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SUMMARY RECORD OF THE 18th MEETING

Chairman: Ms. AL-HAMAMI (Yemen)
(Vice-Chairman)

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In the absence of Mr. Kukan (Slovakia), Ms. Al-Hamami (Yemen), Vice-Chairman, took the Chair.

The meeting was called to order at 10.20 a.m.

AGENDA ITEM 109: SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/48/3, chap. VII.D; A/48/24, A/48/56-E/1993/6, A/48/207, A/48/289, A/48/291, A/48/293, A/48/359, A/48/462, A/48/476, A/48/484; E/1993/50/Rev.1; A/C.3/48/L.2, L.3, L.4)

1. Mr. HAMZAH (Singapore) stated that a country's social progress was a measure of the extent to which human rights were respected. There was increasing agreement that social progress and quality of life were closely linked to the exercise of fundamental human rights. The latter encompassed such diverse spheres as social security, working conditions, family life, disadvantaged groups, basic health care, housing and education. It was the responsibility of States to ensure to their citizens an environment conducive to the exercise of those rights. At the World Conference on Human Rights in Vienna, the right to development had been reaffirmed as an inalienable and universal right. Nevertheless, as the Under-Secretary-General for Economic and Social Development had indicated in his preface to the Report on the World Social Situation 1993 (E/1993/50), the economic crisis had prompted Governments to reduce social spending. At the same time, poverty, unemployment and the ageing of populations had highlighted the importance of social welfare policies.

2. Singapore had succeeded, through favourable social policies, in ensuring social justice and stability, which had in turn promoted economic growth. That experience nevertheless showed that such conditions were not attainable without an effective, efficient and honest Government that could ensure security, improved standard of living and social progress.

3. Owing to its unique historical circumstances and to its preoccupation with Asian values, Singapore had needed to fashion an approach of its own. Its policies were not based in welfarism, which in its view blunted the incentive to self-reliance and personal initiative. Its social welfare programmes gave assistance only to those truly in need. The Government of Singapore believed that its role was to guarantee to all citizens employment, housing, basic health care and education. Such were the preconditions for the enjoyment of basic human rights.

4. He drew attention to the text of his speech, which had been distributed to the members of the Third Committee, and which described in detail Singapore's national programmes in the spheres of education, health, housing, social security, family and social welfare. As the Foreign Minister of his country had remarked during the World Conference on Human Rights in June 1993, the enjoyment of human rights and social and economic development and the exercise of good government called for a balance between the rights of the individual and those of the community. Such an environment fostered respect for the rights of minorities and other disadvantaged groups.

(Mr. Hamzah, Singapore)

5. Social progress was not, however, possible without a strong, healthy economy: there could be no social "software" without economic "hardware".

6. Lastly, he acknowledged that while Singapore's social and economic policies had been successful, they were perhaps not applicable to other countries; each society had to find its own model for social progress.

7. The CHAIRMAN said that the Committee had concluded its general debate on item 109 and invited it to turn to item 110.

AGENDA ITEM 110: CRIME PREVENTION AND CRIMINAL JUSTICE (A/48/332 and A/48/359)

8. Mr. GIACOMELLI (Director-General of the United Nations Office at Vienna) stated that, owing to the restructuring of the economic and social sectors of the United Nations, responsibility for social development and the advancement of women had been transferred from Vienna to New York. The crime prevention and criminal justice programme had been kept in Vienna, under his supervision, and his introductory remarks would address its work and the global environment in which it performed.

9. The past year had underlined the signal importance of crime prevention and criminal justice for good government, sustained development, the transition to democracy and respect for human rights. It had also highlighted their direct relevance to other ongoing United Nations concerns such as peace-keeping and technical and humanitarian assistance.

10. Political and ethnic strife, the assassination of key officials and ordinary banditry had taken their toll in innocent victims, including a growing number of United Nations peace-keepers. Organized crime was undermining the quest for development and progress towards democracy. Countries of the third world and those in transition were particularly threatened, and deserved the solidarity and concrete assistance of the international community.

11. Organized crime was the most nefarious manifestation of crime, since, through related criminal activity, such as drug trafficking and corruption, it subverted national economies and easily eluded pursuit.

12. An integrated approach to the problem was thus a prime objective of the United Nations Office at Vienna. Such an approach called for close cooperation with the Crime Prevention and Criminal Justice Branch and the United Nations International Drug Control Programme (UNDCP). The United Nations Office at Vienna had also taken into consideration the priorities set by the Commission on Crime Prevention and Criminal Justice, as well as the relevant initiatives adopted by the Economic and Social Council in resolutions 1993/27 through 1997/34.

