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SUMMARY RECORD OF THE 25th MEETING

Chairman: Mr. SOMAVIA (Chile)

CONTENTS

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

AGENDA ITEM 90: WORLD SOCIAL SITUATION (continued)

AGENDA ITEM 92: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND THE UNITED NATIONS DECADE OF DISABLED PERSONS (continued)

AGENDA ITEM 96: POLICIES AND PROGRAMMES INVOLVING YOUTH (continued)

AGENDA ITEM 99: QUESTION OF AGING (continued)

AGENDA ITEM 104: INTERNATIONAL YEAR OF THE FAMILY (continued)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/45/523, A/45/590, A/45/640; E/CN.4/1990/9/Rev.1)

AGENDA ITEM 95: NEW INTERNATIONAL HUMANITARIAN ORDER (continued) (A/45/524, A/45/587)

AGENDA ITEM 100: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/45/3, Chap. V, Sect. C; A/CONF.144/28; A/45/203, A/45/205, A/45/207, A/45/216, A/45/222, A/45/225, A/45/254, A/45/264, A/45/265, A/45/266, A/45/267, A/45/269, A/45/270, A/45/272, A/45/275, A/45/280, A/45/324, A/45/338, A/45/381, A/45/629)

1. Mrs. EJIRI (Japan) said that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had adopted a number of important texts, particularly the draft resolution entitled "Review of the functioning and programme of work of the United Nations in crime prevention and criminal justice", recommended for adoption by the General Assembly. The United Nations had an extremely important role to play in providing an effective global response to world-wide criminal activity, including illegal trafficking in narcotic drugs, international terrorism and organized crime. Accordingly, the Organization should restructure its activities in that regard, and review its financial management in order to become more actively involved in crime prevention. Her Government was determined to make as great a contribution as possible in that area, and was prepared to host a meeting of the intergovernmental working group referred to in the draft resolution in question.
2. The procedure followed by the Congress was unique and painstaking, since most of the texts to be adopted were first considered at preparatory meetings of experts. That was very important because the rules and standards to be adopted by the United Nations in that field could have a great impact on all countries. It was hoped that the Congress would continue to make best use of that process.
3. She stressed the need to ensure the effective global implementation of the United Nations rules and standards in the field of crime prevention and criminal justice. The Organization should therefore, within the limits of available resources, make it a priority to review and harmonize existing rules and standards in preparing new ones.
4. Mr. STEIN (United States of America) said that the basic right of the individual to own property and develop it to its full economic potential was an essential human right and a fundamental freedom. Democracy itself was based on the principle of the moral integrity of the individual and the belief that society should be regulated by individual choice and decision-making. Respect for that principle permitted individuals to exercise authority over their economic activities. The right to own property, especially economically productive property, emancipated the individual from the State, making government an obedient servant of the people. Civil liberties such as freedom of speech, worship and

(Mr. Stein, United States)

assembly flourished in a society that respected property rights. Respect for the right to own property was thus essential for the development of legal, economic, social and cultural institutions in which persons participated freely and without discrimination and where other fundamental rights and freedoms were protected.

5. Much of government's role in a democratic society arose from the need to regulate competing claims to property among individuals and groups. Governments should promote the creation of assets and the acquisition of property by individuals to produce a social climate of hope and opportunity in which ambitious persons engaged in constructive pursuits to the benefit of all of society.

6. The right to own property, if fully protected, benefited the international community as well. Individuals would trade and invest abroad when they were sure that Governments of other countries would not expropriate their assets without just compensation, and would respect their right to make private economic decisions. The future of the developing countries depended on full respect for property rights throughout the world, in every Member State and across all international boundaries.

7. The international community should give greater consideration to the right to own property in the context of ongoing human rights endeavours. Article 17 of the Universal Declaration of Human Rights set forth two norms of broad significance in that regard. His delegation hoped that the Commission on Human Rights would consider the means whereby and the degree to which respect for the right to own property alone, as well as that right in association with others, contributed to the development of individual freedom and initiative, and enhanced the exercise of other human rights and fundamental freedoms.

