



SUMMARY RECORD OF THE 41st MEETING

Chairman: Mr. PEDERSEN (Denmark)

later: Mrs. MAIR (Jamaica)

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(continued)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 77: CRIME PREVENTION AND CONTROL (continued) (A/32/3, chap. VI, sect. A, A/32/163, A/32/199; E/CH.5/536; A/C.3/32/5 and Corr.1; A/C.3/32/L.18, L.19, L.20, L.21, L.22 and L.24)

1. Mr. OZADOVSKY (Ukrainian Soviet Socialist Republic), introducing draft resolution A/C.3/32/L.19 on behalf of the sponsors, said that the draft resolution was mainly procedural, its principal aim being to improve United Nations action in the field of crime prevention and control. Its provisions were clear and self-explanatory. The preamble noted that crime hampered the economic, social and cultural development of peoples and threatened the enjoyment of fundamental rights, reaffirmed the right of each State to formulate its own policies in the field of crime prevention and control, and noted the importance of co-operation among Member States and the need to co-ordinate the action of United Nations bodies in that field.

2. Reading out the operative part of the draft resolution, he pointed out that paragraphs 1 and 2 sought to ensure the participation of the competent intergovernmental organs, in particular the Committee on Crime Prevention and Control, the Commission for Social Development and the Economic and Social Council in the preparation of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders.

3. The sponsors of the draft resolution had held consultations with many delegations and with representatives of the regional groups and they had taken into account all the suggestions that had been made. They were also ready to consider the amendments which had been proposed. He expressed the hope that the draft resolution would be adopted by consensus.

4. Mrs. PAPAEFSTATHIOU (Greece) said that the twentieth century was marked by a number of evils - alcoholism, drug abuse and violence, to mention only a few - which had led to an increase in crime. Rapid industrialization and the alienation of individuals and groups had been generally recognized as being among the main causes of that situation. Moreover, as a result of the speed of communications, certain manifestations of crime (smuggling, drug trafficking, the theft of works of art, currency speculation) now went beyond national frontiers. Although crime assumed different forms in different countries, it should be possible to devise an integrated approach to the problem.

5. International co-operation in the field of the prevention of crime and the treatment of offenders had been a concern of the United Nations since 1946. The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders had been held in Geneva in 1955. Since that time, one of the major concerns of the United Nations had been to clarify the relationship between crime and socio-economic development. Moreover, in the field of the administration of justice, it had adopted a number of instruments (the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Standard Minimum Rules for the Treatment of Prisoners, etc.) the provisions of which were now included in the legislation of a large number of countries. The United Nations also played an important role in the provision of technical assistance and the elaboration of policies.

(Mrs. Papaefstathiou, Greece)

6. The reports before the Committee (A/32/199 and E/CN.5/536) showed that there was a real escalation of crime in the world, that the problem affected all countries, and that the traditional means used to combat it were proving inadequate. Thus, there was a need, clearly emphasized in draft resolution B in document A/32/163, to strengthen international co-operation in that field in order to devise joint solutions. In that connexion, she was gratified to note that the Committee on Crime Prevention and Control had been able to prepare a draft code of conduct aimed at preventing corruption, the abuse of force or authority, violence and brutality among law enforcement officials.

7. Although Greece was not seriously affected by the problem of crime, it nevertheless believed that it was essential to promote exchanges of information in that field, under the auspices of the United Nations. It was important to make a concerted attack on the root causes of crime, particularly since one of the main goals of the Second United Nations Development Decade was the improvement of the quality of life.

8. Mr. SMIRNOV (Union of Soviet Socialist Republics) reiterated his country's position of principle, which had already been stated in detail at the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on the role which the United Nations should play in that field: it should develop co-operation among Member States and strengthen the activities of organs concerned with crime prevention. In so doing, the United Nations should be guided by the provisions of the Charter, in particular the principle of non-interference in the internal affairs of States. The frequently adduced theory that urbanization and industrial development were the root causes of crime had no scientific foundation. The causes of crime lay in social and economic conditions and in the division of society into classes. Crime had different characteristics in different countries and the methods adopted to eradicate it therefore also varied from one country to another. The elaboration and application of those methods was the prerogative of States.

9. His delegation could not accept the thesis in the report of the Secretary-General (A/32/199) that as societies changed, expanded and developed, crime assumed new dimensions and new forms. That thesis led to erroneous conclusions regarding the inevitable nature of crime. Moreover, in view of the method adopted in the report, it was not possible to draw well-founded conclusions on which appropriate proposals could have been based. In paragraph 36, for example, the attempt made to view crime in a socio-economic context was too timid.

