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CRIME PREVENTION AND CRIMINAL JUSTICE AND DEVELOPMENT

Report of the Third Committee

Rapporteur: Mr. Naoharu FUJII (Japan)

I. INTRODUCTION

1. At its 4th plenary meeting, on 18 September 1981, the General Assembly decided to include in its agenda the item entitled "Crime prevention and criminal justice and development: report of the Secretary-General" and to allocate it to the Third Committee.
2. The Committee considered the item jointly with items 76, 77, 78, 80 and 84 at its 15th to 17th, 19th and 21st to 29th meetings from 12 to 26 October 1981. The views expressed by the representatives of Member States and specialized agencies and by observers on this item are contained in the summary records of those meetings (A/C.3/36/SR.15-17, 19, and 21-29).
3. The Third Committee had before it the following documents:
 - (a) Report of the Secretary-General (A/36/442);
 - (b) Report of the Economic and Social Council, chapter XIX (A/36/3/Add.19). 1/
4. At the 15th and 16th meetings, on 12 and 13 October, the Under-Secretary-General for International Economic and Social Affairs and the Assistant Director for the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs made introductory statements.

1/ To be incorporated in Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 3 (A/36/3/Rev.1).

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/36/L.22

5. At the 27th meeting, on 22 October, the representative of Venezuela introduced a draft resolution (A/C.3/36/L.22) entitled "Crime prevention and criminal justice and development", sponsored by Austria, Costa Rica, Japan, the Libyan Arab Jamahiriya, Morocco, Venezuela and Zambia, and also Nepal, later joined by the Bahamas, Barbados, Bolivia, Colombia, Egypt, Equatorial Guinea, Finland, Ghana, Guatemala, the Ivory Coast, Jamaica, Kenya, Lesotho, Nicaragua, Pakistan, the Philippines, Panama, Romania, the Sudan, Sweden and Zaire. The draft resolution read as follows:

"The General Assembly,

"Concerned at the escalation of crime and violence in many parts of the world,

"Conscious of the forms and dimensions crime has assumed in the context of socio-economic development, and the increasing difficulties encountered,

"Stressing the vital contribution that the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders make to improving the quality of life,

"Recalling its resolution 35/171 of 15 December 1980 in which it endorsed the Caracas Declaration and recommendations relating to the new perspectives for international co-operation in crime prevention in the context of development, 2/

"Mindful of the new international economic order designed to achieve development and guarantee a decent life for all, as expressed in General Assembly resolution 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order,

"Further mindful that the International Development Strategy for the Third United Nations Development Decade, contained in the annex to resolution 35/56 of 5 December 1980, declares that the "ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and the fair distribution of the benefits therefrom",

"1. Takes note of the report of the Secretary-General on crime prevention and criminal justice and development;

2/ A/CONF.87/14/Rev.1.

"2. Reaffirms that crime prevention and criminal justice should be considered in the context of economic development, political, social and cultural systems and social values and changes, as well as in the context of a New International Economic Order;

"3. Invites Member States to intensify efforts to make the criminal justice systems more responsive to changing socio-economic conditions, also through the appropriate development of indigenous forms of social control;

"4. Urges the Department of Technical Co-operation for Development and the United Nations Development Programme to increase their level of support to programmes of technical assistance in the field of crime prevention and criminal justice, and of technical co-operation among developing countries;

"5. Requests the Secretary-General to take the necessary measures for the fullest implementation of the Caracas Declaration and for the appropriate preparation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in close co-operation with all the relevant United Nations organizations and in particular the regional commissions and United Nations training and research institutes in crime prevention;

"6. Calls upon the Committee on Crime Prevention and Control, entrusted with the preparation of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, to give particular attention, in the formulation of the agenda of the Seventh United Nations Congress, to current and emerging trends in crime prevention and criminal justice, with a view to defining new guiding principles for the future course of crime prevention and criminal justice in the context of development needs and the goals of the international Strategy for the Third United Nations Development Decade and the New International Economic Order, taking into account the political, economic, social and cultural circumstances and traditions of each country, and the need for crime prevention and criminal justice systems to be consonant with the principles of social justice;

"7. Requests the Secretary-General, in reporting to the Economic and Social Council at its first regular session in 1982 on the preparatory work for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, also to take into account the relevant recommendations of the Committee on Crime Prevention and Control at its seventh session, without prejudice to the existing reporting procedures."

6. At the same meeting, the representative of Venezuela revised operative paragraph 2 of the draft resolution by replacing the word "a" before "New International Economic Order" by the word "the".

7. Also at the same meeting, the representative of Mali proposed that, in operative paragraph 5, the words "en ce qui le concerne" be inserted between the words "dispositions nécessaires" and the words "à l'application la plus complète".

8. At the 29th meeting, on 26 October, the sponsors further revised the draft resolution as follows:

(a) They reworded the fifth preambular paragraph to read:

"Recalling its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, which is one of the principal guarantees for the creation of better conditions so that all peoples can attain a decent life,";

(b) They reworded operative paragraph 5 to read:

"Requests the Secretary-General to take the necessary measures for the fullest implementation of the Caracas Declaration and for the appropriate preparation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in close co-operation with all the relevant United Nations bodies and, in particular, with the regional commissions and the United Nations training and research institutes in crime prevention,";

(c) They capitalized the words "New International Economic Order" wherever they appeared in the draft resolution.