8. Ms. ILIC (Yugoslavia) said that the Declaration on the Right to Development recognized that development policy should make the human being the main participant in and beneficiary of development, and at the same time laid the basis for integrating human rights into the planning and execution of development projects. One could not speak of human rights while ignoring the fact that parts of the world were plagued by such serious problems as the debt crisis, monetary instability, unemployment and growing poverty. Participation in management and the political decision-making process were also essential elements in the realization of the right to development.

9. The results of the Global Consultation on the Right to Development as a Human Right should promote better understanding of the interdependence of development and human rights, and stimulate activities carried out by the United Nations, States, development and financial organizations, non-governmental organizations and individuals. Her country supported all the conclusions and recommendations of the Global Consultation. It believed that the Commission on Human Rights, in considering the right to development, had entered a phase in which the question of implementation was of central importance. In that connection, she stressed the need for co-ordinated action and the establishment of an evaluation mechanism to ensure the promotion of the right to development.

(Ms. Ilic, Yugoslavia)

10. Her delegation particularly wished to emphasize the relevance of the conclusions of the Global Consultation concerning the criteria for measuring progress in the realization of the right to development. It supported the grouping of those criteria under the headings suggested. Yugoslavia also supported the recommendations for action at the national, regional and international levels. The Centre for Human Rights should play a co-ordinating role in implementing the Declaration and should be empowered to appoint full-time specialists entrusted with tasks in that field.

11. Yugoslavia particularly endorsed the recommendation that the Secretary-General should appoint a high-level committee of independent experts to report annually to the General Assembly on progress made in the implementation of the Declaration. That committee should base its findings on the information provided by Governments, intergovernmental bodies, non-governmental organizations and research institutes. The time had come to establish a mechanism for monitoring the implementation of the Declaration and thus make progress towards the realization of the right to development. The implementation of that right should be considered further by the Commission on Human Rights and other relevant United Nations agencies in a co-ordinated manner.

12. Mr. CUI Jingrui (China) said that the consideration of the right to development by the international community had enriched the concept of human rights. It reflected new understandings and demands in the light of new historical conditions, as well as the desire of the international community to strengthen international co-operation. The realization of the right to development would enable people fully to enjoy other human rights. He welcomed the progress made in promoting the implementation of the Declaration on the Right to Development, which was the focus of considerable research and increasing attention on the part of States and the relevant United Nations agencies. The Global Consultation held earlier in 1990 had further clarified the concept of the right to development and had resulted in the elaboration of policies to enhance the enjoyment of that right. Prompt action should be taken to mobilize resources in various fields to that end.

13. The right to development, while an individual human right, was also a collective human right, and all Governments should prepare practical development strategies and related policies reflecting their own situations, in order to promote social and economic development and ensure the enjoyment by their peoples of their civil, political, social, economic and cultural rights. That required the creation of a sound international environment free from racism, colonialism, hegemonism, foreign aggression and violations of the right to self-determination, in which international peace and security could prevail. In the economic sphere, all countries, in particular the developed countries, must adopt effective policies and measures to redress the imbalances in the world economic structure and improve the international economic environment. It was also necessary to tap the full potential of the people of all countries so that they could participate in the development process and share equitably in the fruits of progress. All those aspects of the right to development were crucial to its full realization.

(Mr. Cui Jingrui, China)

14. Concerted efforts by all States Members of the United Nations, government agencies, specialized agencies and other parties concerned were needed in order to ensure prompt and effective implementation of the principles contained in the Declaration on the Right to Development. His delegation hoped that more countries would reply to the request by the Secretary-General for their views and comments, and that the specialized agencies would take further initiatives with respect to research on and the implementation of the right to development. His country had always attached importance to that right and had actively participated in various activities to promote it.

15. Turning to the question of crime prevention, he observed that in recent years traditional crime and new types of crime, particularly organized crime and transboundary crime, had increased unabated, posing a serious threat to the entire international community. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had provided an opportunity to strengthen international co-operation in the field of crime prevention. The positive results of the Congress indicated the strong resolve of the international community to combat crime, strengthen criminal justice systems and co-ordinate efforts on those issues. He welcomed the success of the Congress and expressed his delegation's gratitude to the Cuban Government for hosting it.