10. In the Soviet Union, the Great October Revolution had eliminated the fundamental causes of crime by abolishing the former class structure. Drug abuse, counterfeiting, and professional crime were unknown. As for gangsters, they were known to the Soviet people only through films and detective stories from the Western countries. The healthy atmosphere which prevailed in socialist society had contributed to the elimination of the anti-social phenomenon of crime. Crime control was based on the reinforcement of socialist law and order. The new Constitution emphasized that all State organs, all collective organizations and all

(Mr. Smirnov, USSR)

citizens were bound to respect the law. Moreover, the Soviet Union had launched a genuine social crime prevention programme as part of the national economic and social development effort.

11. His delegation agreed to the preamble to draft resolution B in document A/32/163, but it had certain comments to make regarding the operative part. For example, chapter I of the report of the Fifth Congress contained a series of recommendations which fell within the competence of the Committee on Crime Prevention and Control, the Commission for Social Development, the Commission on Narcotic Drugs and the Commission on Human Rights. It was therefore up to those organs to consider the recommendations and to submit them to the General Assembly. Accordingly, the provision that the Secretary-General should transmit to the Economic and Social Council and its functional commissions, as well as to all other United Nations organs and organizations concerned, those conclusions of the Fifth Congress that fell within their spheres of competence was sufficient. Moreover, the Commission for Social Development had barely considered the two draft resolutions in document A/32/163. He suggested that a small working group composed of interested delegations should be established to draft the final text, taking into account the proposed amendments (A/C.3/32/L.18 and A/C.3/32/L.20). The group could also consider the draft resolutions submitted by various delegations.

12. He observed that since the United Nations had begun to deal with the problem of crime prevention and control, on the basis of General Assembly resolution 415 (V), the composition of the Organization had changed substantially but its practices had changed very little. In particular, intergovernmental organizations did not participate in the preparation of congresses on crime prevention organized under the auspices of the United Nations. It was also surprising that the national liberation movements were not invited to participate in the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Referring to document A/CONF.87/INF.1, he observed that no decision had been taken regarding the date and venue of that Congress either by the General Assembly or by other United Nations organs. Moreover, the agenda had been established in advance, whereas that question still had to be considered. Lastly, the rules of procedure were very different from those of other similar meetings organized under United Nations auspices and it was no mere chance that the Fifth Congress had recommended the revision of the rules of procedure of the Congresses with a view to bringing them into line with the practice followed in the United Nations. Moreover, the members of the Committee on Crime Prevention and Control were appointed by the Economic and Social Council on the recommendation of the Secretary-General, whereas they should be elected on the principle of equitable geographical distribution. In view of those comments, his delegation supported draft resolution A/C.3/32/L.19.

13. The Soviet delegation was not opposed to the substance of draft resolution A/C.3/32/L.21, but felt that some amendments should be made to the text in order to

improve the wording. The fifth preambular paragraph, which had no direct bearing on the substance of the question, should be deleted. Paragraph 1, which was not sufficiently specific, could be worded as follows: "Recalls that, in accordance with General Assembly resolution 2857 (XXVI) and Economic and Social Council resolutions 1574 (L), 1745 (LIV) and 1930 (LVIII) the main objective ...". Operative paragraph 4 should be addressed to the Committee on Crime Prevention and Control rather than to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It could be worded as follows: "Proposes that the Committee on Crime Prevention and Control should discuss, ...". Lastly, it was too early, at the present stage, to establish the priority to be assigned to the question of capital punishment. He therefore suggested that, in operative paragraph 5, the words "with high priority" should be replaced by the words "with suitable priority". He was ready to take part in consultations to consider the draft resolution further, so that it could be adopted without a vote.

14. Mr. DAGRA (Niger) said that, as was rightly pointed out in the Secretary-General's report (A/32/199), as societies changed and developed, crime assumed new dimensions and new forms. It was therefore only natural that the international community should be increasingly concerned with means of controlling crime. Whatever forms it took, and wherever it appeared, crime reflected a crisis in society.

