

### 39/121. Situation of human rights and fundamental freedoms in Chile

*The General Assembly,*

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and determined to remain vigilant with regard to violations of human rights wherever they occur,

Stressing the obligation of Governments to promote and protect human rights and to carry out the responsibilities they have undertaken by virtue of various international instruments,

Recalling its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975, 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978, 34/179 of 17 December 1979, 35/188 of 15 December 1980, 36/157 of 16 December 1981, 37/183 of 17 December 1982 and 38/102 of 16 December 1983, relating to the situation of human rights in Chile, as well as its resolution 33/173 of 20 December 1978 on disappeared persons,

Recalling also the resolutions of the Commission on Human Rights on the situation of human rights in Chile, in particular resolution 1984/63 of 15 March 1984,<sup>129</sup> in which the Commission decided, *inter alia*, to extend for a year the mandate of the Special Rapporteur on the situation of human rights in Chile.

Deploring once again the fact that the repeated appeals of the General Assembly, the Commission on Human Rights and other international organs to re-establish human rights and fundamental freedoms have been ignored by the Chilean authorities, which continue to refuse to co-operate with the Commission on Human Rights and its Special Rapporteur,

Once again expressing its grave concern at the persistence of the serious situation of human rights in Chile, which, as established by the Special Rapporteur, has continued to deteriorate, and at the fact that the Chilean authorities have not been responsive to the concerns of the international community, as expressed in resolutions of the General Assembly and of the Commission on Human Rights,

Observing that, according to the conclusions of the Special Rapporteur, the right to enter and leave one's country freely is seriously restricted for Chilean nationals and that this situation has been aggravated by the issuance of a list of the names of thousands of Chileans who are not allowed to enter their country without conditions.

Taking note with utmost concern of the re-establishment of the state of siege on 6 November 1984, which has aggravated the situation of human rights and fundamental freedoms in Chile, particularly by the increase in the number of arbitrary mass arrests, of persons sent into internal exile and the practice of torture and other forms of inhuman and degrading treatment, as well as the additional restrictions on the freedom of expression and information, assembly and association,

1. Commends the Special Rapporteur on the situation of human rights in Chile for his report,<sup>134</sup> prepared in accordance with Commission on Human Rights resolution 1984/63;

2. Expresses its indignation at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the report of the Special Rapporteur, and, in particular, at the violent repression of popular protest in the face of the refusal to restore the

democratic order and human rights and fundamental freedoms on the part of the authorities, which have in fact committed further serious and flagrant violations of human rights, with mass arrests and numerous deaths;

3. Reiterates once again its dismay at the disruption in Chile of the traditional democratic legal order and its institutions, particularly through the maintenance of exceptional legislation, the institutionalization of states of emergency, the extension of military jurisdiction and the existence of a Constitution which does not reflect the will of the people freely expressed and the provisions of which not only fail to guarantee human rights and fundamental freedoms but suppress, suspend or restrict the enjoyment and exercise thereof;

4. Expresses its alarm at the fact that the repressive activities of the police and security agencies and, in particular, the National Information Agency continue to go unpunished, as pointed out in the report of the Special Rapporteur;

5. Once again views with concern the ineffectiveness of the remedies of *habeas corpus* or *amparo* and of protection, owing to the fact that the judiciary does not exercise fully its powers of investigation, monitoring and supervision in this respect and performs its functions under severe restrictions;

6. Once again requests the Chilean authorities to restore and respect human rights in accordance with the obligations they have assumed under various international instruments and, in particular, to put an end to the régime of exception and the practice of declaring states of emergency, under which serious and continuing violations of human rights are committed, with a view to restoring the principle of legality, democratic institutions and the effective enjoyment and exercise of civil and political rights and fundamental freedoms;

7. Urges the Chilean authorities to terminate the state of siege decreed on 6 November 1984 and the consequences of that state of siege;

8. Once more urges the Chilean authorities to investigate and clarify the fate of persons who have disappeared, including those arrested for political reasons, and to inform their families of the results of such investigation and to bring to trial and punish those responsible for their disappearance;

9. Once again emphasizes to the Chilean authorities the need to put an end to intimidation and persecution, as well as arbitrary or illegal arrests and imprisonment in secret places, and to respect the right of persons to life and physical integrity by halting the practice of torture and other forms of cruel, inhuman or degrading treatment which, in some cases, have resulted in unexplained deaths;

10. Again requests the Chilean authorities to respect, in accordance with article 12 of the International Covenant on Civil and Political Rights,<sup>135</sup> the right of Chilean nationals to live in and freely enter and leave their country, without restrictions or conditions of any kind, in particular to annul the list of names of Chileans whose right to enter the country has been restricted and recent measures affecting other individuals, and to cease the practice of "relegation" (assignment of forced residence) and forced exile;

11. Renews its appeal to the Chilean authorities to re-establish the full enjoyment and exercise of trade union rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike, and to

<sup>134</sup> A/39/631, annex.

