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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Report of the Third Committee

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Socialist Republic)

I. INTRODUCTION

1. The item entitled "Report of the Economic and Social Council" was included in the provisional agenda of the thirty-fourth session of the General Assembly in accordance with Article 15, paragraph 2, of the Charter of the United Nations.

2. At its 4th plenary meeting, on 21 September 1979, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate to the Third Committee chapters II, V, XVI to XXVI, XXXIV and XXXIX of the report of the Economic and Social Council. 1/

3. The Committee considered this item at its 56th, 59th, 60th, 62nd, 63rd, 65th, 66th, 68th and 69th meetings, held between 26 November and 5 December 1979. The views expressed by the representatives of Member States and of the specialized agencies on this item are contained in the summary records of those meetings (A/C.3/34/SR.56, 59, 60, 62, 63, 65, 66, 68 and 69).

4. In connexion with agenda item 12, the Committee had before it the following documents:

(a) Report of the Economic and Social Council; 1/

(b) Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster Placement and

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1/ To be issued as Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 3 (A/34/3).

Adoption Nationally and Internationally: note by the Secretary-General (A/34/289);

(c) Assistance to South African student refugees: report of the Secretary-General (A/34/345);

(d) Letter dated 6 July 1979 from the Permanent Representative of Sri Lanka to the United Nations addressed to the Secretary-General, transmitting the documents of the Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries, held at Colombo from 4 to 9 June 1979 (A/34/357);

(e) Regional arrangements for the promotion and protection of human rights: report of the Secretary-General (A/34/359 and Add.1);

(f) Letter dated 24 July 1979 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (A/34/385);

(g) Letter dated 27 July 1979 from the Chargé d'Affaires a.i. of the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General, transmitting the text of the resolutions and final communiqué of the Tenth Islamic Conference of Foreign Ministers, held at Fez from 8 to 12 May 1979 (A/34/389 and Corr.1);

(h) Report of the Ad Hoc Working Group of Experts on Southern Africa: note by the Secretary-General (A/34/499);

(i) Measures to improve the situation and ensure the human rights and dignity of all migrant workers: report of the Secretary-General (A/34/535 and Add.1);

(j) Letter dated 1 October 1979 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General transmitting the Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979 (A/34/542);

(k) Protection of human rights in Chile: note by the Secretary-General (A/34/583 and Add.1);

(l) Protection of human rights in Chile: report of the Secretary-General (A/34/658 and Add.1);

(m) Launching of a programme of international drug abuse control strategy and policies: note by the Secretary-General (A/34/697);

(n) Letter dated 15 October 1979 from the Permanent Representative of Bolivia to the United Nations addressed to the Secretary-General (A/C.3/34/5);

(o) Letter dated 30 October 1979 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General (A/C.3/34/10);

(p) Letter dated 5 November 1979 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/C.3/34/11 and Add.1);

(q) Letter dated 23 November 1979 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General (A/C.3/34/12);

(r) Letter dated 30 November 1979 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General;

(s) Letter dated 4 December 1979 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/C.3/34/15).

5. At the 56th meeting, on 26 November, the Under-Secretary-General for Special Political Questions, the Assistant Secretary-General for Social Development and Humanitarian Affairs and the Director of the Division of Human Rights made introductory statements (A/C.3/34/SR.56, paras. 1-20).

6. At the 59th meeting, on 27 November, the Special Rapporteur on the situation of human rights in Chile, introduced the report on the situation of human rights in Chile (A/34/583) and the report of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile (A/34/583 and Add.1).

## II. CONSIDERATION OF DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/34/L.34 and Rev.1

7. The Committee had before it a draft resolution (A/C.3/34/L.34) entitled "The right to education" sponsored by Algeria, Bangladesh, Bolivia, Burundi, Colombia, the Congo, Costa Rica, Ecuador, Egypt, Guatemala, Guinea, Guinea-Bissau, Lesotho, Liberia, Madagascar, Mauritania, Morocco, Pakistan, Panama, Peru, the Philippines, Qatar, Romania, Rwanda, Somalia and Yugoslavia. Lesotho later withdrew as a sponsor. The draft resolution read as follows:

"The General Assembly,

"Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly on 16 December 1966, which recognizes the right of everyone to education,

"Bearing in mind the importance of the Convention Against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

"Convinced of the topicality of the provisions of its resolution 2542 (XXIV) of 11 December 1969, containing the Declaration on Social Progress and Development which, inter alia, underlines the importance of the training of national personnel and cadres for the over-all development of society,

"Emphasizing the paramount importance of the implementation of the right to education for the full development of human personality and for the enjoyment of other fundamental human rights and freedoms,

"Considering that the educational process could bring a substantial contribution to social progress, to national development, to mutual understanding and co-operation among peoples, to strengthening peace and international security,

"Reaffirming the decisive importance of the training of national personnel and cadres including the establishment of, and improvement in, the legislative framework, which should ensure the implementation and guarantee of the full enjoyment of the right to education,

"Recalling that the establishment of the new international economic order requires an effective support for the improvement and expansion of educational systems and for the training of specialized personnel and qualified cadres for the economic development of the developing countries,

"Convinced that the United Nations, its specialized agencies and in particular the United Nations Educational, Scientific and Cultural Organization could continue to play an increasing role in supporting the implementation of the right to education, the development of education, the training of national personnel needed by all sectors of activity in conformity with the requirements of the over-all progress and development of the developing countries,

"1. Invites all States to consider the adoption of appropriate legislative, administrative and other measures including material guarantees in order to ensure the full implementation of the right to universal education, through, inter alia, free and compulsory primary education, the universalization and gradual free-of-charge secondary education, the equal access to all educational facilities and the access of the young generation to modern science and culture;

"2. Appeals to all States and in particular to the developed countries to actively support through fellowships and other means the efforts of the developing countries in the field of education and training of national personnel needed in industry, agriculture and other economic and social sectors;

"3. Requests all States and all the United Nations specialized agencies to transmit to the United Nations Secretary-General - by 1 May 1980 - their opinions and suggestions concerning the establishment of a programme within the United Nations system for the development of education and training of national personnel for the developing countries;

"4. Invites the Secretary-General, in consultation with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to submit, for the consideration of the General Assembly at its

thirty-fifth session, suggestions on the basis of the opinions expressed by Member States concerning the mechanism for the establishment and operation of such a programme, taking into account the objectives of the United Nations Development Programme (UNDP) and other voluntary funds, so as to ensure the setting up in the developing countries of adequate educational networks at all levels and to give, at the same time, to the beneficiary developing countries the possibility of choosing, according to their own needs, priorities and interests, the fields of activity in which countries prefer to have fellowships and other facilities granted;

"5. Requests the Director-General of the United Nations Educational, Scientific and Cultural Organization to submit to the United Nations General Assembly, at its thirty-fifth session, a report on the implementation of the right to education throughout the world, including his conclusions concerning the practical actions which could be undertaken for the development of education and training of national personnel in the developing countries, in conformity with the requirements of their over-all progress and development."

