



SUMMARY RECORD OF THE 76th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 65: CRIME PREVENTION AND CONTROL (continued) (A/35/572;
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- (a) CAPITAL PUNISHMENT: REPORT OF THE SIXTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (A/CONF.87/9; A/C.3/35/L.67, L.75, L.80)
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- (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: REPORT OF THE SECRETARY-GENERAL (A/35/369 and Add.1 and 2)
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- (c) DRAFT CODE OF MEDICAL ETHICS: REPORT OF THE SECRETARY-GENERAL (A/35/372 and Add.1 and 2 and Add.2/Corr.1; A/C.3/35/L.83)
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1. Mr. MORENO-SALCEDO (Philippines), referring to the report of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.87/14/Rev.1 and Add.1), said that his Government's concern over the many issues on the prevention of crime and just treatment of offenders was indicated by its having acted as host to one of the regional meetings held in preparation of the Sixth United Nations Congress, by the fact that its representative had served as a Vice-President of the Congress and by its having co-sponsored the resolution regarding the adoption of the Caracas Declaration.

2. The Caracas Declaration emphasized the principle that crime prevention and criminal justice should be considered in the context of economic development, political systems, social and cultural values and social change, and in the context of the new international economic order. It also emphasized that the General

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(Mr. Moreno-Salcedo, Philippines)

Assembly and the Economic and Social Council should ensure that appropriate measures were taken to strengthen the activities of the United Nations organs concerned with crime prevention and the treatment of offenders at subregional and regional levels. In that connexion, his delegation believed that it was preferable to strengthen existing institutes rather than create new ones; for example, four regional institutes in the Asia and Pacific region had now been integrated in the new Asia and Pacific Development Centre at Kuala Lumpur.

3. In addition to the Caracas Declaration, the Sixth United Nations Congress had adopted 19 resolutions. In some of them, the Congress requested the Secretary-General to intensify all efforts to develop the statistical information system on crime prevention and criminal justice and to report to the Congress on the progress of work on juvenile delinquency. In others, it requested the United Nations to continue the work on the development of guidelines and standards on the abuse of economic and political powers, on measures for social resettlement of the imprisoned, on a study on women offenders and victims and on a model agreement for the transfer of offenders. The Congress urged Member States to consider the establishment of procedures whereby the transfer of offenders might be effected and called upon them to take every measure to improve education and to eliminate conditions of life which detracted from human dignity and led to crime, including social inequality, unemployment, poverty, illiteracy and racial discrimination. Towards those ends, consultations with the relevant organizations and bodies in the United Nations system on the various aspects of criminal policy and justice would be necessary.

4. In the view of his delegation, although development would not be criminogenic per se, there were certain development variables which could be interrelated with the incidence and pattern of criminality, such as poverty on the one hand and affluence on the other. The Sixth Congress had focused on new perspectives of crime prevention and criminal justice in the context of development and had emphasized the role of international co-operation; however, his delegation believed that crime could be more effectively prevented at the grass-roots level. The role of the mother in particular, the family as a whole, the home, the church and the school were of paramount importance. Addressing itself to those ends, draft resolution A/C.3/35/L.72, introduced by the delegation of Venezuela on behalf of the Group of 77, endorsed the Caracas Declaration and other decisions of the Sixth Congress. In the opinion of his delegation the increased efforts and the budgetary provisions contained in document A/C.3/35/L.91 were justifiable.

5. Mr. BLEACH (United Kingdom) said that the attendance of nearly 100 countries at the Sixth Congress had underlined the continuing international concern at the growth of crime and the severe problems which the treatment of offenders posed for most countries. The Caracas Declaration, to which the United Kingdom delegation had made a modest input and which had now been endorsed by the Committee in draft resolution A/C.3/35/L.72, noted the link between social and economic development and crime prevention and criminal justice policies, thus underlining the fact that progress towards defeating crime was primarily a matter for individual countries. At the same time, the Declaration recognized the need for international co-operation. However, the usefulness of the Congresses would diminish if they became nothing more than an echo chamber for political controversies.

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(Mr. Bleach, United Kingdom)

6. A number of resolutions of the Sixth Congress imposed specific duties on the Committee on Crime Prevention and Control. It would be for the appropriate United Nations bodies to decide upon the resource implications of those resolutions, but there was a clear need for decisions to be reached at an early date so that the Committee could settle its future programme of work.