15. Each State had the right, as was stated in document A/32/199, to formulate and implement, in accordance with its own conditions and national requirements, the policies and measures necessary to prevent crime. Niger, being concerned about its development, had opted for a policy of both prevention and cure for the problem. The Government had set up a Re-education Centre for minors which gave them vocational training and taught them about national realities, in order to heal the scars of the cultural aggression committed against the developing countries. His Government's choice reflected its firm determination to eradicate from post-colonial society such problems as illiteracy, unemployment, exodus from rural areas, etc., which led to a decline in morals and encouraged wayward behaviour and anti-social acts.

16. Crime had now assumed world-wide dimensions because of the permeability of frontiers, which necessitated real international co-operation. His country would welcome any initiatives, particularly from the United Nations, whose role in that field was irreplaceable.

17. Mr. McGREGOR (Canada) said that consideration of the item on crime prevention and control involved discussion not only of the phenomenon of crime but of means to prevent crime, of law enforcement, of treatment of offenders and of judicial procedures. The forms and extent of criminal activity were particular to each society. Therefore variations in methods of crime prevention should be expected. Ever so, the goal should be justice and respect for the human rights of all.

18. Punishment alone had proved ineffective to eliminate crime. Its social origins must also be attacked. Crime was a symptom of society's problems, such as

(Mr. McGregor, Canada)

economic and social inequality. Despair over lack of opportunity could well be at the root of juvenile delinquency, in which case the solution would be to provide jobs and equal opportunities for all. A new international economic order would perhaps not be sufficient to ensure a crimeless society, but it was certainly an essential step towards that goal. It was essential to co-operate at the international level to defeat international crime, but it was also necessary to promote and preserve justice.

19. Every Government had an obligation to ensure that people held in detention were not subjected to cruel, inhuman or degrading treatment. However mistreatment, physical and psychological torture were permitted to occur as a deliberate policy of some Governments. When the question of torture was discussed in terms of principles, no one made any effort to defend it, but there were some who argued that the international community's concern about the practice of torture was an infringement of their national sovereignty. His delegation believed, to the contrary, that the international community had an obligation to be concerned about torture wherever it occurred, and to do everything possible to eliminate the practice. It therefore welcomed the three draft resolutions submitted to the Committee on the subject (A/C.3/32/L.13, L.14 and L.15). However it must be realized that those resolutions would not put an end to the practice of torture. It was essential that the international community remained vigilant and continued to consider more and better ways of discouraging the use of torture.

20. Mr. NTAKIBIRORA (Burundi) said that his Government shared the alarm of the international community at the rise in crime. Although Burundi was a very poor country, with problems of illiteracy, inadequate hygiene and widespread underemployment, crime was virtually non-existent in traditional society, where the social prop of parental authority remained firm. In the towns, however, crime was rife. His Government had taken strong measures to reduce the factors contributing to crime. For example, it had laid down strict regulations governing liquor sales, created community work camps for young people to restore contact with the traditional social environment and, in order to preserve ancestral values, it controlled cultural activities.

21. With regard to economic crimes, Burundi supported the recommendation made by the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in paragraph 8 of its report (A/CONF.56/10). Economic criminality would only be a minor problem if transnational corporations or powerful trading partners, which seemed immune from the law, were not also involved.

22. Since the newly independent and developing countries could not successfully attack the problem of crime, Burundi fully supported the proposal concerning the establishment of a United Nations institute for crime prevention and control to service countries of Africa south of the Sahara. The institute would provide an opportunity for useful exchanges of information and experience with developed countries. However, the lack of funds to help the regional institutes responsible for studying ways and means of reducing crime was disturbing. UNDP should give priority assistance to the Governments of African countries south of the Sahara in the event that the institute was established. In any case, his Government wished to make the best possible use of the scarce resources at its disposal.

(Mr. Ntakibirora, Burundi)

23. Co-operation with the Western countries would also be helpful for the elaboration of an international code of conduct for international trading partners, which would spare the developing countries much trouble and annoyance.

24. Among the measures enumerated in document E/CN.5/536, social control was the one best suited to the situation confronting Burundi. In the matter of the administration of justice, Burundi was guided by the general principles laid down in most of the international instruments adopted by the United Nations, including the Standard Minimum Rules for the Treatment of Prisoners. In the few cases of violation of those rules that had occurred, it had meted out severe punishment. Also his Government had just established a Department of Administration and Management of Prison Work, and held regular seminars for judges and prison governors.