<sup>135</sup> See resolution 2200 A (XXI), annex.

put an end to the system of repressing the activities of trade union leaders and their organizations;

12. *Once more urges* the Chilean authorities to respect and, where necessary, restore economic, social and cultural rights and, in particular, the rights intended to preserve the cultural identity and improve the social situation of indigenous populations, recognizing especially their right to their land;

13. *Concludes*, on the basis of the report of the Special Rapporteur, that it is necessary to keep under consideration the situation of human rights in Chile;

14. *Again requests* the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its forty-first session;

15. *Invites* the Commission on Human Rights to study in depth at its forty-first session the report of the Special Rapporteur and to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in Chile, including the extension of the mandate of the Special Rapporteur for one more year, and requests the Commission to report, through the Economic and Social Council, to the General Assembly at its fortieth session.

101st plenary meeting  
14 December 1984

### 39/122. International Research and Training Institute for the Advancement of Women<sup>136</sup>

*The General Assembly,*

*Recalling* its resolutions 37/56 of 3 December 1982 and 38/104 of 16 December 1983 on the International Research and Training Institute for the Advancement of Women,

*Taking note* of the note by the Secretary-General<sup>137</sup> on recent developments regarding the activities and statute of the Institute,

*Recalling* Economic and Social Council decision 1984/124 of 24 May 1984 on the statute of the Institute,

*Bearing in mind* that the entire operation of the Institute depends solely on voluntary contributions,

1. *Welcomes* the statute of the International Research and Training Institute for the Advancement of Women<sup>138</sup> as approved by the Economic and Social Council in its decision 1984/124;

2. *Takes note with satisfaction* of the programme of activities of the Institute,<sup>139</sup> which constitutes a valuable contribution to an increased role of women in the development process at all levels and is carried out in co-operation with the organizations of the United Nations system;

3. *Stresses* the relevance of programmes related to women and international economic relations;

4. *Requests* the Institute, in preparing its future activities, to take into consideration the trends in research and training relevant to women and development;

5. *Invites* Governments and intergovernmental organizations to contribute to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women, in view of the increasing impor-

ance of research and training for the advancement of women;

6. *Requests* the Secretary-General to continue to provide support to the Institute, particularly in its fund-raising activities, by encouraging voluntary contributions to the Institute;

7. *Also requests* the Secretary-General to submit to the General Assembly at its fortieth session a report on the activities of the Institute;

8. *Decides* to include in the provisional agenda of its fortieth session a separate item entitled "International Research and Training Institute for the Advancement of Women".

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### 39/123. The role of women in society

*The General Assembly,*

*Reaffirming* the objectives of the United Nations Decade for Women: Equality, Development and Peace, as well as the importance of the Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace, 1975,<sup>140</sup> the World Plan of Action for the Implementation of the Objectives of the International Women's Year<sup>141</sup> and the Programme of Action for the Second Half of the United Nations Decade for Women,<sup>142</sup>

*Noting* that just and lasting peace and social progress as well as the establishment of a new international economic order, require the active participation of women in promoting international peace and co-operation and in the process of development,

*Bearing in mind* that economic inequality, colonialism, racism, racial discrimination, *apartheid*, acts of aggression and interference in the internal affairs of others and violations of human rights and fundamental freedoms constitute an impediment to the achievement of real and genuine equality and to the integration of women in society,

*Convinced* of the necessity to secure for all women full realization of the rights embodied in the Convention on the Elimination of All Forms of Discrimination against Women,<sup>143</sup> in the International Covenants on Human Rights<sup>144</sup> and in other relevant instruments in this field,

*Recognizing* that the achievement of equal and full participation of women in all spheres of activity constitutes an inseparable part of the political, economic, social and cultural development of all countries,

*Aware* that efforts to promote the status of women in all its aspects and their complete integration in society go beyond the problem of legal equality and that deeper structural transformations of society and changes in present-day economic relations, as well as elimination of traditional prejudices through education and dissemination of information, are required so as to create conditions for women to develop fully their intellectual and physical capacities and to participate actively in the decision-making process in political, economic, social and cultural development,

*Mindful* of the necessity to enlarge the possibilities for both men and women to combine parental duties and

<sup>136</sup> See also sect. VIII, resolution 39/249.

<sup>137</sup> A/C.3/39/6.

<sup>138</sup> A/39/511, annex.

<sup>139</sup> See A/C.3/39/6, sect. II.

<sup>140</sup> *Report of the World Conference of the International Women's Year, Mexico City, 19 June-2 July 1975* (United Nations publication, Sales No. E.76.IV.1), chap. 1.

<sup>141</sup> *Ibid.*, chap. II, sect. A.

<sup>142</sup> *Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, Copenhagen, 14-30 July 1980* (United Nations publication, Sales No. E.80.IV.3 and corrigendum), chap. 1, sect. A.

<sup>143</sup> Resolution 34/180, annex.

<sup>144</sup> Resolution 2200 A (XXI), annex.