7. The Congress had provided a useful opportunity for further exchange of views internationally on the undoubtedly controversial topic of capital punishment. The death penalty had for some time been abolished in the United Kingdom for ordinary crime. The question had long been regarded as one for the Members of Parliament to determine according to their consciences and was thus not a matter of government policy. Because of that, the United Kingdom was not able to take a position on international moves towards abolition or a moratorium on the use of the death penalty, which it believed would constrict the freedom of other countries to settle the matter in their own time and in their own way. Nevertheless, in view of the extent of international concern about the topic, it was entirely appropriate that the opportunity should be given at the United Nations to debate the ideas being put forward and to hear the considered views of countries.

8. With regard to item 82, the United Kingdom hoped that the work on the drafting of a convention against torture would be completed at the forthcoming session of the Commission on Human Rights with a view to the adoption of a convention at the thirty-sixth session of the General Assembly. His delegation therefore supported draft resolution A/C.3/35/L.82. The United Nations Declaration on Torture, a product of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, was an already existing clear affirmation of the international community's determination to try to eradicate torture and other cruel, inhuman or degrading treatment or punishment. His delegation hoped that work would also proceed on the draft Code of Medical Ethics and the draft body of principles for the protection of all persons under any form of detention or imprisonment; draft resolutions A/C.3/35/L.83 and A/C.3/35/L.73/Rev.1 were useful attempts to define standards in a difficult area. The draft Code of Medical Ethics needed to be further refined in order to remove some of its ambiguities and inconsistencies with existing international standards, and the draft body of principles provided the United Nations with a comprehensive document on which to base discussion of the subject. However, because of the difficulty of finding common ground for countries embracing such a wide diversity of legal and constitutional systems, such standards should be as broadly based as possible. Moreover, there was a danger that the pursuit of more and better guidelines of that sort might merely create a semblance of activity not matched by genuine improvements in the treatment of detained persons. A more widespread and conscientious observance of the basic safeguards set out in existing human rights instruments should be a continuing aim of the United Nations.

9. Miss CAO-PINNA (Italy) said that the limited time available for the consideration of items 65 and 82 was not commensurate with the importance of the items, especially in a year in which the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had taken place, the Secretary-General's second periodic report on capital punishment had become available and

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(Miss Cao-Pinna, Italy)

reports had appeared on summary executions that were widely regarded as politically motivated and that had contravened the relevant international provisions. However, the number of draft resolutions before the Committee would enable the General Assembly to express itself on a number of issues, despite the lack of an exhaustive debate. Her delegation had sponsored some of the draft resolutions and would vote in favour of all of them.

10. With regard to capital punishment, her delegation noted with regret that the Sixth Congress had been unable to adopt, for transmission to the General Assembly, a resolution on further curtailment of the use of the death penalty with a view to its future abolition. The Congress had been called upon by the General Assembly to discuss the various aspects of capital punishment and the possible restriction of its use, including a more generous application of the rules relating to pardon, commutation or reprieve. The unexpected negative result of the Sixth Congress was all the more regrettable in that the Secretariat had prepared an important working paper (A/CONF.87/9) which amply complemented the five-year reports under Economic and Social Council resolution 1745 (LIV) and reviewed United Nations action in the field of capital punishment dating back to the founding of the Organization.

11. Her delegation would like to comment on the classification of Member States by status of capital punishment, in particular of States "abolitionists by law for ordinary crimes only" and States "abolitionists by custom". In relation to the first group, the situation in Italy was that the Constitution prohibited the death penalty except in cases prescribed by the Military Code of War; thus, the death penalty had been abolished not only for ordinary crimes but also for military crimes committed in time of peace. Furthermore, the death penalty was automatically replaced by imprisonment for many crimes for which the Military Code of War did not contain autonomous provisions but referred to other codes, one example being homicide resulting from insubordination. A 1979 ruling of the Constitutional Court confirmed the determination of the Italian legislature not only to prohibit the death penalty within the country, but also to prevent extradition for crimes punishable by death in the requesting State.

12. Regarding the second group of Member States, her delegation believed that a period of 40 years without death sentences or executions was inappropriately long to qualify States as abolitionists by custom, since there were Member States which had had no death sentences or executions for 39 years but were nevertheless classified as retentionists. It seemed to her delegation that the classification of Member States by status of capital punishment should be reviewed in order better to reflect the situation in all Member States.