16. His Government endorsed the elaboration of effective programmes for the control of international crime and the promotion of criminal justice. The United Nations should give priority in that regard to technical assistance to developing countries. It was necessary to elaborate international instruments, standards and rules to prevent crime, and his delegation would support the continuing efforts of the United Nations to that end. Greater attention also should be paid to the implementation of existing instruments, standards and rules and, in the process of elaborating new ones, full account should be taken of the different legal systems, economic and social situations, and historical and cultural backgrounds of nations.

17. Mr. SLABY (Czechoslovakia), welcoming the success of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, observed that broad support had been expressed for an effective international mechanism to combat crime, in particular, its transboundary forms. The model treaties elaborated provided a basis for strengthening legal co-operation in that field, particularly with respect to extradition and mutual assistance. There was now a greater awareness that criminality was a problem that affected society as a whole, and that greater co-operation in the field of development was needed. The importance of education and training as basic tools for crime prevention also was more fully understood.

18. Participants had recognized the need for much broader international co-operation to develop a United Nations crime prevention programme in order to diminish the threat of spiralling criminality, particularly since an increase in crime might reflect the increased openness and internationalization of modern societies. The Congress also had confirmed the serious negative quantitative and qualitative impact of crime on society, in terms of the very high economic and psychological price it exacted.

(Mr. Slaby, Czechoslovakia)

19. The main strategy for combating crime required the creation and application of a comprehensive system of preventive measures in the social sphere, patterned after the recommendations contained in the Milan Plan of Action adopted at the Seventh Congress. The preparation of registers of convicts covering all forms of organized crime was one useful measure. Highlighting the importance of preventing juvenile delinquency, he observed that even before the adoption of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, his country had been focusing on the need to combat crime as a specific social phenomenon and had been building a special system of juvenile criminal justice. It had therefore fully supported the Congress resolutions on the prevention of juvenile delinquency, domestic violence and the use of children for criminal activities.

20. In the context of democratic transformations under way in his country, fundamental changes were envisaged in the legal system. Discussions on a new constitution and criminal code were focusing on crime prevention as well as suppression, and due attention was being paid to the importance of ensuring a humane criminal justice system through the practical application of the principles of democracy and the unrestricted exercise of human rights. Attention also was being paid to the treatment of suspects and sentenced offenders, safeguards to ensure that courts were impartial and just, and various matters pertaining to the status of judges and prosecutors. Pursuant to the United Nations Standard Minimum Rules for Non-custodial Measures, his country was considering alternatives to custodial sentences, recognizing that such alternatives could prove more effective instruments of correction and better serve the interests of delinquents and of society.

21. His country's recodification efforts also would be guided by principles adopted at the Congress with respect to the use of force and firearms by law enforcement officials, the role of lawyers and State prosecutors, the protection of the human rights of victims of crime, and the misuse of power. The only Congress resolution at variance with his country's current or contemplated legal provisions was the resolution on the role of prosecutors, particularly the guidelines in paragraph 2 of the annex, prohibiting restrictions in the selection of prosecutors based, inter alia, on the political opinion of a candidate, and paragraph 8, providing for the freedom of expression, belief, association and assembly of prosecutors.

22. His delegation had co-sponsored a draft resolution on capital punishment at the Congress which called upon Member States to consider a moratorium of at least three years on the imposition or carrying out of the death penalty. Consideration of that draft resolution at the current session would contribute to progress on that issue. His country had abolished capital punishment in 1990, replacing it with an exceptional custodial sentence of 15 to 25 years, and the life sentence.

23. The question of the codification of international criminal law and the establishment of an international court of criminal justice or a similar body to prosecute international terrorist activities merited further consideration.

24. Miss JUNEJO (Pakistan) said the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had constituted a landmark in the area of crime prevention and criminal justice. Crime was not an isolated phenomenon; a criminal was a product of the society in which he lived. Effective policies for crime prevention and criminal justice must therefore form part of overall economic and social planning. There was a need for visible change in the socio-economic framework, and for serious attention to be paid to the socio-economic inequities which caused or contributed to most crimes. Developing countries should be assisted through the provision of training and of modern equipment for use in combating crime. In the formulation of standards for criminal justice, the special requirements of the developing countries should be kept in mind.