25. His delegation welcomed the elaboration by the Committee on Crime Prevention and Control of the draft code of conduct for law enforcement officials, in accordance with General Assembly resolution 3453 (XXX). It was in favour of the draft resolution recommending the adoption of that code, which appeared in document E/CN.5/536, and of all the other draft resolutions and relevant amendments before the Committee.

26. He joined previous speakers in requesting that substantial assistance should be provided for the United Nations Trust Fund for Social Defence and for regional and interregional institutes for crime control.

27. The CHAIRMAN announced that Paraguay had joined the sponsors of draft resolution A/C.3/32/L.18.

28. Mr. YEPES ENRIQUEZ (Ecuador) expressed his appreciation of the report by the Secretary-General (A/32/199). The volume, importance and usefulness of the information collected had enabled a statistical survey to be made of the world crime situation which would serve as a basis of comparison for subsequent studies. Most important of all, the information would provide an opportunity for analysis of the underlying causes of crime so that they could be understood and remedied.

29. Ecuador endorsed the part of the report concerning Latin America, but felt that the conceptual framework could be improved and, in particular, that account should be taken of regional replies in order to improve the situation described. In that connexion, it would be very useful to convene a regional preparatory meeting in Latin America before the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders was held at Sydney in 1980. Ecuador therefore supported amendment A/C.3/32/L.18 to draft resolution B of the Economic and Social Council (A/32/163). It also wished to place on record its extreme satisfaction over the work of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders which, although only recently established, had held four specialized international meetings and provided technical assistance to various countries in the region.

30. Ecuador also supported amendment A/C.3/32/L.20 to draft resolution B of the

(Mr. Yepes Enríquez, Ecuador)

Economic and Social Council. It was, however, surprised that while mention was made of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, there was no reference to the source of that Declaration, which was the fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

31. Ecuador had participated regularly in United Nations activities designed to eliminate capital punishment, which Ecuador had abolished in 1906, since the practice was a denial of the fundamental right to life, of all persons without which the other fundamental rights which the international community claimed to uphold and apply had no meaning. Besides, it had been amply demonstrated that the death penalty had no deterrent value but, on the contrary, made the criminal far more dangerous. One could discourse indefinitely on the disadvantages and useless cruelty of the death penalty and point out, for example, that modern criminologists considered that crime should be dealt with not by punishment but by a system of rehabilitation and reintegration of the offender in society. He would merely remark that in paragraph 177 (e) of its report (A/CONF.56/10) the fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had advocated sanctions that were less aggressive in their application. All these considerations had led his delegation to join the sponsors of draft resolution A/C.3/32/L.21 which, it hoped, would receive wide support for basically humanitarian reasons.

32. Mrs. Mair (Jamaica) took the Chair.

33. Mr. CANTAVE (Haiti) said that criminality was currently reaching crisis proportions. Crime was becoming more frequent, more mobile and less easy to control, more scientific and less remediable, more subtle and less secret. Criminals were tougher, more sophisticated, better educated; violence characterized the most diverse types of crime. Given that multiplicity of aspects of crime, there could be no universal solution. Moreover, the problems of delinquency varied depending on the age of the individual and the environment. Regardless of the legal provisions designed to curb criminal activity, the rate of crime was increasing and, to make the problem more complex, everyone had within himself what might be called "the seed of crime": anyone could become a criminal, because of jealousy or ambition, for example. He felt, in addition, that a way must be found to put an end to games of chance, usury and prostitution, which were the pillars of organized crime, as also illicit traffic in drugs.

34. The question of criminality should be studied in depth from an objective viewpoint. The problem of identification - which was very important in the field of criminology because proceedings could not be instituted without sure knowledge of the identity of the accused - had been solved only at the end of the past century, thanks to the stubborn efforts of Alphonse Bertillon and Galton; similarly, it would take years of patient effort to reach the point where a method of crime prevention could be recommended in certain countries.

35. To achieve success in that field, it would be necessary to solve the major social problems with the co-operation of the entire community. To that end,

(Mr. Cantave, Haiti)

rehabilitation centres to which first offenders would be sent must be established. If they did not subsequently correct their ways, the courts would apply the provisions of the law of the country and, while respecting the fundamental principles of the Universal Declaration of Human Rights and of criminal justice, could impose severe penalties on recidivists who constituted a danger to society. The purpose of rehabilitation measures applied by the judicial authorities should be to prevent young people from going astray and becoming delinquent. Therefore, civic and moral education programmes in the schools should be expanded. Preventative educational measures should be preferred to punitive ones. To strengthen material security, raise the cultural level and identify those in need of help so as to educate them and give them a sense of their human dignity should constitute a programme that could command the enthusiastic support of all who sought a better world.