8. At the 68th meeting, on 5 December, the representative of Romania introduced a revised draft resolution (A/C.3/34/L.34/Rev.1) on behalf of Algeria, Bangladesh, Bolivia, Burundi, Colombia, the Congo, Costa Rica, Ecuador, Egypt, Guatemala, Guinea, Guinea-Bissau, Liberia, Madagascar, Maldives, Mauritania, Morocco, Pakistan, Panama, Peru, the Philippines, Qatar, Romania, Rwanda, Somalia, Yemen and Yugoslavia, subsequently joined by the Bahamas, Barbados, Benin, Cyprus, Democratic Yemen, El Salvador, Ethiopia, Jordan, Indonesia, the Ivory Coast, Sao Tome and Principe, Senegal, Sri Lanka and the Upper Volta.

9. The revised draft resolution read as follows:

"The General Assembly,

"Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly on 16 December 1966, which recognizes the right of everyone to education,

"Bearing in mind the importance of the Convention Against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

"Convinced of the topicality of the provisions of its resolution 2542 (XXIV) of 11 December 1969, containing the Declaration on Social Progress and Development which, inter alia, underlines the importance of the training of national personnel and cadres for the over-all development of society,

"Emphasizing the paramount importance of the implementation of the right to education for the full development of human personality and for the enjoyment of other fundamental human rights and freedoms,

"Considering that the educational process could bring a substantial contribution to social progress, to national development, to mutual understanding and co-operation among peoples, to strengthening peace and international security,

"Reaffirming the decisive importance of the training of national personnel and cadres including the establishment of, and improvement in, the legislative framework, which should ensure the implementation and guarantee of the full enjoyment of the right to education,

"Recalling that the establishment of the new international economic order requires an effective support for the improvement and expansion of educational systems and for the training of specialized personnel and qualified cadres for the economic development of the developing countries,

"Convinced that the United Nations, its specialized agencies and in particular the United Nations Educational, Scientific and Cultural Organization could continue to play an increasing role in supporting the implementation of the right to education, the development of education, the training of national personnel needed by all sectors of activity in conformity with the requirements of the over-all progress and development of the developing countries,

"Bearing in mind the valuable efforts made by the United Nations Educational, Scientific and Cultural Organization in the promotion of literacy and education in general, in the training of national personnel for developing countries, as well as the importance of its contribution to the preparation and implementation of the new international development strategy, in accordance with resolution 33/193 of 29 January 1979,

"1. Invites all States to consider the adoption of appropriate legislative, administrative and other measures including material guarantees in order to ensure the full implementation of the right to universal education, through, inter alia, free and compulsory primary education, the universalization and gradual free-of-charge secondary education, the equal access to all educational facilities and the access of the young generation to science and culture;

"2. Appeals to all States and in particular to the developed countries to actively support through fellowships and other means the efforts of the developing countries in the field of education and training of national personnel needed in industry, agriculture and other economic and social sectors;

"3. Requests all States to transmit by 1 May 1980 through the United Nations Secretary-General, to the General Assembly at its thirty-fifth session their opinions and suggestions concerning the establishment of a programme within the United Nations system for the development of education and training of national personnel for the developing countries;

"4. Invites also all United Nations specialized agencies to transmit to the Secretary-General, through the Administrative Committee on Co-ordination (ACC), their views and suggestions on the above-mentioned programme;

"5. Requests the Director-General of UNESCO to transmit, for the consideration of the General Assembly at its thirty-fifth session, in accordance with the organization's mandate, his views and suggestions on the possibility of establishing a specific programme for the development of education, and for the training of national personnel for developing countries taking into account the objectives of the United Nations Development Programme (UNDP) and other voluntary funds, so as to ensure the setting up in the developing countries of adequate educational networks at all levels and to give, at the same time, to the beneficiary developing countries the possibility of choosing, according to their own needs, priorities and interests, the fields of activity in which countries prefer to have fellowships and other facilities granted;

"6. Requests the Director-General of the United Nations Educational, Scientific and Cultural Organization to submit to the United Nations General Assembly, at its thirty-fifth session, a report on the implementation of the right to education throughout the world, including his conclusions concerning the practical actions which could be undertaken for the development of education and training of national personnel in the developing countries, in conformity with the requirements of their over-all progress and development."

10. At the same meeting, the representative of Romania, on behalf of the sponsors introduced the following revisions to the text:

(a) The last preambular paragraph was replaced by the following:

"Bearing in mind the valuable work of the United Nations Educational, Scientific and Cultural Organization in education and training of national personnel, as well as the importance of its contribution to the preparation and implementation of the new international development strategy, in accordance with General Assembly resolution 33/193 of 29 January 1979,";

(b) Operative paragraphs 3 and 4 were deleted;

(c) Operative paragraphs 5 and 6 were replaced by the following:

"Requests the Director-General of the United Nations Educational, Scientific and Cultural Organization to present to the General Assembly at its thirty-fifth session a preliminary report and, at its thirty-sixth session, a final report containing:

"(a) Information on the activities of the United Nations Educational, Scientific and Cultural Organization in relation to support for education and training of national personnel of developing countries;

"(b) His views and suggestions in accordance with the organization's mandate and after consultation with Member States and specialized agencies on the need for and the possibility of the United Nations Educational, Scientific and Cultural Organization reinforcing its programmes and activities for the purpose of co-operating with developing countries in their efforts to ensure adequate education networks at all levels as well as fellowships and facilities for the training of qualified national personnel, bearing in mind also the proposals contained in General Assembly resolution 33/135 of 19 December 1978;

"(c) Information on the difficulties and obstacles encountered in the full implementation of the right to education, particularly in developing countries, in conformity with the requirements of their over-all progress and development, as well as his conclusions on action to be taken in this regard;"

(d) The operative paragraphs were renumbered accordingly.

11. The representative of Brazil suggested replacing the words "in conformity with the requirements of their over-all progress and development" by the words "in conformity with their own requirements of over-all progress and development" in the new operative paragraph 3 (c). The sponsors accepted the proposal and further revised the text accordingly.

12. At the 68th meeting, on 5 December, the Committee adopted draft resolution A/C.3/34/Rev.1, as revised, without a vote (see para. 55, draft resolution I).

#### B. Draft resolution A/C.3/34/L.40

13. At the 64th meeting, on 30 November, the representative of Nigeria introduced a draft resolution (A/C.3/34/L.40) entitled "Regional arrangements for the promotion and protection of human rights" sponsored by Austria, Barbados, Belgium, Germany, Federal Republic of, Ireland, Italy, the Ivory Coast, Jamaica, Lesotho, Liberia, Mexico, the Netherlands, New Zealand, Nigeria, Papua New Guinea, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Morocco, Norway, the United Republic of Tanzania and the Upper Volta.