25. In the highly interdependent world of today, international co-operation in dealing with economic offences, including smuggling, embezzlement, unfair business practices, fraud, tax evasion and the circumvention of national policies, was of the utmost importance. Transnational criminal organizations, including those engaged in illicit drug trafficking, threatened to keep basic social institutions from functioning normally, and a concerted effort was needed in setting up mechanisms for the exchange of information, research findings and experience among States Members of the United Nations. Vigilance was also required to keep organized crime from infiltrating legitimate businesses. Her delegation welcomed the conclusions and recommendations of the Eighth Congress on the Prevention of Crime and the Treatment of Offenders, and hoped that its recommendations would be adopted by the General Assembly and implemented before the next Congress was held.

26. Since in the developing countries the achievement of development was a prerequisite for the enjoyment of civil and political rights, denial of the right of development implied denial of a whole range of fundamental rights. Each year poverty and underdevelopment deprived millions of people, many of them small children, of their right to life. UNICEF figures showed that over 14 million children below the age of five died each year in the developing countries, while others fell victim to malnutrition or disease later in life. The time had come for the General Assembly to request the Commission on Human Rights to address such violations of the right to life and well-being of the population of the developing countries. Experience showed that the right to life could be exercised better in an atmosphere of social and economic development. Her delegation was of the view that the greatest obstacle to the right to development was the inequitable international economic system, in which developing countries were burdened with the problems of growing indebtedness, adverse terms of trade, an unfair international monetary system, the denial of technology, growing protectionism, and the net transfer of resources to developed countries. For those reasons, her delegation supported the recommendations contained in the international development strategy for the fourth United Nations development decade, whose implementation would be facilitated by the creation of an economic and political environment conducive to the realization of the right to development. It also commended the work done by the Group of Governmental Experts on the Right to Development, and supported its recommendations.

AGENDA ITEM 90: WORLD SOCIAL SITUATION (continued) (A/C.3/45/L.16)

27. Mr. OSNATCH (Ukrainian Soviet Socialist Republic) introduced draft resolution A/C.3/45/L.16 on behalf of the sponsors. The draft resolution was designed to reinforce the idea of social justice as an independent concept and one of the most important objectives of social development. Paragraph 5 called upon Member States, in elaborating policies in the field of social development and the social situation of all population groups, to take into consideration the importance of achieving social justice for all. That paragraph had been drafted in such a way as to reflect the provisions of the corresponding Economic and Social Council resolution adopted in 1990. The sponsors hoped that the draft resolution would be adopted by consensus.

28. Mrs. ASHTON (Bolivia), introducing draft resolution A/C.3/45/L.18 on behalf of the Group of 77, said that the text reflected the concern of those Member States about the worsening economic situation in many developing countries, particularly the least developed countries. She drew particular attention to the third and sixth preambular paragraphs and to operative paragraphs 3, 5, 6, 7, 10 and 12.

29. The sponsors hoped that the text would be adopted by consensus, for that would send an important message to the international community that close co-operation was essential in order to improve the world social situation, particularly in the developing countries.

AGENDA ITEM 92: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND THE UNITED NATIONS DECADE OF DISABLED PERSONS (continued) (A/C.3/45/L.17)

30. Mr. ORDÓÑEZ (Philippines), speaking on behalf of the sponsors of draft resolution A/C.3/45/L.17, which had been joined by Chile and France, said that the draft resolution called for more action-oriented programmes that would elicit a sustained political commitment by Member States to the implementation of the World Programme of Action concerning Disabled Persons to the year 2000 and beyond, and reflected the belief of the sponsors that such activities should benefit disabled persons more directly. He pointed out a typographical error in the English version of paragraph 5: the fourth line should read "... will ensure ...". He drew particular attention to paragraphs 1, 8 and 11, and urged the Committee do adopt the draft resolution by consensus.

AGENDA ITEM 96: POLICIES AND PROGRAMMES INVOLVING YOUTH (continued) (A/C.3/45/L.13)

31. Mr. KRENKEL (Austria), introducing draft resolution A/C.3/45/L.13 on behalf of its sponsors, said that the text reflected a number of suggestions made by other members of the Committee, and was a well-balanced, action-oriented text. He drew the Committee's attention to paragraphs 2, 4, 7, 10 and 12, and urged the Committee to adopt the draft resolution by consensus.