13. A World Ministerial Conference on Organized Transnational Crime would therefore be held in Italy in 1994 to map out more effective national and international strategies for prevention and control. A conference on money laundering would be held, also in Italy, by the International Scientific and Professional Advisory Council (ISPAC), in cooperation with the Italian Government, under the auspices of the United Nations. Meetings of experts on

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(Mr. Giacomelli)

other aspects of transnational crime, such as, for example, ecological crime, would be held during the year in Vienna.

14. Those activities would contribute to preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held in Africa in 1995. Its rules of procedure had been amended and, for the first time, the Congress would offer a series of practical workshops to facilitate the concrete exchange of expertise and experience in a number of areas. Preparations for regional meetings were currently under way; they would be held during the first part of 1994, so that they could report to the Commission at its third session. United Nations regional institutes and commissions were generously assisting. He was grateful to them, particularly since some of them were in precarious positions.

15. The serious situation of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders was the subject of the report before the Committee (A/48/332). It had carried out some pioneering work, but its potential was being stifled by the shortage of funds. He called on African member States to remit their outstanding contributions and appealed to UNDP to continue its support. He also urged other international funding agencies and potential donors to consider ways of supporting the Institute and its counterpart in Latin America so that they could render the necessary services to their regions. He took the opportunity to express his heartfelt appreciation to the host Governments of those and other, affiliated institutes, namely Uganda, Costa Rica, Japan, Finland, Saudi Arabia, Australia and Canada. He was particularly grateful to the Italian Government for its generous support to the United Nations Interregional Crime and Justice Research Institute, which was an essential component of the Programme.

16. The institutes fulfilled key training and research functions and also assisted countries in their efforts to stem crime and modernize the administration of justice. In accordance with the directives of the Commission everything possible was being done to make crime prevention and the criminal justice programme as a whole as practical as possible. With help from some Governments the Crime Prevention and Criminal Justice Branch was carrying out several technical assistance projects designed to upgrade national systems and to foster collaborative initiatives taken by groups of States. It was endeavouring to meet the needs both of developing countries (for example, by helping the members of the Economic Community of West African States to formulate a new convention) and of countries in transition (for example, through an experimental criminal justice reform project in the Russian Federation).

17. The programme was also playing a significant role in United Nations peace-keeping operations. The Chief of the Crime Prevention and Criminal Justice Branch, while on assignment with the United Nations Transitional Authority in Cambodia (UNTAC), had taken an active part in the elaboration of a new penal code and related dispositions. A code of conduct for law enforcement officials had also been formulated and a training programme had been initiated. An officer of the Branch was serving with the United Nations Protection Force (UNPROFOR) and a United Nations handbook of criminal justice standards for peace-keeping police had been drafted. A workshop on the role of civilian police in United Nations operations, organized in Graz in February 1993 with

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(Mr. Giacomelli)

participants from all major peace-keeping operations, had recommended closer cooperation between the Crime Programme and the Department of Peace-keeping Operations.

18. A meeting of experts, organized by the International Centre for Criminal Law Reform and Criminal Justice Policy in Vancouver, in cooperation with UNOV, and another held in Oñati, Spain, under the auspices of ISPAC, had made salient recommendations on the work of an international criminal tribunal.

19. The Crime Prevention and Criminal Justice Branch had also led a mission to Somalia to propose ways of strengthening law enforcement and re-establishing a viable criminal justice system, in implementation of the plan approved by the Security Council. It had also helped the Government of El Salvador to develop a civilian police force and it stood ready to continue contributing to other major peace-keeping operations, such as those in Haiti and Mozambique.

20. As countries confronted the painful dilemma of safeguarding fragile freedoms in the face of escalating crime, they increasingly looked to the United Nations for assistance. Realizing that they could not deal with organized crime on their own, they were eager to work together and pool know-how and disinterested, objective advice. UNOV had a special responsibility in that regard.