14. At its 68th meeting, on 5 December, the Committee adopted operative paragraph 1 by 82 votes to 1, with 39 abstentions. The draft resolution, as a whole, was adopted without a vote (see para. 55, draft resolution II).

#### C. Draft resolution A/C.3/34/L.55

15. At the 63rd meeting, on 30 November, the representative of Algeria introduced a draft resolution (A/C.3/34/L.55) entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers" sponsored by Algeria,



Barbados, Benin, Kenya, Madagascar, Mali, Mexico, Pakistan, the Philippines, Romania, Senegal, Tunisia, Turkey and Yugoslavia, subsequently joined by the Dominican Republic, Guatemala, Lesotho, Nicaragua, Trinidad and Tobago and Yemen. The draft resolution read as follows:

"The General Assembly,

"Affirming the need to establish international co-operation by resolving international problems of an economic, social, intellectual or humanitarian nature and by developing and encouraging human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Recalling in this connexion the terms of the Universal Declaration of Human Rights, of the International Convention on the Elimination of All Forms of Racial Discrimination and of the International Covenants on Human Rights,

"Bearing in mind the international instruments elaborated by the International Labour Organisation, notably the Migrant Workers (Supplementary Provisions) Convention, 1975, and the Recommendation Concerning Migrant Workers, 1975, adopted by the General Conference of the International Labour Organisation,

"Taking account of the provisions relating to the question of migrant workers contained in the declaration and programme of action adopted by the World Conference to Combat Racism and Racial Discrimination,

"Recalling that the family is the natural and fundamental element of society and has a right to protection by society and by the State and that, in this context, the families of migrant workers are entitled to the same protection as the migrant workers themselves,

"Recognizing therefore the need to devote all necessary attention to the families, and in particular to the children, of migrant workers in all spheres, notably those of housing, health and education,

"Reaffirming that the relationship between worker and employer is in itself a source of rights and obligations and that consequently a violation, or even a limitation, of these rights of migrant workers may be tantamount to a violation of the principles of the Universal Declaration of Human Rights,

"Continuing to express its deep concern at the fact that despite the general effort made by the States Members, the regional intergovernmental organizations and the various agencies of the United Nations, migrant workers still are not exercising their rights in the sphere of work as defined by the relevant international instruments,

"Affirming that close co-operation between the Commission on Human Rights, the Commission for Social Development, the International Labour

Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization will contribute to the search for solutions aimed at improving the situation of migrant workers and their families,

"Bearing in mind Economic and Social Council resolution 1979/13,

"Recalling its resolution 33/163,

"1. Takes note of the report of the Secretary-General, document A/34/535 of 18 October 1979;

"2. Welcomes the large number of replies submitted by Member States and the international organizations concerned favouring the elaboration of an international convention on the protection of the rights of all migrant workers and their families;

"3. Decides to create at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families;

"4. Requests the Secretary-General, in application of the provisions contained in resolution 1979/13 adopted by the Economic and Social Council, to give the working group all necessary support with a view to facilitating the elaboration of the international convention on the protection of the rights of all migrant workers and their families;

"5. Invites the international organizations concerned to participate in the work of the working group and to co-operate with a view to the elaboration of such a convention."

16. At the same meeting, the sponsors revised the text by adding "and A/34/535/Add.1 of 23 November 1979", at the end of operative paragraph 1.

17. At the same meeting, the representative of Sweden submitted the following oral amendments:

(a) The replacement of operative paragraph 2 by the following:

"2. Welcomes the large number of replies submitted by Member States and international organizations concerning the elaboration of an international convention on the protection of the rights of all migrant workers and their families;"

(b) The replacement of operative paragraph 3 by the following:

"3. Decides to create at its thirty-fifth session a working group open to all Member States to determine, on the basis of a report to be submitted by the Secretary-General after consultation with the specialized agencies

concerned, the need for adopting additional measures to improve the situation of migrant workers and their families and to elaborate, if necessary, an appropriate instrument";

(c) The replacement of operative paragraph 4 by the following:

"4. Requests the Secretary-General to give the working group all necessary support with a view to facilitating its task";

(d) The deletion of the following words from operative paragraph 5:

"and to co-operate with a view to the elaboration of such a convention".

18. The Committee had before it a statement on the administrative and financial implications (A/C.3/34/L.72) of the draft resolution.

19. Also at its 63rd meeting, the Committee voted on the amendments to the draft resolution (see para. 17 above) as follows:

(a) It rejected the first amendment of Sweden by a recorded vote of 63 votes to 18, with 34 abstentions. The result of the voting was as follows:

In favour: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Bahrain, Barbados, Benin, Bolivia, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Colombia, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Egypt, Ethiopia, German Democratic Republic, Guinea, Guinea-Bissau, Guyana, Hungary, Iran, Iraq, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sudan, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, Viet Nam, Yemen, Yugoslavia, Zaire.

Abstaining: Argentina, Bangladesh, Brazil, Burma, Chile, China, Congo, Costa Rica, Cyprus, Equatorial Guinea, Fiji, Gabon, Ghana, Greece, India, Indonesia, Ivory Coast, Japan, Malaysia, Maldives, Nepal, Nigeria, Peru, Portugal, Singapore, Spain, Sri Lanka, Suriname, Thailand, Uganda, United Republic of Tanzania, Uruguay, Venezuela, Zambia.

20. At the same meeting, the representative of Sweden withdrew his third and fourth amendments.

21. At the same meeting, the Committee adopted the draft resolution, as revised, by a recorded vote of 101 votes to none, with 17 abstentions (see para. 55, draft resolution III). The result of the voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Austria, Belgium, Burma, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

D. Draft resolution A/C.3/34/L.56 and Rev.1

22. The Committee had before it a draft resolution entitled "Exchange of information on banned, dangerous and hazardous medical drugs and chemicals" (A/C.3/34/L.56) sponsored by Algeria, Argentina, the Ivory Coast, Jordan, Kenya and Uganda, which read as follows:

"The General Assembly,

"Aware that the exportation of banned, dangerous and hazardous drugs and chemicals could have serious and adverse effects on the health of peoples in the importing countries,

"Recognizing the urgent need to take concrete measures to prevent the adverse effects to health on a world-wide basis and, to that end, mindful of the importance of objective information about banned, dangerous and hazardous drugs and chemicals,

"1. Urges Member States to exchange information on dangerous and hazardous drugs and chemicals that have been banned in their territories, and to prevent the dumping or exportation of such products to other countries;

"2. Requests the Secretary-General, in co-operation with the United Nations agencies and bodies concerned, specially WHO, to assist Governments to exchange information and submit a report to the thirty-fifth session of the General Assembly, through the Economic and Social Council, about the experience of Member States and United Nations agencies and bodies concerned."

