception or emergency and the treatment of persons detained on mental grounds, and reports on those topics were currently under preparation for the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

44. Notwithstanding the efforts that had been made, the impression was developing that current efforts within the United Nations against torture tended to lack dynamism. The practice of torture continued to be widespread and alarmingly frequent; the reports of the various working groups or Rapporteurs of the United Nations engaged in investigating situations of gross violations of human rights invariably contained shocking tales of torture. The Committee should consider ways and means of reinjecting some dynamism into the work of the United Nations to combat those terrible practices.

45. At its thirty-third session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, during its annual review of developments in the field of human rights of persons subjected to any form of detention or imprisonment, had considered pertinent information received from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations. In its resolution 17 (XXXIII) it had noted with concern that from the information received, various forms of gross violations of

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human rights continued to affect persons subjected to detention or imprisonment. The Sub-Commission had reiterated its recommendation that the Commission on Human Rights request the Economic and Social Council to authorize the Chairman of the Sub-Commission to appoint a group of five members to meet for not more than five working days prior to each session of the Sub-Commission for the purpose of analysing the material received in connexion with the human rights of persons subjected to any form of detention or imprisonment and prepare the Sub-Commission's annual review of developments in that field.

46. Mr. PAPASTEFANOU (Greece) said that as a result of the excellent spirit of co-operation displayed by all participants, the open-ended Working Group established by the Commission on Human Rights at its thirty-sixth session for the consideration of the item on torture and other cruel, inhuman or degrading treatment or punishment, had been able to adopt by consensus nine new articles of the draft Convention and a large part of two other articles. That progress had been made despite the obvious difficulties faced by the Working Group as a result of the differences between the legislations of Member States. In 1981, the Working Group would deal with provisions concerning the questions of jurisdiction and refusal of extradition in cases in which extradited persons might be tortured. It would also have to consider the problem of the implementation of the Convention, the final clauses and the preamble. The discussion of that part of the Convention would certainly present many difficulties and it would not be easy to secure the adoption by consensus of the relevant articles by the participants in the Working Group. However, he expressed the hope that the spirit of co-operation which had existed up to the present would continue with a view to overcoming the difficulties that would arise, so that at the thirty-seventh session of the Commission on Human Rights, the preparation of the draft Convention might be completed.

47. His delegation believed that if the interest displayed by the international community since the adoption of General Assembly resolution 3452 (XXXV) could be maintained in the future, then there was justified hope that the signing of the Convention against torture and other cruel, inhuman or degrading treatment or punishment by Member States would soon be possible. It was high time that tangible progress was made in the struggle against torture because, unfortunately, that practice was still carried on throughout the world, and not only had it not decreased, it had assumed frightful proportions.

48. The only means of bringing pressure to bear on those who still practised "political torture" and at the same time of offering some protection to political detainees of totalitarian régimes was through international co-operation against torture. It was for that reason that his delegation believed that an international convention against torture would contribute if not to its total suppression, at least to the reduction of the practice of political torture. His delegation would continue to spare no efforts on the side of those who struggled for the respect of all human rights and dignity.

49. *Mr. VILLAGRA DELGADO* (Argentina) said that from time immemorial, crime had been one of the major obstacles to the development of peoples because of the fear and

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insecurity it generated. Today, crime was more serious than ever because it was organized internationally and violence had assumed sophisticated forms and in many instances political and social ideals were used as pretexts for it. Those new forms of crime required new forms of prevention and close co-operation between States if satisfactory results were to be achieved. Terrorism was constantly increasing and terrorist groups did not shy away from attacking even internationally protected persons. The exchange of information and experiences was one of the fundamental elements which would lead to success in reducing crime and improving penal systems throughout the world. To that end, his delegation believed that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had been one of the most noteworthy aspects of international activity in that field. Its conclusions and recommendations indicated the concern of the international community about the new trends in crime and proposed concrete measures to counter them.