36. His delegation welcomed the report of the Committee on Crime Prevention and Control (A/32/199) and whole-heartedly endorsed the ideas set forth in draft resolution B contained in document A/32/163, which it hoped would receive the support of all Members so that the Secretary-General would be able to take the desired measures to prepare the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

37. Mr. FAURIS (France) praised the quality of the documents before the Committee, for they reflected at the international level concerns which were also felt in France at the national level: first and foremost, the need for scientific exactitude, making possible a better knowledge of the realities of crime, with a view to the adoption of appropriate policies. France sought an objective approach to criminality which would make it possible, for example, to determine trends, to define types and categories, to establish the cost of criminality and to make studies on aggravating factors. He wished to stress the value of international exchanges of technical knowledge and experience and he noted the unique role which the United Nations could play in that connexion.

38. Secondly, the international community's interest in ways and means of crime prevention was shared by the French Government, which was seeking a better system of social prevention of the phenomena of violence and delinquency. He observed in that connexion that the whole organization of society should be preventive, including the family, the school, employment, public services or legal rules. In order to avoid excessive compartmentalization and inadequate co-ordination in the matter of crime prevention, it would be necessary to recognize the mutual interdependence of the various administrations which were engaged in social action, including those in the fields of employment, justice, police, health, social affairs, youth and sports, education, culture, environment and public services and guide their activities in the light of an analysis of social reality, at both the national and local levels. Thus it was planned to establish in France a national committee for the general prevention of criminality - including representatives of the parliamentary assemblies, local communities, professions, trade unions and representative associations, as well as central administrations - which would be entrusted with studying and proposing measures to be taken to ensure the better management, in the short term, of the protection of the national community and, in the longer term, to reduce the factors which promoted the emergence and development of delinquency. At the local level, it was intended to establish decentralized

(Mr. Fauris, France)

bodies entrusted with preventing the phenomena of violence, studying their manifestations and proposing remedies in the light of local conditions. Finally, it was planned to broaden the role of the judicial institutions, notably the tribunaux d'instance (cantonal courts), which were closest to the persons concerned. To them would be entrusted, in addition to their jurisdictional functions, a broader task of conciliation or even arbitration, of a non-binding character, to which citizens could freely have recourse.

39. With reference to the report of the Committee on Crime Prevention and Control on its fourth session (E/CN.5/536), France would participate in the work of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (chap. IV). It had no objection in principle to the code of conduct for law enforcement officials (chap. V), all of the provisions of which were already embodied in France's internal laws and regulations. With regard to the problem of safeguarding human rights in the administration of justice (chap. VI), he said that French legislation was entirely in conformity with the international texts on the matter. In that connexion, he observed that France attached the greatest importance to the Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

40. His delegation could not at that stage express an opinion on draft resolution A/C.3/32/L.19, which dealt with a very technical matter and called for a thorough examination. In any case, General Assembly resolution 415 (V) should continue to be the basic text.

41. Mrs. PIZZANELLI (Uruguay) said that her country attached the greatest importance to the question under consideration, for rampant criminality threatened social stability, progress and economic development. In Uruguay delinquency was now declining and was confined primarily to adult males.

42. In the study of crime prevention, factors such as economic planning and social planning, including urbanization, were of particular importance, for increasing crime was linked to industrialization and urbanization, as well as to mass migration from rural areas towards industrialized urban centres. There was no universal solution to that problem. However, crime in its most dangerous forms knew no frontiers, and international co-operation was therefore imperative.

43. She drew attention to the successful work of the United Nations Institute for the Prevention of Crime and the Treatment of Offenders in Latin America established in 1975 in conformity with resolutions 731 F (XXVIII) and 1548 (L) of the Economic and Social Council, which gave effect to a long-cherished aspiration of the countries of the region to set up a common fund of data derived from experience. That Institute organized training programmes for planners, administrators, specialized technical personnel and persons responsible for formulating policies for the prevention of crime and the treatment of offenders, including theoretical and practical studies and courses, seminars and symposia, on such subjects as the planning of social defence in the context of national development, human rights in the administration of justice, penal practices and training of personnel. It promoted exchanges of techniques, knowledge and experience and had initiated

(Mrs. Pizzanelli, Uruguay)

systematic, multidisciplinary and specific surveys on the trends of criminality in the region and related factors. It encouraged Governments to adopt and apply the norms, guidelines and methods recommended by the United Nations, contributed to the establishment, adaptation and implementation of crime prevention and criminal justice policies and programmes in the region, in accordance with an international plan of action and other United Nations recommendations and, lastly, extended technical assistance to Governments.