9. At the same meeting, the representative of Somalia made the following proposals, which were accepted by the sponsors of the draft resolution:

"(a) Replacement of the word "the" by the word "their" in the phrase "to make the criminal justice systems" in operative paragraph 3;

"(b) Insertion of the words "to encourage" between the words: "justice, and" and "of technical co-operation" in operative paragraph 4, with the consequent drafting changes.

10. Also at the same meeting, the words "United Nations organs" in the revised operative paragraph 5 were further revised to read "United Nations bodies" in accordance with proposals by the representatives of Cyprus and Oman.

11. At the same meeting, the Committee adopted the draft resolution, as revised and amended by 136 votes to none, with 1 abstention (see para. 14, draft resolution I).

B. Draft resolution A/C.3/36/L.24

12. At the 27th meeting, on 22 October, the representative of Belgium introduced a draft resolution (A/C.3/36/L.24) entitled "Arbitrary or summary executions", sponsored by Belgium, Costa Rica, France, Japan, the Netherlands, Papua New Guinea and Portugal, later joined by Austria, Denmark, Ghana, Morocco, New Zealand, Norway and Uruguay.

13. At the 29th meeting, on 26 October, the Committee adopted the draft resolution without a vote (see para. 14, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

14. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Crime prevention and criminal justice and development

The General Assembly,

Concerned at the escalation of crime and violence in many parts of the world,

Conscious of the forms and dimensions crime has assumed in the context of socio-economic development, and the increasing difficulties encountered,

Stressing the vital contribution that the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders make to improving the quality of life,

Recalling its resolution 35/171 of 15 December 1980 in which it endorsed the Caracas Declaration and recommendations relating to the new perspectives for international co-operation in crime prevention in the context of development, 2/

Recalling its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, which is one of the principal guarantees for the creation of better conditions so that all peoples may attain a decent life,

Further mindful that the International Development Strategy for the Third United Nations Development Decade, contained in the annex of General Assembly resolution 35/56 of 5 December 1980, declares that the ultimate aim of development is the constant improvement of the well-being of the entire population on the basis of its full participation in the process of development and the fair distribution of the benefits therefrom,

1. Takes note of the report of the Secretary-General on crime prevention and criminal justice and development;

2. Reaffirms that crime prevention and criminal justice should be considered in the context of economic development, political, social and cultural systems and social values and changes, as well as in the context of a New International Economic Order;

3. Invites Member States to intensify efforts to make their criminal justice systems more responsive to changing socio-economic conditions, also through the appropriate development of indigenous forms of social control;

4. Urges the Department of Technical Co-operation for Development of the Secretariat and the United Nations Development Programme to increase their level of support to programmes of technical assistance in the field of crime prevention and criminal justice, and to encourage technical co-operation among developing countries;

5. Requests the Secretary-General, to take the necessary measures for the fullest implementation of the Caracas Declaration and for the appropriate preparation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in close co-operation with all the relevant United Nations bodies and, in particular, with the regional commissions and the United Nations training and research institutes in crime prevention;

6. Calls upon the Committee on Crime Prevention and Control, entrusted with the preparation of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, to give particular attention, in the formulation of the agenda of the Seventh United Nations Congress, to current and emerging trends in crime prevention and criminal justice, with a view to defining new guiding principles for the future course of crime prevention and criminal justice in the context of development needs and the goals of the International Strategy for the Third United Nations Development Decade and a New International Economic Order, taking into account the political, economic, social and cultural circumstances and traditions of each country, and the need for crime prevention and criminal justice systems to be consonant with the principles of social justice;

7. Requests the Secretary-General, in reporting to the Economic and Social Council at its first regular session of 1982 on the preparatory work for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, also to take into account the relevant recommendations of the Committee on Crime Prevention and Control at its seventh session, without prejudice to the existing reporting procedures.

DRAFT RESOLUTION II

Arbitrary or summary executions

The General Assembly,

Having regard to the provisions bearing on capital punishment in the International Covenant on Civil and Political Rights, 3/ particularly its articles 6, 14 and 15,

Recalling its resolution 2393 (XXIII) of 26 November 1968, in which it invited Governments of Member States, inter alia, to ensure the most careful legal

3/ Resolution 2200 A (XXI), annex.

procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtained,

Recalling also its resolution 35/172 of 15 December 1980 on arbitrary or summary executions,

Bearing in mind its resolution 35/171 of 15 December 1980, in which it, inter alia, endorsed the Caracas Declaration adopted by consensus at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

1. Condemns the practice of summary executions and arbitrary executions;
2. Strongly deplores the increasing number of summary executions as well as the continued incidence of arbitrary executions in different parts of the world;
3. Notes with concern the occurrence of executions that are widely regarded as being politically motivated;
4. Urges all States concerned to respect the minimum standard of legal safeguards referred to in paragraph 1 (a) of General Assembly resolution 35/172;
5. Again requests the Secretary-General to use his best endeavours in cases where this minimum standard of legal safeguards appears not to be respected;
6. Invites Member States, specialized agencies, regional intergovernmental organizations and relevant non-governmental organizations in consultative status with the Economic and Social Council to answer the Secretary-General's request for their views and observations concerning the problem of arbitrary executions and summary executions;
7. Requests the Committee on Crime Prevention and Control to examine the problem of arbitrary executions and summary execution at its seventh session with a view to making recommendations.