23. At the 68th meeting, on 5 December, the representative of Kenya introduced a revised text (A/C.3/34/L.56/Rev.1) entitled "Exchange of information on banned, hazardous chemicals and unsafe pharmaceutical products" sponsored by Algeria, Argentina, Bolivia, Colombia, Ecuador, Ethiopia, Guinea, the Ivory Coast, Jordan, Kenya, Nigeria, Papua New Guinea, Peru, Somalia, Uganda, the United Republic of Tanzania, the Upper Volta and Venezuela, subsequently joined by Benin, the Dominican Republic, El Salvador, Guatemala, Jamaica, Mali, Mexico, Nicaragua, the Niger, the Philippines and Zambia.

24. At the same meeting, the Committee adopted the draft resolution A/C.3/34/L.56/Rev.1 without a vote (see para. 55, draft resolution IV).

E. Draft resolution A/C.3/34/L.58

25. At the 64th meeting, on 30 November, the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the African Group for the month of November, introduced a draft resolution (A/C.3/34/L.58) entitled "Assistance to student refugees from Namibia, Zimbabwe and South Africa". The draft resolution was sponsored by the Member States of the United Nations which are members of the African Group, which were subsequently joined by Yugoslavia.

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26. The Committee had before it a statement on the administrative and financial implications (A/C.3/34/L.71) of the draft resolution.

27. At its 64th meeting, on 30 November, the Committee adopted the draft resolution without a vote (see para. 55, draft resolution V).

F. Draft resolution A/C.3/34/L.59

28. At the 68th meeting, on 5 December, the representative of Uganda introduced a draft resolution (A/C.3/34/L.59) entitled "Effective action against the gross and persistent violation of human rights" sponsored by Costa Rica, Denmark, Lesotho, Norway, Papua New Guinea, Sweden and Uganda, subsequently joined by Bolivia, Colombia, Ecuador, Equatorial Guinea, Finland, Peru and Venezuela. The text of the draft resolution read as follows:

"The General Assembly,

"Mindful of the importance given in the Charter of the United Nations to promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

"Recognizing that in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everybody may enjoy his civil and political rights, as well as his economic, social and cultural rights,

"Conscious of the responsibility of the United Nations, expressed, inter alia, in resolution 32/130, in dealing with situations of gross and persistent violations of human rights,

"Believing that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,

"Recalling the statements made in the present session of the General Assembly by representatives of countries which have recently experienced gross and persistent violations of human rights,

"1. Expresses deep satisfaction that during the past year several situations of gross and persistent violations of human rights have been resolved;

"2. Notes with appreciation the assistance being offered by the Secretary-General and by various United Nations bodies to countries which have recently experienced situations of gross and persistent violations of human rights;

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"3. Reaffirms that gross and persistent violations of human rights are of special concern to the United Nations;

"4. Urges the appropriate United Nations bodies to take timely and effective action in existing and future cases of gross and persistent violations of human rights;

"5. Draws attention to the part that the good offices role of the Secretary-General can play in such circumstances."

29. At the 68th and 69th meetings on 5 December, the sponsors revised the text as follows:

(a) The title was rephrased to read:

"Effective action against mass and flagrant violations of human rights;"

(b) In the third and fifth preambular paragraphs the words "gross and persistent" were replaced by the words: "mass and flagrant";

(c) Operative paragraph 1 was replaced by the following:

"1. Expresses deep satisfaction that during this year several situations of mass and flagrant violations of human rights have ceased, though many serious situations remain to be resolved";

(d) In operative paragraphs 2 and 3 the words "gross and persistent" were replaced by the words: "mass and flagrant";

(e) Operative paragraph 4 was replaced by the following:

"4. Urges the appropriate United Nations bodies, within their mandates, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights";

(f) Operative paragraph 5 was replaced by the following:

"5. Stresses the important role that the Secretary-General can play in situations of mass and flagrant violations of human rights".

30. At the 69th meeting, on 5 December, the Committee adopted the draft resolution, as revised, without a vote (see para. 55, draft resolution VI).

#### G. Draft resolution A/C.3/34/L.61

31. At the 68th meeting, on 5 December 1979, the representative of Sweden introduced a draft resolution (A/C.3/34/L.61) entitled "United Nations Trust Fund for Chile" sponsored by Denmark, the Netherlands and Sweden.

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32. At the same meeting, the Committee adopted the draft resolution by a recorded vote of 81 votes to 5, with 36 abstentions (see para. 55, draft resolution VII). The result of the voting was as follows:

In favour: Afghanistan, Algeria, Angola, Austria, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Egypt, Equatorial Guinea, Ethiopia, Finland, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Mali, Mexico, Mongolia, Mozambique, Netherlands, Nicaragua, Niger, Norway, Pakistan, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Senegal, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against: Argentina, Brazil, Chile, Paraguay, Uruguay.

Abstaining: Australia, Bahamas, Barbados, Bolivia, Burma, Canada, Colombia, Costa Rica, Dominican Republic, Ecuador, France, Germany, Federal Republic of, Guatemala, Honduras, Indonesia, Israel, Ivory Coast, Japan, Malaysia, Maldives, Morocco, Nepal, New Zealand, Nigeria, Oman, Panama, Peru, Philippines, Saudi Arabia, Singapore, Suriname, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Zaire.

#### H. Draft resolution A/C.3/34/L.62

33. At the 64th meeting, on 30 November, the representative of Sweden introduced a draft resolution (A/C.3/34/L.62) entitled "Protection of the human rights of certain categories of persons under arrest or detention" sponsored by Barbados, Bolivia, Colombia, Cyprus, Denmark, Ecuador, Jamaica, Nigeria, Norway, Panama, Papua New Guinea, Peru, Portugal, Senegal, Spain, Sweden, the United Republic of Tanzania, Uganda and Venezuela. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 32/121 of 16 December 1977 regarding the protection of the human rights of persons who are detained either in respect of offences which they committed, or are suspected of having committed, by reason of their political opinions or convictions, or as a result of their struggle against colonialism, aggression and foreign occupation, for self-determination, independence, the elimination of apartheid and all forms of racial discrimination and racism, and the termination of all these violations of human rights,



"Recalling also its resolution 33/169 of 20 December 1978 regarding the protection of the human rights of persons who have been arrested or detained as a result of their trade union activities,

"Noting, however, that certain prisoners belonging to the above-mentioned categories may have been duly convicted of common-law offences which justify their detention or imprisonment, or may be detained pending a trial in respect of such offences,

"Realizing that persons belonging to these categories as well as any other persons who have been arrested or detained on account of their opinions or convictions are exposed to special dangers as regards the protection of their human rights and freedoms,

"Noting that violations of their human rights and fundamental freedoms may consist in the arrest or detention itself, or in the treatment to which they are subjected,

"Recalling the declaration on the protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment, 2/ which states that any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity, that no State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment, and that exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment,

"Recalling also the Standard Minimum Rules for the Treatment of Offenders, 3/

"Emphasizing the particular importance of protecting their rights not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and their right to receive a fair hearing by a competent, independent and impartial tribunal in the determination of any criminal charge against them,

"Aware of the fact that, despite releases of prisoners in some countries since the adoption by consensus of the above-mentioned resolutions, the general situation as regards the arrest and detention of persons belonging to the above-mentioned categories remains as serious as before,

"1. Recognizes that the arrest and detention, in many parts of the world, of numerous persons on the above-mentioned grounds often give rise to serious human rights problems and that effective measures should be taken to eliminate these problems;

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2/ Resolution 3452 (XXX).