44. Uruguay, which attached particular importance to all efforts to abolish the death penalty in order to guarantee fully the right to life proclaimed in article 3 in the Universal Declaration of Human Rights, would vote in favour of draft resolution A/C.3/32/L.21. The provisions of paragraph 4 in particular, requesting the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to discuss, under the appropriate item on its agenda, the various aspects of the use of capital punishment and the possible restriction thereof, including a more generous application of rules relating to pardon, commutation or reprieve, and to report thereon, with recommendations, to the General Assembly at its thirty-fifth session, were very useful. Uruguay had abolished the death penalty 70 years earlier and the prohibition against that penalty had been included in all the constitutional texts adopted since then (article 26 of the present Constitution) in order to protect the right to life which was the precondition for the enjoyment of all other fundamental rights.

45. Uruguay would likewise support the draft resolutions submitted by the Economic and Social Council (A/32/163). It was one of the sponsors of draft resolution A/C.3/32/L.19 and the amendment in document A/C.3/32/L.18 to draft resolution B (A/32/163) which stressed the importance of regional meetings of experts and representatives of Governments that facilitated preliminary exchanges of information and experience and the co-ordination of preparations for the Sixth Congress.

46. Mr. SCHWEITZER (Chile) said that the United Nations had been deeply concerned about the problem of crime for many years. The Secretary-General's report on that question (A/32/199), and the observations in the report of the Committee on Crime Prevention and Control (E/CN.5/536) containing measures aimed at preventing crime rather than punishing criminals and at elaborating minimum rules for the treatment of prisoners to protect them against abuses, painted a very clear picture of the question under consideration. The need to devote a great deal of attention to crime prevention measures, which by their very nature also applied to the treatment of offenders, had long been recognized.

47. The Secretary-General's report reviewed the difficulties encountered in undertaking a serious and scientific study of the causes of crime (A/32/199, paras. 13 and 14). It was indispensable, however, to collect data which faithfully reflected the extent of crime, particularly in the case of juvenile delinquency. Chile for its part had since 1928 accorded special treatment to minors and had even felt it advisable to replace the expression "juvenile delinquency" by the expression "minors in an irregular situation". Offences committed by minors frequently were omitted from crime statistics, with the result that the number of juvenile delinquents might appear to be less than it actually was. Furthermore, the Secretary-General's report stressed a number of contemporary phenomena linked to criminality - drug abuse, political crime and terrorism, transnational crime of a fraudulent kind such as tax evasion - for which realistic solutions must be found.

(Mr. Schweitzer, Chile)

48. It would be utopian to think that criminality could be totally eliminated once and for all. It was possible, on the other hand, to remedy an actual situation by adopting measures placing more emphasis on the preventative than on the remedial or punitive aspect, such as those which were outlined in paragraph 50 of the Secretary-General's report. In that context it was clear that economic and social factors were not the only ones that had to be considered. Criminologists themselves agreed that many other factors were involved in criminality. Furthermore, the criminal codes of different countries must be revised by eliminating infractions which were not serious enough to be regarded as criminal offences and by adopting less punitive categories of sanctions. In that connexion, the Chilean Institute of Criminal Sciences had organized in 1973 a meeting of professors of criminal law from the countries of Latin America with a view to the preparation of a common criminal code for the countries of the region, which would provide a standard for undertaking that type of reform in the national legislations of the various countries. It had been deemed useful to consider penalties other than the traditional ones, such as house arrest, obligatory week-end community work and measures of an economic nature which appeared to be the most effective in the majority of cases. Apart from questions of substance, procedural provisions must also be revised so as to guarantee the swift administration of justice and to ensure the maximum number of guarantees and remedies for persons convicted. Chile for its part was working in that direction and a project establishing modalities of that kind was currently under consideration.

49. At the international level, he felt that efforts should be focused on specific points so as to maximize the benefit of international exchanges, and in that connexion he drew the Committee's attention to paragraph 107 of the Secretary-General's report (A/32/199).

50. Finally, Chile whole-heartedly endorsed the general conclusions drawn by the Secretary-General in paragraph 7 of his report and supported the draft resolutions submitted on that question, although it had reservations regarding certain legal and scientific aspects of those drafts.