13. The second five-year report on capital punishment had been prepared on the basis of a survey by the Secretariat, to which only half the States had replied; for the other States, the Secretariat had used information resulting from its own direct research. She wondered whether the Secretariat had made use of the information given to the Human Rights Committee by States parties to the International Covenant on Civil and Political Rights, under which the first individual right was the right to life. If not, the Secretariat should

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(Miss Cao-Pinna, Italy)

consider using the reports from States parties to the Covenant as sources of information for that right as well as for other individual rights.

14. In 1977, the General Assembly had called upon Member States to reinforce their support 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 by making unilateral declarations. The Assembly had welcomed that new formula, but unfortunately only a few States had submitted their unilateral declarations, which made it more urgent than ever for the convention on the elimination of torture to be completed.

15. Concerning the draft body of principles for the protection of all persons under any form of detention or imprisonment and the draft Code of Medical Ethics, Italy had replied to the questionnaire sent to all Member States and regretted that the review of the various positions of Member States was proceeding so slowly.

16. Ms. CASTILLO (Dominican Republic), referring to item 65, said that the likelihood of crime was reduced or eliminated whenever progress was made in applying policies under which social justice promoted the creation of a proper educational, cultural, social and economic environment. Her delegation did not believe that development was a factor which increased delinquency or crime. Crime and illicit traffic in drugs could be reduced to a low percentage by good education emphasizing morality and civic pride. Preventive measures had achieved great results in the case of aerial hijacking. Where the treatment of offenders was concerned, in addition to being put to work by way of retribution, prisoners should be rehabilitated rather than constantly punished or mistreated. She noted in that connexion that her delegation had participated in the working group to elaborate the draft body of principles for the protection of all persons under any form of detention or imprisonment, because of the importance it attached to life and to respect for human rights of individuals.

17. There was no capital punishment in the Dominican Republic, which believed that it should be abolished throughout the world and was therefore prepared to co-sponsor draft resolutions A/C.3/35/L.65 and A/C.3/35/L.75. In her country, the maximum sentence was 30 years, although most offenders received a shorter sentence. Prisoners were always kept in institutions near their homes, and their families were allowed to bring meals to them if they so desired. The conclusions of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had been implemented, and her Government endorsed the report of the Sixth Congress.

18. Torture and other cruel, inhuman or degrading treatment or punishment were widespread in the world. Her Government had been carrying out re-education plans in military barracks to correct unfortunate repressive tendencies, and the process was now quite well advanced. Juvenile delinquents were evaluated by social workers and psychologists with a view to giving them the most appropriate treatment, based on their rights as children, and corresponding protection in juvenile reformatories. There were few women criminals, and job training programmes were provided for those in prison in order that they might lead a better life on their re-entry into society.

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(Ms. Castillo, Dominican Republic)

19. With regard to draft resolution A/C.3/35/L.73/Rev.1, adopted at the 74th meeting, she said that, although the draft body of principles had been referred to the General Assembly at its thirty-sixth session for consideration by the Sixth Committee, she hoped that the latter would deal with its legal aspects and return it to the Third Committee for review so that it could be adopted as soon as possible.

20. Mrs. HAKAMURA (Japan) said that, although the definition of crime varied to a certain extent according to the time and place, the concept of crime and punishment was an eternal problem in all cultures. Each of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders had dealt with urgent and important problems. Her delegation believed that the Caracas Declaration was one of the most important documents in the field of criminal justice; it was particularly noteworthy that a high degree of consensus had emerged among the professionals who had taken part in the elaboration of the Declaration, despite differences in ideology, race and religion. Her delegation fully shared the view that, if crime was to be effectively prevented, progress must be made in improving social conditions and enhancing the quality of life within a society.

21. Japan enjoyed low crime rates as a result of the homogeneity of culture, race and language and, above all, the relative affluence of the Japanese people and the very equitable distribution of wealth among the different social sectors. At the same time, her Government was fully aware that international co-operation was essential in the field of crime prevention and in the treatment of offenders, and it was in that spirit that it had concluded with the United Nations in 1961 an agreement to establish the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, which was the first regional institute for research and training of personnel in that field. The Institute had organized a number of research projects and had held international seminars and training courses in which individuals from over 40 countries had participated; its successful functioning was due in large part to the concerted efforts of the relevant sections of the United Nations Secretariat, the Governments of the region and the staff and visiting experts who took part in its activities.