3/ Economic and Social Council resolutions 663 C (XXIV) and 2076 (LXII).

"2. Reiterates, therefore, the requests to Member States in resolutions 32/121 and 33/169 which were aimed at securing the release of such persons and at ensuring that their fundamental human rights are protected during their arrest or detention."

34. At the 68th meeting, on 5 December, the representative of Sweden, on behalf of the sponsors, revised the text, which he further revised at the 69th meeting, also on 5 December. At those meetings it was announced that Barbados, Nigeria and the United Republic of Tanzania had withdrawn as sponsors of the draft resolution.

35. At the 69th meeting, the draft resolution was withdrawn.

I. Draft resolution A/C.3/34/L.63 and Rev.1

36. The Committee had before it a draft resolution (A/C.3/34/L.63) entitled "International co-operation in drug abuse control" sponsored by Australia, the Bahamas, Mauritania, Paraguay, Peru, the Philippines, Sweden and the United States of America. The text of the draft resolution read as follows:

"The General Assembly,

"Noting the continuing spread of drug abuse in many parts of the world and its harmful impact on developing and industrialized countries,

"Viewing with concern the detrimental effects drug abuse can have on all societies and individuals, particularly young people,

"Recognizing that illicit narcotics activities and the profits accruing therefrom to illegal traffickers and criminal organizations pose a threat to the socio-economic development of many countries and must be addressed through development assistance programmes, together with law enforcement, education and demand reduction efforts,

"Noting with satisfaction the positive results that have been attained in a number of countries, but at the same time expressing concern for the lack of realization of many of the objectives for drug abuse control set forth in the drug control treaties as well as in the resolutions and documents of the Commission on Narcotic Drugs, the International Narcotics Control Board, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

"Recalling General Assembly resolution 33/168 of 20 December 1978, in which the Assembly requested more extensive and co-ordinated co-operation between Governments and relevant bodies of the United Nations and specialized agencies in the designing and implementation of programmes aimed at the eradication of illicit demand for and illicit traffic in drugs,

/...

"Bearing in mind the necessity for international drug abuse control policies and strategy, as requested in General Assembly resolution 32/124 of 16 December 1977 and reiterated in Commission on Narcotic Drugs resolution 8 (XXVIII) of 23 February 1979, 4/

"Having received the report of the Commission, 5/ noted in Economic and Social Council decision 1979/19 of 9 May 1979 proposing principles to guide future international drug abuse control activities,

"1. Praises the report of the Commission 5/ and requests all agencies and organizations concerned to implement the operative paragraphs 2 and 3 of the aforementioned resolution of the Commission and to elaborate a practical and dynamic drug abuse control programme, taking into account these principles and to provide within the existing regular budget for the monitoring of the implementation of the programme by the Commission;

"2. Invites Member States to take into account the principles set forth by the Commission in allocating, within their capabilities, national resources to drug abuse control programmes - including programmes to combat the illicit production and trafficking of narcotic and psychotropic substances and to reduce the demand for these drugs - and calls for greater technical and financial contributions to those developing countries which have implemented drug abuse control programmes but are constrained in their efforts by limited national resources;

"3. Urges States which have not yet become parties to the international drug control treaties promptly to adhere to them and to make maximum efforts to implement them;

"4. Further urges greater action by the specialized agencies and programmes of the United Nations system - especially the United Nations Educational, Scientific and Cultural Organization, the Food and Agricultural Organization of the United Nations, the International Labour Organisation, the World Health Organization and the United Nations Development Programme - in developing and implementing, within their regular budgets, programmes aimed at the reduction of illicit production and demand for drugs, and specifically requests these agencies to make this activity a regular item on the agendas of their governing bodies;

"5. Requests the agencies and programmes of the United Nations system, the international financial institutions, and Member Governments, within their bilateral and multilateral development assistance programmes and their national development programmes, to make provision for the addition of appropriate drug abuse prevention and control measures, particularly activities which promote new income sources that can substitute for their illicit narcotics raw materials production and which promote the reduction in demand for dangerous drugs;

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4/ Official Records of the Economic and Social Council, 1979, Supplement No. 5 (E/1979/35), chap. XIV.

5/ Ibid., Supplement No. 5 (E/1979/35).

"6. Requests that the Secretary-General, as a means of expediting a concerted international effort to substantially reduce illicit drug activities, invite those agencies of the United Nations system with programmes having impact on narcotics to report annually to him on their activities and proposed projects in this field;

"7. Requests the Administrative Committee on Co-ordination to provide a mechanism that will improve the co-ordination and sharing of information among the United Nations agencies with drug abuse programmes and activities in order to enhance the effectiveness of their work;

"8. Reiterates its continued support for the initiatives of the United Nations Fund for Drug Abuse Control in helping countries reduce the demand for, production of and traffic in illicit narcotics;

"9. Expresses its disappointment at the low levels of financial support being provided to the United Nations Fund for Drug Abuse Control and urges Member States to make new, sustained or increased cash contributions to the Fund as well as further financial or in-kind contributions in support of its projects and activities;

"10. Requests the Secretary General to report annually to the General Assembly on the progress being made in the implementation of the present resolution and Commission on Narcotic Drugs resolution 8 of 23 February 1979, and to transmit the first-mentioned resolution to Governments and concerned international agencies."

37. At the 69th meeting, on 5 December, the representative of the United States of America introduced a revised draft resolution (A/C.3/34/L.63/Rev.1) entitled "International co-operation in drug abuse control", sponsored by Australia, the Bahamas, Mauritania, Mexico, Norway, Paraguay, Peru, the Philippines, Senegal, Singapore, Sweden and the United States of America, subsequently joined by Denmark, Italy, Lesotho, Mali, Mauritius, Morocco, Nigeria, Panama, Somalia and Thailand.

38. At the same meeting, the sponsors further revised the text to take into account an oral proposal by the representative of the Union of Soviet Socialist Republics.

39. At the same meeting, the Committee adopted draft resolution A/C.3/34/L.63/Rev.1, as revised, without a vote (see para. 55, draft resolution VIII).

