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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Protection of human rights in ChileAlgeria, Cuba, Mexico and Yugoslavia: draft resolution

The General Assembly,

Recalling that in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights every one has the right to life, liberty and security of person and the right not to be subjected to arbitrary arrest, detention or exile, or to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also its resolution 32/118, in which it reiterated its profound indignation concerning the violation of human rights in Chile and its resolution 33/175, on the protection of human rights in Chile,

Recalling further 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 deep concern that the Chilean authorities refused to co-operate with the Special Rapporteur and the experts appointed by the Commission on Human Rights,

Noting with regret the delay in the publication of the reports of the Special Rapporteur and the expert on disappeared persons,

Noting further that both the reports in their conclusions clearly indicate that the situation of human rights has not improved, and in several areas has even 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 that has been initiated to determine the origin of those graves will be carried out unimpeded,

Noting with particular concern that the Chilean authorities had 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,

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 its grave concern that there has been a deterioration in several areas, as convincingly established in the report of the Special Rapporteur, notably in relation to:

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

5. Urges the Chilean authorities to respect and promote human rights in accordance with the responsibilities which Chile has undertaken under various international instruments, and in particular urges them to:

(a) cease the state of emergency, under which continuous 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 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 and social rights by the population at large;

6. Expresses its deep concern that the disappearance of persons continues to constitute a grave violation of the rights of the detainees and their families;

7. Urges the Chilean authorities to investigate and clarify the fate of persons reported to have disappeared for political reasons, to inform relatives of the outcome, and through the corresponding criminal proceedings to prosecute and punish those responsible for such disappearances;

8. Invites the Commission on Human Rights to continue to give close attention to the situation of human rights 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, inter alia, the contents of the study 1/ prepared by the expert on missing and disappeared persons;

9. Urges further the Chilean authorities 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.