22. Japan, like many other countries, wished to retain the death penalty because of the widely held belief among its citizens that the safe and secure environment in which they lived was very largely due to the deterrent effect of capital punishment. At the same time, her Government believed that the number of offences for which the death penalty might be imposed should be strictly limited and that the death sentence should be imposed only in cases where it was absolutely unavoidable. In fact, capital punishment was very rarely imposed in Japan, and then only after the completion of rigorous judicial and administrative procedures. Because it was so closely related not only to crime rates and criminal justice administration but also to the history, culture and ethical and moral norms of each nation, the question of retaining or abolishing the death penalty was too difficult an issue to resolve immediately and would undoubtedly be a perennial subject for debate, both domestically and internationally.

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(Mrs. Nakamura, Japan)

23. Torture and other cruel, inhuman or degrading treatment or punishment constituted a grave violation of the individual's right to life, liberty and personal security and was an assault on human dignity; her Government firmly believed that it must be eliminated. It strongly supported the Declaration on the Protection of All Persons from Being Subjected to Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment and had made a unilateral declaration in accordance with General Assembly resolution 32/64. The United Nations had an important contribution to make through such means as the codification of the principles and standards of criminal justice. Her Government had accordingly submitted detailed comments on the various draft principles and standards, including the draft body of principles for the protection of all persons under any form of detention or imprisonment. It was ready to continue to provide all possible co-operation to the valuable activities conducted by the international community to prevent crime and promote human dignity.

24. Mrs. BAJPAI (India) said that both affluent and developing societies had to contend with crime; over the decades, the social apparatus to curb crime had undergone changes to meet the requirements of time and place and to take into account the changing trends in crime and the need to evolve appropriate crime prevention strategies. The United Nations Congresses on the Prevention of Crime and the Treatment of Offenders had provided an invaluable forum for the exchange of experience and for evolving common approaches and strategies for crime prevention and control and the treatment of offenders. Since the 1950s, the United Nations had played a pioneering role in the formulation of universally acceptable standards and guidelines in the sphere of criminal justice and had produced a number of documents enunciating the principles for upholding the rights and dignity of those who came into contact with the criminal justice system. The underlying objective of those instruments was to safeguard the rights of persons who came in conflict with the law and to ensure their ultimate reintegration into the community. The question of devising effective means and procedures for implementing those norms and standards was complicated by the diversities of socio-political systems, levels of public awareness and stages of economic development in different countries. Despite the commonality of certain fundamentals that guided their growth, the crime prevention and criminal justice strategies in each country tended to develop an indigenous character and to evolve in accordance with socio-political and economic conditions and developments at the national level, although they were also influenced to a certain extent by changes and innovative currents at the international level.

25. In India, the criminal justice system was based on the fundamental rights and the directive principles of State policy enshrined in the Constitution. The Constitution envisaged the creation of a welfare State founded on the tenets of justice, liberty, equality and fraternity. There was an increasing awareness of the need to protect the rights of individuals in confrontation with the law; at the same time, it was being widely realized that the protection of human rights in criminal justice was closely linked with human rights in other spheres of socio-economic life. The socio-economic context and the need for ensuring the prerequisites for development should be an important component in assessing the role international co-operation could play in combating crime.

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(Mrs. Bajpai, India)

26. Capital punishment had been the subject of sharp debate between abolitionists and retentionists in India. The question had been reviewed periodically since India had gained independence, and in 1967 the Law Commission had concluded that, having regard to such factors as the conditions in India, the disparities in educational levels, the diversity of the population and the paramount need to maintain law and order, India could not risk the experiment of abolishing capital punishment. The Indian Penal Code prescribed death as an alternative punishment for seven offences, but under the 1973 Code of Criminal Procedure, for all those offences, life imprisonment was imposed as a rule and the death sentence as an exception. The 1973 Code also spelt out the procedure for the imposition of the death sentence, which had to be confirmed by the High Court and could be appealed to the Supreme Court. Under the Constitution, the President had the power to grant pardons and to commute certain sentences, including death sentences, and the Governor of a state had the power to grant pardons or commute sentences for offences relating to matters falling within the jurisdiction of states. Thus, the legislative policy governing the imposition of death sentences had several built-in safeguards to prevent miscarriages of justice and provide for the exercise of judicial discretion on the basis of well-recognized principles.