50. It should not be forgotten that the process of industrialization, with its attendant migration of population towards the cities, profound cultural changes and frustrated expectations, contributed to the increase in crime. Nevertheless, it would be very dangerous to conclude that development in itself necessarily generated criminal activity. It was the defects in the development process which could generate criminal activity and which should therefore be corrected. His delegation believed that harmonious development, in both its economic and its social aspects, would contribute to a reduction in crime and effectively promote the the well-being and happiness of the individual as well as of people in general. On the other hand, under-development, with its attendant economic and social backwardness, always produced negative results which in many cases were translated into crime, albeit less sophisticated in form than that of industrialized societies.

51. His delegation also believed that the study which the Congress had requested the Secretary-General to make on the prevention of crime and the treatment of offenders within the framework of the establishment of the new international economic order would to a large extent clarify the relationship between development and crime and indicate what needed to be done in the development process to prevent and combat crime. In that connexion, international co-operation was fundamental because, without that, the efforts of States would be useless. That co-operation should not only be bilateral but should also take place within the United Nations, which had been called upon to play a dominant role. The structures established within the United Nations for technical co-operation among developing countries could be used to contribute to that end.

52. With regard to minors and their growing participation in crime, his delegation believed that one of the most positive ways of combating that trend was the development of activities aimed at youth which would permit them to channel their genuine concerns towards peaceful purposes. The strengthening of the role of the family in the moral, physical, civic and spiritual training of children was fundamentally important in that regard. In that connexion, it should be noted that freedom of information should be exercised by the mass media in a responsible manner bearing in mind that their work should be not only informative but also

(Mr. Villagra Delgado, Argentina)

educational. For example, the violence shown on television programmes for young people and children often had pernicious consequences which should be avoided. Furthermore, his delegation shared the view that the juvenile correction systems should be aimed fundamentally at social rehabilitation. It also agreed with the recommendations of the Congress regarding the deinstitutionalization of corrections and the search for alternatives to imprisonment which would permit offenders to be reintegrated into society and play a positive role there.

53. His delegation believed that the success of the Sixth Congress was an indication of the importance of the dissemination of knowledge and information on methods for the prevention of crime and the treatment of offenders and, accordingly, would recommend that future congresses should be held, whenever possible, in developing countries as an effective means of promoting the participation of their populations in concerted action by the international community in the fight against crime.

54. His delegation believed that the draft body of principles for the protection of all persons under any form of detention or imprisonment should take into account the various legal systems throughout the world. The drafting of that body of principles was a task which, in addition to its humanitarian aspect, was of particular importance from the legal point of view. For that reason, his delegation believed that the Third Committee would benefit from the experience of the Sixth Committee in legal matters and, accordingly, believed that the provision of annex II, part I, paragraph 1 (d) of the rules of procedure of the General Assembly should be applied.

55. Mr. JELONEK (Federal Republic of Germany) said that his Government was convinced that mankind had reached a level of maturity at which it should be able to live without the death penalty stipulated by State legislation. It was convinced that the healing and integrating forces of society ought to be so powerful that the State had no need to deprive people of their lives because they had committed crimes. Crime statistics in many countries demonstrated that the abolition of capital punishment had little effect on the crime rate. On the other hand, experience had taught that the miscarriage of justice and misuse of the death penalty might lead to irrevocable deeds.

56. His Government was aware that, so far, capital punishment had not been outlawed on a world-wide scale. Nevertheless, it had always agreed with the approach adopted by the United Nations, which had always looked at capital punishment not only from the criminological aspect but even more from the point of view of human rights. His delegation therefore supported all three draft resolutions concerning the death penalty, namely, draft resolutions A/C.3/35/L.67, A/C.3/35/L.75 and A/C.3/35/L.80. His delegation had submitted draft resolution A/C.3/35/L.75 in order to provide the debate on the restriction and abolition of capital punishment with a new and precise direction by affording those States which were in a position to do so the opportunity of entering into an obligation under international law which went beyond mere domestic measures regarding the abolition of the death penalty. His delegation was aware that its proposal was breaking new ground and

(Mr. Jelonek, Federal Republic of Germany)

that it might take years before the proposed optional protocol would enter into force. It did not therefore propose any specific action on the protocol itself, except to ask that the General Assembly take note of it and request the Secretary-General to invite comments by Governments and to prepare a report for consideration at the next session. His delegation would regard it as a positive step forward if the Committee could adopt that draft resolution if possible by consensus.

The meeting rose at 1.05 p.m.