51. Mrs. SATO (Japan) said that the United Nations had an important role to play in the field of criminality, which was a matter of serious concern to many countries, by setting international standards and targets, by facilitating the exchange of information and experience and by elaborating international training and research programmes. In that connexion, the report of the Committee on Crime Prevention and Control (E/CN.5/536) and the report of the Secretary-General on Crime Prevention and Control (A/32/199) constituted a very useful contribution and it was to be hoped that they would be kept up to date on a continuing basis.

52. A great deal of attention had recently been given to the relationship between urbanization, industrialization and socio-economic development on the one hand and the crime rate on the other. The fact was that in certain cases social change had been accompanied by an increase in crime and in others by a decrease. The problem should be studied further through an exchange of information at the international level.

(Mrs. Sato, Japan)

53. The promotion of international programmes was an important aspect of international co-operation in the field of crime prevention. In that connexion, the role being played by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, established in Tokyo in 1961 under the joint operation of the United Nations and the Government of Japan, should be mentioned. That Institute disseminated information, provided training and engaged in research on crime prevention and the treatment of offenders. It organized annual training courses lasting from one to three months in which officials or experts from the countries of Asia and the Pacific participated. The Japanese Government would continue its efforts to make the Institute a success and looked forward to the continued co-operation of the countries of the region to that end.

54. The draft resolution entitled "Crime prevention and control" (A/C.3/32/L.19) seemed to have important implications and should be given careful consideration. As to draft resolution A/C.3/32/L.21, Japan shared the view that the number of offences for which the death penalty might be imposed should be restricted, so that it would be inflicted only in extreme cases. However, it had reservations regarding the phrase "with a view to the desirability of abolishing this punishment" at the end of paragraph 1. In some cases the death penalty was necessary for the application of justice. Accordingly, her delegation would abstain on the draft resolution if it was put to a vote.

55. Mr. LAMB (Australia) said that his delegation joined many others in hoping that the work of the Sixth Congress on the Prevention of Crime and the Treatment of Offenders to be held in Sydney would be successful and was prepared to co-operate with all Member States to that end. Furthermore, it wished to reiterate the hope it had expressed in the Fifth Committee in 1976 that the provisions taken to transfer the staff of the Centre for Social Development and Humanitarian Affairs from New York and Geneva to Vienna in 1978-1979 would not interfere with the preparations for the Sixth Congress.

56. The CHAIRMAN drew attention to document A/C.3/32/L.24 containing the administrative and financial implications of the amendment in document A/C.3/32/L.18 to draft resolution B in document A/32/163, and announced that the Upper Volta had joined the sponsors of draft resolution A/C.3/32/L.19.

AGENDA ITEM 80: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/32/138; A/C.3/32/L.13, L.14, L.15 and L.23)

57. The CHAIRMAN announced that the Upper Volta had joined the sponsors of draft resolution A/C.3/32/L.13.

58. Mrs. MEATCHI (Togo) speaking on behalf of the African Group and Cuba, Hungary, India, Italy, Jamaica, Jordan, Kuwait, Mexico, Norway, Pakistan, the Philippines, the Socialist Republic of Viet Nam, Sweden, the Syrian Arab Republic, Democratic Yemen and Yugoslavia, introduced draft resolution A/C.3/32/L.23 denouncing the persistent use of torture and other cruel, inhuman or degrading treatment or

(Mrs. Meatchi, Togo)

punishment by the minority racist régime of South Africa, which had been repeatedly condemned by the General Assembly, the Security Council and other United Nations bodies. The recent death of Stephen Biko, the violent causes of which had been established by medical experts, was another example of the repugnant methods used by the Vorster régime to perpetuate its racist domination in South Africa. The international community accordingly had the duty strongly to condemn that murder and to insist that the racist minority régime of South Africa should put an immediate end to the disgraceful practice of subjecting political prisoners and other opponents of apartheid to torture and other cruel, inhuman and degrading treatment or punishment. The martyrdom of Stephen Biko and all the other victims of the South African régime who had fought to defend the ideals of freedom, peace and human solidarity, would continue to enrich the faith of the oppressed peoples of southern Africa and the entire world in their struggle for justice, equality and human dignity. The sponsors earnestly hoped that draft resolution A/C.3/32/L.23 would be adopted without a vote.

The meeting rose at 1.10 p.m.