27. At the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the discussions on the question of capital punishment had revealed a general feeling that it was premature to abolish capital punishment or accept a moratorium. Since the draft resolution submitted to the Congress on the subject of capital punishment had not been put to a vote, her delegation was surprised that the Committee had before it draft resolution A/C.3/35/L.67 with more or less the same content as that presented in Caracas. It hoped that the Committee would not be asked to take a decision on an issue on which the experts at the Sixth Congress had been unwilling to take a decision.

28. Mr. VOICU (Romania) said it was clear from the documentation on the subject that the effects of crime could not be underestimated at either the national or the international level and that new and vigorous efforts were needed to broaden and consolidate co-operation among States in combating crime and delinquency. The proceedings of the Sixth United Nations Congress had shown that, although trends varied from country to country, there had been a substantial over-all increase in crime. Social inequality, racial discrimination, the deterioration in material and spiritual levels of living, unemployment and illiteracy had rightly been mentioned as the main causes of increased criminality, along with violence, acts of terrorism and drug trafficking and consumption, especially among the young.

29. An objective consideration of trends in criminality refuted the argument that development engendered crime. It was not development that led to an increase in crime, but the absence of consistent and systematic measures to prevent and combat crime and delinquency and the inadequate attention paid to upholding the social and moral values of society. It was therefore very clear that in order to combat crime it was necessary, above all, to solve economic and social problems and to carry out intensive cultural and educational activity among the different strata of the population. At the same time, the work of the authorities responsible for law enforcement must be improved and, most important of all, the educational role of government agents, the family and the school must be enhanced.

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(Mr. Voicu, Romania)

30. Crime prevention must be an integral part of the over-all development strategy in each country, and that required an expansion of international co-operation. The United Nations should therefore help to facilitate the exchange of experience and information on the prevention of crime and should increase the technical assistance provided, especially to developing countries. The Committee on Crime Prevention and Control should be more receptive to the views expressed by member States, and the Crime Prevention and Criminal Justice Branch in Vienna should strengthen its activities.

31. Where juvenile delinquency was concerned, the United Nations must promote the exchange of experience among States on ways of ensuring close co-operation between family, school and governmental and non-governmental associations in order to educate young people in respect for the law and in moral principles. The reintegration into society and rehabilitation of juvenile delinquents should take into account the special characteristics of the younger generation and should not prejudice their future as decent members of the community to which they belonged. More attention should be paid in that connexion to the treatment of young people by means of penalties not involving deprivation of liberty.

32. In Romania, where penal policy was considered an integral part of the country's economic and social development policy, special emphasis was placed on the prevention of crime and other antisocial behavior, the underlying assumption being that the criminal justice system, however advanced it might be, was not capable by itself of combating crime effectively. Accordingly, a basic feature of crime prevention policy was that it combined educational and cultural measures with punishments for persons committing certain antisocial acts. Particular attention was paid to the re-education of those who offended against the standards of their society and the laws of their country, and that was accomplished for the most part not by depriving them of liberty but by putting them to work with the assistance and under the supervisor of the labour collectives of which they were members. Only particularly dangerous crimes were punished by imprisonment in special detention centres. The measures adopted were based on the revolutionary changes which had occurred, leading to radical changes in production relations and in the consciousness of individuals and to an increase in the role of public opinion and in the influence of the community on individual behaviour.

33. The proceedings of the Sixth United Nations Congress had shown that the trends and characteristics of crime and delinquency varied according to the social, economic and cultural climate in each country, which meant that political measures and national strategies must be in keeping with the needs and objectives of each State. The United Nations must take that essential point into account in implementing the Caracas Declaration. At the same time, it should, as a world organization, make a greater contribution to the adoption of measures for effectively combating such phenomena as drug consumption, pornography, incitement to violence and hatred and racism, which were harmful to the individual, and especially to young people, and which led to hostility among nations. The Caracas Declaration should stimulate the concerted efforts of States to combat crime effectively and prevent, instigate and neutralize its adverse effects on the life of peoples and on co-operation among States.