#### J. Draft resolution A/C.3/34/L.64

40. At the 69th meeting, on 5 December, the representative of the United States of America introduced a draft resolution (A/C.3/34/L.64) entitled "The right of amparo, habeas corpus or other legal remedies to the same effect" sponsored by Australia, the Netherlands, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, subsequently joined by Canada, El Salvador, Ireland, Japan and Mexico. The draft resolution read as follows:

"The General Assembly,

"Bearing in mind the provisions of the Universal Declaration of Human Rights, 6/ and Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 7/ and the International Covenant on Civil and Political Rights, 8/

"Mindful, in particular, of article 9, paragraph 4, of the said Covenant which stipulates that anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful,

"Recalling its resolution 32/121 of 16 December 1977 regarding the protection of the human rights of persons who are detained in respect of offences which they committed, or are suspected of having committed, by reason of their political opinions or convictions,

"Recalling also its resolutions 33/169 of 20 December 1978 regarding persons arrested or detained for trade union activities and 33/173 of 20 December 1978 on disappeared persons,

"Noting that this year marks the three hundredth anniversary of the Act which in 1679 gave statutory force to the remedy of habeas corpus,

"Recalling that from 15 to 28 August 1961 a United Nations regional seminar on Amparo, Habeas Corpus and Other Similar Remedies was held in Mexico City under the advisory services programme,

"1. Expresses its conviction that the availability of amparo, habeas corpus, or other legal remedies to the same effect, is of fundamental importance for:

"(a) Protecting persons against arbitrary arrest and detention;

"(b) Effecting the release of persons who are detained by reason of their political opinions or convictions, including in pursuance of trade union activities;

"(c) Clarifying the whereabouts and fate of missing and disappeared persons;

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6/ Resolution 217 A (III).

7/ Resolution 3452 (XXX).

8/ Resolution 2200 A (XXI).

"2. Considers that the use of these remedies may also forestall opportunities for persons exercising power over detainees to engage in torture or other cruel, inhuman or degrading treatment or punishment;

"3. Calls upon all Governments to guarantee to persons within their jurisdiction the full enjoyment of the right of amparo, habeas corpus, or other legal remedies to the same effect, as may be applicable in their legal systems;

"4. Decides that in order to extend the global understanding and larger applications of institutions such as amparo and habeas corpus, or other legal remedies to the same effect, a world-wide seminar on the matter would be timely and useful;

"5. Decides further to consider this question again at its thirty-fifth session."

41. At the same meeting the sponsors revised the text as follows:

(a) In operative paragraph 1, the word "availability" was replaced by the words "application within the legal system of States";

(b) In operative paragraph 1 (a), the word "unlawful" was inserted between the word "and" and the word "detention";

(c) In operative paragraph 4, the words "a world-wide" were replaced by the words "an international".

42. At the same meeting the Committee adopted the draft resolution, as revised, without a vote (see para. 55, draft resolution IX).

K. Draft resolution A/C.3/34/L.69

43. The Committee had before it a draft resolution (A/C.3/34/L.69) entitled "Human rights in Chile", sponsored by Denmark, the Netherlands, and Sweden, which read as follows:

"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 of 16 December 1976, 32/118 of 16 December 1977 and 33/175 of 20 December 1978 on the protection of human rights in Chile and 33/173 of 20 December 1978 on disappeared persons.

"Recalling also Commission on Human Rights resolution 11 (XXXV) of 6 March 1979 9/ 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 the Question of the Fate of Missing and Disappeared Persons in Chile, 10/

"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,

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9/ Official Records of the Economic and Social Council, 1979, Supplement No. 6, (E.1979/36), chap. XXIV.

10/ A/34/583 and Add.1.

"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 5 B (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:

"(a) An increase in the arbitrary powers of security agencies;

"(b) Cases of torture, ill-treatment and unexplained deaths;

"(c) Freedom of assembly and association;

"(d) Trade union rights;

"(e) The presumption of innocence of accused persons;

"(f) 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:

"(a) To 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) To restore fully the freedom of expression and information, and of assembly and association;

"(d) To 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) To 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) To restore fully the right of amparo (habeas corpus);

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

"(h) To 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."

44. At the 63rd meeting, on 30 November, the representative of the Netherlands, on behalf of the sponsors, orally revised the draft resolution, as follows:

(a) In the first preambular paragraph the word "all" was inserted between the words "Noting that" and "Governments";

(b) In the second preambular paragraph the words "and 33/173 on disappeared persons" were deleted;

(c) In the last preambular paragraph the words "on Human Rights" were inserted between the words "Commission" and "to the recommendations";

(d) In operative paragraph 7 the word "Government" was replaced by the word "authorities" and the words "and to punish those found guilty" were added at the end of the paragraph;

(e) In operative paragraph 9 the word "Government" was replaced by the word "authorities".

45. The following amendments (A/C.3/34/L.74) to the draft resolution, were submitted by Canada and Ireland:

(a) In operative paragraph 5 the insertion of the words "as the authorities of all countries" after the word "Chile" and the words "urges the Chilean authorities" after the word "particular";

(b) The addition of a new operative paragraph 6 which would read "Notes that no new cases of disappearances have been reported since the end of 1977";

(c) The renumbering of the remaining paragraphs;

(d) The revision of new operative paragraph 7, deleting the words "even though no persons are reported to have disappeared in Chile during 1978 and 1979".

46. At the 69th meeting, on 5 December, the representative of the Netherlands introduced the orally revised draft resolution, which he further revised taking into account some of the amendments contained in document A/C.3/34/L.74 (see para. 45 above), as follows:

(a) In the first preambular paragraph the words "to protect" were replaced by the words "to respect" and the words "and to carry out" by the words "in accordance with the";

(b) In operative paragraph 6 the words "that even though" were replaced by the words "although noting that";

47. Subsequently, the amendments contained in A/C.3/34/L.74 were withdrawn.

48. It was announced that the sponsors of the draft resolution had been joined by Algeria, Austria, Cuba, Cyprus, Grenada, Jamaica, Mexico, Mozambique, Nicaragua, the United Republic of Tanzania and Yugoslavia.

49. At the 69th meeting, the Committee adopted the draft resolution, as revised, by a recorded vote of 93 votes to 6, with 28 abstentions (see para. 55, draft resolution X). The result of the voting was as follows:

In favour: Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Poland, Portugal, Qatar, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia.

Against: Argentina, Brazil, Chile, Lebanon, Paraguay, Uruguay.

Abstaining: Bahamas, Bolivia, Burma, Costa Rica, Egypt, Fiji, Guatemala, Honduras, Indonesia, Israel, Ivory Coast, Japan, Malawi, Malaysia, Morocco, Nepal, Nigeria, Oman, Panama, Peru, Philippines, Romania, Saudi Arabia, Singapore, Suriname, Thailand, Upper Volta, Zaire.

L. Draft resolution A/C.3/34/L.70

50. The Committee had before it a draft resolution (A/C.3/34/L.70) sponsored by Algeria, Cuba, Mexico and Yugoslavia, entitled "Protection of human rights in Chile", which read as follows:

"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 of 16 December 1977, in which it reiterated its profound indignation concerning the violation of human rights in Chile and its resolution 33/175 of 20 December 1978 on the protection of human rights in Chile,

"Recalling further Commission on Human Rights resolution 11 (XXXV) of 6 March 1979 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:

- "(a) Deterioration of situation in the area of legislation;
- "(b) An increase in the arbitrary powers of security agencies;
- "(c) Cases of torture, ill-treatment and unexplained deaths;
- "(d) Freedom of assembly and association;
- "(e) Trade union rights;
- "(f) The presumption of innocence of accused persons;
- "(g) 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:

"(a) To 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) To restore fully the freedom of expression and information, and of assembly and association;

"(d) To 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) To 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) To restore fully the right of amparo (habeas corpus);

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

"(h) To 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 11/ 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".

