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Thirty-fourth session
THIRD COMMITTEE
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Human rights in Chile

Denmark, Netherlands and Sweden: draft resolution

The General Assembly,

Noting that Governments have an obligation to protect and promote human rights and to carry out responsibilities they have undertaken under various international instruments,

Recalling its resolutions 31/124, 32/118 and 33/175 on the protection of human rights in Chile and 33/173 on disappeared persons,

Recalling also resolution 11 (XXXV) of the Commission on Human Rights on reported violations of human rights in Chile, which, inter alia, decided to appoint a Special Rapporteur on the situation of human rights in Chile and Experts to study the question of missing and disappeared persons in Chile,

Expressing its regret that the Chilean authorities refused to co-operate with the Special Rapporteur and the Experts appointed by the Commission on Human Rights,

Noting with concern the delay in the publication of the reports of the Special Rapporteur and the Expert on disappeared persons,

Noting that both reports in their conclusions clearly indicate that generally the situation of human rights has not improved, and even in a number of areas has deteriorated, compared with that described in the last report of the Ad Hoc Working Group on Chile,

Deeply concerned about recent reports regarding the discovery in the main cemetery of Santiago de Chile of hundreds of unmarked graves believed to contain the remains of victims of political executions, and expressing its hope that the judicial investigation initiated to determine the origins of these graves, will be carried out without hindrance,

Noting with particular concern that the Chilean authorities have failed to take urgent and effective measures as requested in its resolution 33/175 to investigate and clarify the fate of persons reported to have disappeared for political reasons,

Calling the attention of the Commission to the recommendations in the report of the Expert on missing and disappeared persons in Chile, when pursuing the question of disappeared persons as requested by General Assembly resolution 33/173 and when considering resolution 5B (XXXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Commends the Special Rapporteur and the Expert on missing and disappeared persons for their work;

2. Requests the Commission on Human Rights at its thirty-sixth session to study thoroughly the report of the Special Rapporteur and the report of the Expert on missing and disappeared persons;

3. Reiterates its indignation at the continued violation of human rights in Chile, and concludes that it should continue to exercise vigilance with regard to the situation of human rights in that country;

4. Expresses also its grave concern that there has been a deterioration in a number of areas, notably in relation to

- (i) an increase in the arbitrary powers of security agencies,
- (ii) cases of torture, ill-treatment and unexplained deaths,
- (iii) freedom of assembly and association,
- (iv) trade union rights,
- (v) the presumption of innocence of accused persons,
- (vi) the treatment of indigenous people;

5. Urges the authorities of Chile to respect and promote human rights in accordance with the responsibilities it has undertaken under various international instruments, and in particular to

(a) cease the state of emergency, under which continued violations of human rights occur and to restore the democratic institutions and constitutional safeguards formerly enjoyed by the Chilean people,

(b) to ensure an immediate end to torture and other forms of inhuman or degrading treatment and to prosecute and punish those responsible for such practices,

(c) restore fully the freedom of expression and information, and of assembly and association,

(d) restore fully trade union rights, especially as regards the freedom to form trade unions, which can operate freely without government control and can exercise fully the right to strike,

(e) allow their citizens freely to enter and leave the country, and to restore Chilean nationality to those who have been deprived of it for political reasons,

(f) restore fully the right of amparo (habeas corpus),

(g) respect the rights, in particular the economic, social and cultural rights, of the indigenous population,

(h) adopt measures to improve the enjoyment of economic social rights by the population at large;

6. Expresses its deep concern that, even though no persons are reported to have disappeared in Chile during 1978 and 1979, the numerous persons who disappeared between September 1973 and the end of 1977 and whose whereabouts are still unknown, present a continuous situation of gross and flagrant violations of human rights;

7. Urges the Chilean Government to investigate and clarify the fate of persons reported to have disappeared for political reasons, to inform relatives of the outcome, and to institute criminal proceedings against those responsible for such disappearances;

8. Invites the Commission on Human Rights to continue to give close attention to the situation in Chile and to this end;

(a) to extend the mandate of the Special Rapporteur on the situation of human rights in Chile, in accordance with paragraph 6 of resolution 11 (XXXV) of the Commission on Human Rights,

(b) to consider further at its thirty-sixth session the most effective ways of clarifying the whereabouts and fate of missing and disappeared persons in Chile, taking into account the contents of the report prepared by the Expert on missing and disappeared persons;

9. Urges further the Chilean Government to co-operate with the Special Rapporteur and the Expert on missing and disappeared persons;

10. Requests the Commission on Human Rights to report on the subject, through the Economic and Social Council, to the General Assembly at its thirty-fifth session.