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34. Mrs. RODRIGUEZ (Venezuela) said that in the past 15 years crime, which was one of the most serious causes for concern in the contemporary world, had taken an alarming turn with respect to punishment because there was no clear relationship between theory and practice, between enactment and enforcement. For the purpose of determining the degree of criminal responsibility, penal legislation took into account various circumstances with respect to motivation and methods of commission of the offence. The increase in criminal conduct was a problem which affected all socio-political systems. Societies which over-emphasized consumption, the possession of material goods, success and the satisfaction on non-essential needs, using those as parameters for social classification and segregation, tended to have the highest crime rates. An analysis of the crime rate in such countries suggested that there was a direct relationship between the rate of increase of crime and the pace of economic development; when the latter was not properly or coherently planned, the crime rate increased considerably.

35. Crime was not simply a legal concept but an economic, political and social reality, and attention must be drawn to certain types of conduct which adversely affected the progress of peoples but had not yet been legally classified as criminal conduct. A distinction must be made between someone who committed theft to feed his family and someone who committed an economic crime from a position of power. An analysis of the penal situation in developing countries showed that it was people of little financial means who filled the prisons while those possessing political and economic power generally escaped the punitive apparatus of the State police and courts.

36. At the international level, abuse of power was manifested by the large transnational corporations which operated on weak or developing economies and by the political domination whereby certain hegemonistic States tenaciously defended the preservation and maintenance of their spheres of influence. Abuse of power at the national level would lead to an analysis of administrative corruption, crimes against the public interest and economic crime, which many countries still ignored and which were not dealt with adequately in national legislation.

37. People found themselves unprotected when faced with an all-powerful State. A State which possessed the most sophisticated means of destruction and of imposing its domination in many cases made the individual feel impotent, oppressed and frustrated. A new political, economic and social order must be sought that was essentially human and in which each person could achieve his well-being through work, political participation and cultivation of the human personality.

38. Her Government welcomed the final document of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Caracas Declaration, and hoped that the aspirations and expectations expressed in it would be made a reality by the competent United Nations bodies, bringing about a world of peace in which all might exercise their right to self-determination and well-being.

39. Miss FRANCO (Portugal) said that the United Nations still had a major task ahead in bringing Member States to compare their extremely divergent systems and

(Miss Franco, Portugal)

penal policies in order to ensure that justice and respect for human rights became a universal basis for penal policy. The Sixth United Nations Congress had been a further step in that direction. Among the issues discussed by the Congress, her delegation attached great importance to the question of capital punishment and found it deplorable that, as stated in the working paper prepared by the Secretariat (A/CONF.87/9), there might well be a trend towards an increase in laws creating capital offences, in the number of death sentences imposed, and in the number of executions in many countries. In that framework, the existing situation regarding capital punishment in the various countries involved questions and aspects which, although important from the perspective of the exercise of human rights, were internal questions relating to the exclusive penal jurisdiction of each State. Furthermore, it must be conceded that historical situations might make people more sensitive to certain types of rights; socio-political situations might show that certain rights were more vulnerable and therefore required more protection. In any event, what was fundamental was the protection of all; the basic respect for the right to life should in no way be threatened, since it was only when that was secured that one could actually believe in the observance of other rights.

40. Portugal had abolished capital punishment in 1867, and its 1976 Constitution stated that human life was inviolable and that the death penalty was in no case applicable. Portugal considered capital punishment a useless weapon for the protection of society. Eliminating a punishment that was contrary to human nature and dignity had not in any way hindered the development of Portuguese society. The alleged deterrent effect of the death penalty was an illusion, and the Portuguese Government believed that, in a democracy, humanitarian and progressive causes would always win public support.

41. In view of those considerations, her delegation had co-sponsored draft resolutions A/C.3/35/L.67, A/C.3/35/L.75 and A/C.3/35/L.83. Furthermore, as a member of the Commission on Human Rights, Portugal had participated in the elaboration of the draft convention on torture and other cruel, inhuman or degrading treatment or punishment and accordingly supported draft resolution A/C.3/35/L.82.

42. With regard to draft resolution A/C.3/35/L.73/Rev.1, adopted at the 74th meeting, her delegation had followed with great interest the work of the open-ended working group on the draft body of principles for the protection of all persons under any form of detention or imprisonment and commended the Chairman of the group for his comprehensive report (A/C.3/35/14). It supported the convening of the working group in 1981 and had therefore joined in the consensus on the draft resolution. However, her delegation could not but deplore the idea of sending to the Sixth Committee - as if it were a mere legalistic issue - a draft on a subject that fell within the scope of the Third Committee's responsibilities.

43. The CHAIRMAN said that the Committee had concluded its general debate on items 65 and 82.

The meeting rose at 12.40 p.m.