51. At the 63rd meeting, on 30 November, the draft resolution was withdrawn.

M. Draft decision A/C.3/34/L.60 and Rev.1

52. The Committee had before it a draft decision (A/C.3/34/L.60) entitled "Inclusion of the United Nations Social Defence Trust Fund in the United Nations Pledging Conference for Development Activities" sponsored by Costa Rica, Italy, Mexico, Nigeria and the Philippines, which read as follows:

"The General Assembly, recalling Economic and Social Council resolution 1086 B (XXIX) of 30 July 1965, which led to the establishment of the United Nations Trust Fund for Social Defence, and taking note of Council resolution 1979/21, which, inter alia, requests the Secretary-General to ensure permanent financial resources,

Decides to request the Secretary-General to include the United Nations Trust Fund for Social Defence in the United Nations Pledging Conference for Development Activities."

53. At the 68th meeting, on 5 December, the representative of Italy introduced a revised text (A/C.3/34/L.60/Rev.1) entitled "United Nations Social Defence Trust Fund" sponsored by Costa Rica, Italy, Mexico, Nigeria and the Philippines.

54. At the same meeting, the draft decision was adopted without a vote (see para. 56).

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

55. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### DRAFT RESOLUTION I

##### The right to education

###### The General Assembly,

Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly on 16 December 1966, 12/ which recognizes the right of everyone to education,

Bearing in mind the importance of the Convention Against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Convinced of the topicality of the provisions of its resolution 2542 (XXIV) of 11 December 1969, containing the Declaration on Social Progress and Development which, inter alia, underlines the importance of the training of national personnel and cadres for the over-all development of society,

Emphasizing the paramount importance of the implementation of the right to education for the full development of human personality and for the enjoyment of other fundamental human rights and freedoms,

Considering that the educational process could bring a substantial contribution to social progress, to national development, to mutual understanding and co-operation among peoples, to strengthening peace and international security,

Reaffirming the decisive importance of the training of national personnel and cadres including the establishment of, and improvement in, the legislative framework, which should ensure the implementation and guarantee the full enjoyment of the right to education,

Recalling that the establishment of the new international economic order requires effective support for the improvement and expansion of educational systems and for the training of specialized personnel and qualified cadres for the economic development of the developing countries,

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12/ Resolution 2200 A (XXI).

Convinced that the United Nations, its specialized agencies and in particular the United Nations Educational, Scientific and Cultural Organization could continue to play an increasing role in supporting the implementation of the right to education, the development of education, the training of national personnel needed by all sectors of activity in conformity with the requirements of the over-all progress and development of the developing countries,

Bearing in mind the valuable work of the United Nations Educational, Scientific and Cultural Organization in education and training of national personnel, as well as the importance of its contribution to the preparation and implementation of the new international development strategy, in accordance with General Assembly resolution 33/193 of 29 January 1979,

1. Invites all States to consider the adoption of appropriate legislative, administrative and other measures, including material guarantees, in order to ensure the full implementation of the right to universal education, through, inter alia, free and compulsory primary education, the universalization and gradual free-of-charge secondary education, the equal access to all educational facilities and the access of the young generation to science and culture;

2. Appeals to all States and in particular to the developed countries to actively support through fellowships and other means the efforts of the developing countries in the field of education and training of national personnel needed in industry, agriculture and other economic and social sectors;

3. Requests the Director-General of the United Nations Educational, Scientific and Cultural Organization to present to the General Assembly at its thirty-fifth session a preliminary report and, at its thirty-sixth session, a final report containing:

(a) Information on the activities of the United Nations Educational, Scientific and Cultural Organization, in relation to support for education and training of national personnel of developing countries;

(b) His views and suggestions in accordance with the organization's mandate and after consultation with Member States and specialized agencies on the need for and the possibility of the United Nations Educational, Scientific and Cultural Organization reinforcing its programmes and activities for the purpose of co-operating with developing countries in their efforts to ensure adequate education networks at all levels as well as fellowships and facilities for the training of qualified national personnel, bearing in mind also the proposals contained in General Assembly resolution 33/135 of 19 December 1978;

(c) Information on the difficulties and obstacles encountered in the full implementation of the right to education, particularly in developing countries, in conformity with their own requirements of over-all progress and development, as well as his conclusions on action to be taken in this regard.



DRAFT RESOLUTION II

Regional arrangements for the promotion and protection  
of human rights

The General Assembly,

Recalling its resolutions 32/127 of 16 December 1977 and 33/167 of 20 December 1978 and Commission on Human Rights resolution 24 (XXXIV) of 8 March 1978 13/ on regional arrangements for the promotion and protection of human rights,

Mindful of the report of the Secretary-General, 14/

1. Notes with satisfaction that a United Nations Seminar on the Establishment of Regional Commissions on Human Rights with special reference to Africa was held at Monrovia, from 10 to 21 September 1979, which adopted the "Monrovia Proposals for the setting up of an African Commission on Human Rights, as well as other conclusions and recommendations, and expresses the hope that the recommendations of the Seminar will be given due consideration by the Governments and organizations concerned;

2. Reiterates its appeal to States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional arrangements for the promotion and protection of human rights;

3. Requests once again that the Secretary-General, under the programme of advisory services in the field of human rights, explore the possibility, with the States in the regions concerned, of holding a seminar as soon as possible for the purpose of discussing methods for the promotion and protection of human rights;

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13/ Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34), chap. XXVI.

4. Further requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its thirty-fifth session.

### DRAFT RESOLUTION III

#### Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The General Assembly,

Affirming the need to establish international co-operation by resolving international problems of an economic, social, intellectual or humanitarian nature and by developing and encouraging human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling in this connexion the terms of the Universal Declaration of Human Rights, 15/ of the International Convention on the Elimination of All Forms of Racial Discrimination 16/ and of the International Covenants on Human Rights, 17/

Bearing in mind the international instruments elaborated by the International Labour Organisation, notably the Migrant Workers (Supplementary Provisions) Convention, 1975, 18/ and the Recommendation Concerning Migrant Workers, 1975, 19/ adopted by the General Conference of the International Labour Organisation,

Taking account of the provisions relating to the question of migrant workers contained in the Declaration and Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination, 20/

Recalling that the family is the natural and fundamental element of society and has a right to protection by society and by the State and that, in this context, the families of migrant workers are entitled to the same protection as the migrant workers themselves,

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15/ Resolution 217 A (III).

16/ Resolution 2106 A (XX), annex.