21. The extent to which it could discharge that role depended, however, on the level of available resources. The cost of crime was astronomical, particularly the hidden, non-quantifiable costs, and Governments had to show they were ready to translate their eloquent pronouncements, such as the Versailles statement of principles and programme of action, into concrete terms. As a result of its recent restructuring, the programme was acquiring a higher profile, but Governments' expectations had increased. Although a new subprogramme on operational activities had been included in the medium-term plan and programme budget proposals, field projects were severely hampered by the scarcity of resources. In spite of the calls for strengthening the programme and upgrading the Branch to a Division, contained in General Assembly resolutions 46/152 and 47/91 and Economic and Social Council resolutions 1992/22 and 1993/31, action on a comprehensive budgetary review of the programme had once again been deferred. While the professional dedication of the Branch personnel was inestimable, dedication alone was not sufficient. The international community was looking to the Commission for leadership in a challenging and ever-changing field and the credibility of the United Nations was at stake. Crime prevention and criminal justice were basic to the realization of the primary concerns of the United Nations: human rights, democracy, good governance, peace and sustainable development.

22. Miss FOSTIER (Belgium), speaking on behalf of the European Community and its member States, said that the international community was concerned about the social and economic implications of the development and diversification of criminal activity at both national and transnational level.

23. The European Community was convinced of the need to intensify international cooperation and increase its effectiveness in combating organized crime. In that connection she stressed the importance of the United Nations crime

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(Miss Fostier, Belgium)

prevention and criminal justice programme and of the new Commission on Crime Prevention and Criminal Justice established by the Economic and Social Council; she had heard with great interest the results of its second session, held from 13 to 23 April 1993. She shared the Committee's hope that mechanisms aimed at determining the objectives and specific activities of the programme would be set up. In that regard she recommended maintaining the priorities reaffirmed in Economic and Social Council resolution 1993/34, which stressed the need to combat national and transnational crime, particularly organized crime.

24. As for the new fields of operational activity, such as environmental crime, crime prevention in urban areas, technical cooperation and advisory services, the European Community recalled General Assembly resolution 47/91, which had requested the Secretary-General to upgrade the Crime Prevention and Criminal Justice Branch into a division of the Secretariat and to implement resolution 46/152, as well as Economic and Social Council resolution 1992/22 concerning crime prevention and criminal justice.

25. The member States of the European Community drew the attention of the General Assembly to the organization in Italy of a World Ministerial Conference on Organized Transnational Crime, to take place during the third quarter of 1994, which would help promote international cooperation in combating such forms of crime and bring about concerted action on such matters as the exchange of general information and specific data.

26. The European Community and its member States were stepping up their efforts to cooperate on mutual assistance in judicial, police and customs matters. They were acquiring new means of action, for instance by setting up "EUROPOL", which was intended to strengthen police cooperation in the Community. As to the prevention of organized crime, a working group set up in 1992 was to report to the ministers on the other measures that should be adopted by States members of the Community. The Community had also started to motivate the countries of Central and Eastern Europe which, in striving to achieve democracy, would have to cope with an increase in criminal activities and organized crime. The Community also contributed to work already undertaken along such lines by the Council of Europe.

27. At their meeting of 28 September 1993, the Ministers of Justice of the States members of the Community had adopted an important declaration stating their intention to simplify the extradition procedure between States members of the Community in the near future. The judicial cooperation group on criminal matters within the Twelve was entrusted with following up that ministerial declaration.

28. The entry into force of the Treaty on European Union should add a new dimension allowing for greater cooperation among member States in the field of justice and home affairs. The European Community was committed to improving cooperation in the prevention of drug trafficking and was stepping up police cooperation among member States on drug-related and serious crime.

29. The States members of the European Community reiterated the importance of all States ratifying the United Nations Convention against Illicit Traffic in

(Miss Fostier, Belgium)

Narcotic Drugs and Psychotropic Substances (1988). Furthermore, they emphasized that it would be in the interest of States to ratify the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime (1990).

30. In conclusion, she reiterated her appreciation on behalf of the States members of the European Community for the work accomplished through the United Nations in crime prevention and criminal justice matters; the rationalization of the activities of the Organization in that area bore witness to the will of the international community to enhance its cooperation efforts.

31. Mrs. PETERSON (United States of America) said that her Government supported the efforts made by the Commission on Crime Prevention and Criminal Justice at its thirty-second session to concentrate on substantive issues rather than organizational matters. On that occasion the Commission was expected to provide the Secretariat with substantive guidance on certain important practical aspects of its programme of work.