AGENDA ITEM 99: QUESTION OF AGING (continued) (A/C.3/45/L.12)

32. Mrs. ALVAREZ (Dominican Republic) introducing draft resolution A/C.3/45/L.12 on behalf of its sponsors, expressed the hope that it would be adopted by consensus, so that the universal problems relating to the aging world population could be tackled in a responsible and forward-looking way.

33. In the third preambular paragraph, the words "theme for the international development strategy for the fourth United Nations development decade" should be deleted, and the word "and" after "decade" should be replaced by "in". In the sixth preambular paragraph, the phrase "including the transfer of know-how and financial support" should be deleted. In paragraph 3, the words "the bodies, organs and organizations of the United Nations system" should be added after the words "Urges Member States". In the last line of that paragraph, the word "regional" should be inserted after "national". In paragraph 6, the words "consideration be given" were to be replaced by the words "the Commission for Social Development give consideration". Also in that paragraph, the words "and 1992" were to be deleted. In paragraph 7, the word "the" was to be inserted before "recent". The words "of its 1992 agenda" in paragraph 11 were to be deleted. Paragraph 14 was to be deleted, and the subsequent paragraphs renumbered. In the first line of former paragraph 18, now paragraph 17, the word "increase" was to be replaced by the words "consider increasing".

34. The Spanish translation of the draft resolution left much to be desired. For example, the words "reuniones periódicas" appeared in the Spanish text of paragraph 7, whereas in the original English text no corresponding adjective had been used. In paragraph 13, the Spanish for "Centre for Social Development and Humanitarian Affairs" was incorrect, and the words "continue to strengthen this collaboration" had been translated in such a way as to change the meaning of the original. The translation of paragraph 11 had also totally changed the intended meaning of the text.

AGENDA ITEM 104: INTERNATIONAL YEAR OF THE FAMILY (continued) (A/C.3/45/L.14)

35. Mr. ZAWACKI (Poland), introducing draft resolution A/C.3/45/L.14 on behalf of the sponsors, said that they had been joined by Austria, Bolivia, Chile, Guatemala and the Ukrainian Soviet Socialist Republic.

36. In recognition of the fact that the family was one of the oldest institutions of humankind, the General Assembly had proclaimed 1994 as the International Year of the Family, and had requested the Secretary-General to prepare a draft programme for the preparation for and observance of the Year, the main purposes of which were to increase awareness of family issues among Governments, policy makers and the general public, highlight the importance of the family, contribute to a better understanding of its functions, and strengthen national institutions dealing with family matters. The role of the family in promoting progress and development would also be emphasized. Most of the activities conducted to observe the Year would be concentrated at the local and the national levels, and the United Nations would play a support role. Adequate preparation was essential to the success of the

(Mr. Zawacki, Poland)

Year, a fact reflected in the draft resolution under consideration, which welcomed the designation by the Secretary-General of a co-ordinator and the establishment of an organizational secretariat. He expressed the hope that the draft resolution would be adopted by consensus.

37. The CHAIRMAN invited the Committee to turn its attention to draft resolution A/C.3/45/L.15.

38. Mr. ZAWACKI (Poland), introducing draft resolution A/C.3/45/L.15 on behalf of the sponsors, said that they had been joined by the Libyan Arab Jamahiriya.

39. Although the use of alcohol had economic and social implications, negatively affecting personal health, employment, family relationships, social intercourse, the status of women, the welfare of children and youth, the quality of life and economic development, and was also responsible for various forms of violence, it had rarely been considered within the United Nations. In 1989, however, the Economic and Social Council had adopted resolution 1989/49, in which the Secretary-General had been requested to carry out a study on the negative consequences of alcohol use. Note had also been taken of the offer by the Government of Norway to convene an expert meeting on the subject, which had been held from 27 to 29 August 1990 and had formulated the conclusions and recommendations contained in the annex to document A/C.3/45/3.

40. The sponsors hoped that the question of alcohol use would be incorporated in the preparations for the International Year of the Family, and that draft resolution A/C.3/45/L.15 would be adopted by consensus. They wished to point out that the word "urgent" in the third preambular paragraph should be replaced by the word "sustained".

The meeting rose at 4.50 p.m.