32. In its task the Commission should first of all focus its attention on technical assistance, cooperation and on seeking practical solutions to the problems of money laundering, compiling crime statistics, extradition and organized crime, bearing in mind that the respect of human rights was an integral part of criminal justice programmes. To that end the Commission had decided to consider as a matter of priority, at its next session, the implementation and use of five major instruments on law enforcement. However, it should be careful to avoid any overlapping with the work of other United Nations bodies such as the Commission on Human Rights and its Subcommittee on the Prevention of Discrimination and the Protection of Minorities.

33. The Commission must also take account of the financial resources available to the Organization and, among the proposals which warranted its support, choose only those which concerned matters of absolute priority. Before undertaking such programmes, the Crime Prevention and Criminal Justice Branch must have the approval of the Commission in order to ensure that the requests made by Governments did not exceed the budgetary resources of the United Nations.

34. The United States was particularly interested in the issue of the role of criminal law in the protection of the environment; it had sponsored a resolution adopted during the second session in which the Commission requested the Secretary-General "to include environmental crime as an issue for technical cooperation" in order to assist recipient countries in formulating policies and legislation on environmental protection and introducing effective law enforcement procedures at national level.

35. The United States delegation also welcomed the adoption by the Commission of a resolution on violence against women in all its forms, which was consistent with those which the Commission on Human Rights and the Commission on the Status of Women intended to adopt.

36. Lastly, during its current session the Commission would be considering a resolution on the prevention of alien smuggling, an issue to which it would be requested to accord special attention at its next session so as to encourage

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(Mrs. Peterson, United States)

international cooperation in the area. The United States considered that alien smuggling was a global criminal problem which had reached alarming proportions. The aliens who went along with such arrangements, which were reminiscent of the slave trade, were subjected to dangerous and inhumane conditions during transit. They were reduced to forced labour or driven to crime to repay their smugglers. Moreover, alien smuggling threatened to turn public opinion against legal immigrants and legitimate refugees. That was why the United States looked forward to the adoption of the resolution, which invited Member States and the relevant international organizations to treat alien smuggling as a crime and to cooperate in bringing it to an end.

37. Mr. JAEGER (Austria) said that the report of the Commission on Crime Prevention and Criminal Justice (E/1993/32), on the one hand, reflected the successful start of the work of the new Commission and, on the other hand, the great importance which the States Members of the United Nations attached to the crime prevention and criminal justice programme. By concentrating on a few priorities, such as organized and economic crime, money laundering, juvenile and violent criminality, as well as crime prevention in urban areas, and through enhanced cooperation with other United Nations bodies, the programme was proving very effective despite its limited financial and human resources. In that connection, the Austrian Government welcomed the fact that the Commission on the Prevention of Crime and Criminal Justice had added another priority to its programme of work, namely, the issue of violence against women in all its forms.

38. On the international level, the programme had launched new activities on an unprecedented scale which corresponded fully to the needs of the international community. A World Ministerial Conference on Organized Transnational Crime as well as an international conference on money laundering and the control of the proceeds of crime were scheduled for 1994. Furthermore, important steps had been taken in preparation for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held in 1995. However, Austria considered that the budget allocated to the Congress in the draft programme budget for the biennium 1994-1995 was inadequate, particularly in comparison with those provided for other international events.

39. In Austria, drug-related deaths had more than doubled over the past two years, coinciding with a sharp increase of drug-related and transnational and organized crime linked to the fact that Austria was not a producer country. Austria therefore hoped that urgent international action would be taken to combat the scourge.

40. She noted that the priorities chosen by the Commission on Crime Prevention and Criminal Justice at its first session in 1992 were well justified and increasingly important for national law systems. In the area of drug-related crime, the Commission could profit from close cooperation with the United Nations International Drug Control Programme (UNDCP), as recommended by General Assembly resolution 47/102, with a view to matching efforts and avoiding duplication. In the same spirit, Austria encouraged strengthening cooperation aimed at combating money laundering, particularly with the Financial Action Task Force established by the Group of Seven major industrialized countries, which already cooperated very effectively with UNDCP.

(Mr. Jaeger, Austria)

41. Austria stressed, however, that the Commission could not properly fulfil its mandate if the Secretariat services working on its behalf did not have the financial and human resources needed to respond to the growing requests from Member States and international institutions related to crime prevention and criminal justice. That situation was further aggravated by the fact that the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, following the transfer to New York of the Centre's other services, was cooperating as a unit in its own right with UNDCP. Moreover, at the second session of the Commission on Crime Prevention and Criminal Justice, it was stated that the effectiveness of the programme had been limited by the lack of resources. In section 13 of the proposed programme budget for the biennium 1994-1995, the share allocated to the United Nations crime prevention and criminal justice programme obviously did not correspond to the high priority attached to it by the General Assembly. Austria therefore hoped that the General Assembly would reassess the share allocated to the programme with a view to implementing its policy aimed at strengthening the programme and rendering it more operational. Such strengthening was also particularly warranted since the democratization process, notably in the new democracies in Central and Eastern Europe, would remain illusory without a functioning law enforcement and criminal justice system in place. In addition, members of the Crime Prevention and Criminal Justice Branch had been serving on peace-keeping and peace-building missions, for example, in Cambodia, Somalia, Nicaragua and the former Yugoslavia.

42. She also drew attention to the fact that the Commission on Crime Prevention and Criminal Justice appeared to be the only functional commission of the Economic and Social Council with annual meetings serviced by a unit ranked below a division; the General Assembly and the Economic and Social Council had repeatedly requested to have the United Nations crime prevention and criminal justice programme strengthened and the Crime Prevention and Criminal Justice Branch upgraded. Referring to paragraph 8 of General Assembly resolution 47/91, she supported addressing a further request to the Secretary-General for an immediate upgrading of the Branch to a division, without budgetary implications. In addition to contributing to the effectiveness of the United Nations Crime Prevention and Criminal Justice Branch, such an initiative would also facilitate the ongoing preparations for the Ninth Congress on the Prevention of Crime and the Treatment of Offenders.

Draft resolution A/C.3/48/L.2

43. The CHAIRMAN informed the Committee that draft resolution A/C.3/48/L.2, entitled "Positive and full inclusion of persons with disabilities in all aspects of society and the leadership role of the United Nations therein", had no implications for the programme budget.

44. Draft resolution A/C.3/48/L.2 was adopted without a vote.

Draft resolution A/C.3/48/L.3

45. The CHAIRMAN stated that draft resolution A/C.3/48/L.3, entitled "Standard Rules on the Equalization of Opportunities for Persons with Disabilities", had no implications for the programme budget.

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46. Mr. BAUDOT (Director, Division for Social Policy and Development, Department of Policy Coordination and Sustainable Development) pointed out that, according to Part IV, entitled "Monitoring mechanism", a Special Rapporteur was to be appointed for three years to monitor the matter. As no provision had been made for that post in the programme budget for the biennium 1994-1995, if the Committee adopted the draft resolution in its current form, the Secretariat would have to find extrabudgetary funds or voluntary contributions to finance it.

47. Draft resolution A/C.3/48/L.3 was adopted without a vote.

48. Mr. URTASUN (Spain) welcomed the adoption of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Although not mandatory, those Rules were particularly important in that they demonstrated a firm moral and political will of Member States to adopt measures which would ensure equalization of opportunities for persons with disabilities in the society in which they lived. Similarly, the emphasis which those Rules placed on implementation measures and the monitoring mechanism was a clear sign of that political will.

49. Spain was pleased to note that the correct Spanish terminology for disabled persons had been used in the Rules, unlike the case with the World Programme of Action concerning Disabled Persons, where the problems posed by terminology had prompted countries to demand precision in the terminology used. The process of formulating the Rules had resulted in fruitful cooperation in that respect between the Secretariat and the Spanish-speaking delegations, thus producing a text on which there was full consensus regarding the terminology.

50. The Rules which the United Nations proposed to adopt should be circulated specifically with a view to encouraging their effective world-wide application. The International Day of Disabled Persons, to be held on 3 December, would provide an excellent opportunity for the United Nations and its Member States to organize a series of activities in that regard.

Draft resolution A/C.3/48/L.4

51. Mrs. KAMAL (Secretary of the Committee) noted that there were corrections to be made to the Russian version of the draft resolution; in the title, the word "Day" should replace the word "Year", while paragraph 4, in connection with the World Conference on Human Rights, should read "held" instead of "to be held" at Vienna from 4 to 15 June 1993.

52. The CHAIRMAN informed the Committee that draft resolution A/C.3/48/L.4, entitled "International Day of Disabled Persons", had no implications for the programme budget.

53. Mr. KONKOBO (Burkina Faso) pointed out that the French version of the document contained two paragraphs 3.

54. Draft resolution A/C.3/48/L.4 was adopted without a vote.

The meeting rose at 11.30 a.m.