17/ Resolution 2200 A (XXI), annex.

18/ International Labour Office, Official Bulletin, vol. LVIII, 1975, Series A, No. 1, Convention No. 143.

19/ Ibid., Recommendation No. 151.

20/ Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978 (United Nations publication, Sales No. E.79.XIV.2), chap. II.

Recognizing therefore the need to devote all necessary attention to the families, and in particular to the children, of migrant workers in all spheres, notably those of housing, health and education,

Reaffirming that the relationship between worker and employer is in itself a source of rights and obligations and that consequently a violation, or even a limitation, of these rights of migrant workers may be tantamount to a violation of the principles of the Universal Declaration of Human Rights,

Continuing to express its deep concern at the fact that despite the general effort made by the States Members of the United Nations, the regional intergovernmental organizations and the various agencies of the United Nations, migrant workers still are not exercising their rights in the sphere of work as defined by the relevant international instruments,

Affirming that close co-operation between the Commission on Human Rights, the Commission for Social Development, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization will contribute to the search for solutions aimed at improving the situation of migrant workers and their families,

Bearing in mind Economic and Social Council resolution 1979/13 of 9 May 1979,

Recalling its resolution 33/163 of 20 December 1978,

1. Takes note of the report of the Secretary-General, dated 18 October 1979 21/ and of the addendum to the report dated 23 November 1979; 22/
2. Welcomes the large number of replies submitted by Member States and the international organizations concerned favouring the elaboration of an international convention on the protection of the rights of all migrant workers and their families;
3. Decides to create at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families;
4. Requests the Secretary-General, in application of the provisions contained in Economic and Social Council resolution 1979/13, to give the working group all necessary support with a view to facilitating the elaboration of the international convention on the protection of the rights of all migrant workers and their families;
5. Invites the international organizations concerned to participate in the work of the working group and to co-operate with a view to the elaboration of such convention.

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21/ A/34/535.

22/ A/34/535/Add.1.

DRAFT RESOLUTION IV

Exchange of information on banned, hazardous  
chemicals and unsafe pharmaceutical products

The General Assembly,

Aware that the exportation of banned hazardous chemicals and unsafe pharmaceutical products could have serious and adverse effects on the health of peoples in the importing countries,

Recognizing the urgent need to take concrete measures to prevent the adverse effects on health on a world-wide basis and, to that end, mindful of the importance of objective information about banned hazardous chemicals and unsafe pharmaceutical products,

1. Urges Member States to exchange information on hazardous chemicals and unsafe pharmaceutical products that have been banned in their territories, and to discourage, in consultation with importing countries, the exportation of such products to other countries;

2. Requests the Secretary General in co-operation with the United Nations agencies and bodies concerned, specially the World Health Organization, to assist Governments to exchange information and submit a report to the General Assembly at its thirty-fifth session, through the Economic and Social Council, about the experience of Member States and United Nations agencies and bodies concerned.

DRAFT RESOLUTION V

Assistance to student refugees from Namibia, Zimbabwe  
and South Africa

The General Assembly,

Recalling its resolutions 31/126 of 16 December 1976, 32/119 of 16 December 1977 and 33/164 of 20 December 1978 which, inter alia, reaffirmed that humanitarian assistance by the international community to all those persecuted under repressive and discriminatory legislation in South Africa, Namibia and Southern Rhodesia is appropriate and essential,

Deeply concerned by the discriminatory education policies and repressive measures being applied by the Government of South Africa against black students in that country,

Noting Security Council resolution 417 (1977) of 31 December 1977 which, inter alia, demanded the abolishment of "the bantu system of education and all other measures of apartheid and racial discrimination",

Noting with concern the continued influx into Botswana, Lesotho, Swaziland and Zambia of student refugees from South Africa as well as from Namibia and Zimbabwe and the urgent need to provide facilities for their care, health and education,

Conscious of the burden placed on the limited financial, material and administrative resources of the host countries by the influx of these student refugees,

Having considered the report of the Secretary-General 23/ containing the findings of the review missions sent by him to Botswana, Lesotho, Swaziland and Zambia in May 1979 to examine the status of the programmes of assistance to South African student refugees,

Recognizing the urgent need to establish an assistance programme for student refugees from Namibia and Zimbabwe,

Disturbed by the adverse effects which the application of apartheid, particularly the Bantustan policy, is having on settled communities living in South Africa in areas bordering Lesotho and Swaziland, and the consequent flight of large numbers of families, including children of school age into Lesotho and Swaziland,

1. Endorses the assessment and recommendations contained in the report of the Secretary-General 23/ and commends him and the United Nations High Commissioner for Refugees on their efforts to mobilize resources and organize the programme of assistance to South African student refugees in the host countries;

2. Decides to enlarge the assistance programme for South African student refugees living in Botswana, Lesotho, Swaziland and Zambia to include the care, health, education and other needs of student refugees from Namibia and Zimbabwe;

3. Requests the Secretary-General, in consultation with the United Nations High Commissioner for Refugees and other relevant agencies and organizations of the United Nations system, to make every effort to mobilize assistance to facilitate the resettlement of refugee families from the border areas of South Africa and to provide adequately for the well-being of the children concerned;

4. Expresses appreciation that the Governments of Botswana, Lesotho, Swaziland and Zambia continue to grant asylum and make educational and other facilities available to the student refugees in spite of the pressure which the continuing influx of these refugees exerts on facilities in their countries;

5. Notes with appreciation the efforts made by Member States, the United Nations system and intergovernmental and non-governmental organizations to assist the host countries;

6. Requests the Secretary-General and the United Nations High Commissioner for Refugees to organize and implement an effective programme of educational and other appropriate assistance for student refugees from southern Africa who have taken asylum in Botswana, Lesotho, Swaziland and Zambia;

7. Urges all States, intergovernmental and non-governmental organizations to contribute generously to the assistance programmes for these students, both through financial support and by offering further opportunities for their educational and vocational training, as well as by financial and material contributions for their care and maintenance;

8. Calls upon all agencies and programmes of the United Nations system, including the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund, the United Nations Development Programme, the International Labour Organisation, the United Nations Trust Fund for South Africa and the World Food Programme, to co-operate with the Secretary-General and the United Nations High Commissioner for Refugees in the implementation of humanitarian programmes of assistance for the student refugees from Namibia, Zimbabwe and South Africa who have taken asylum in Botswana, Lesotho, Swaziland and Zambia;

9. Further requests the Secretary-General to continue to keep the matter under review and to apprise the Economic and Social Council, at its second regular session of 1980, of the current status of the programmes and to report to the General Assembly at its thirty-fifth session on the implementation of the present resolution.

DRAFT RESOLUTION VI

Effective action against mass and flagrant  
violations of human rights

The General Assembly,

Mindful of the importance given in the Charter of the United Nations to promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Recognizing that, in accordance with the Universal Declaration of Human Rights, <sup>24/</sup> the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everybody may enjoy his civil and political rights as well as his economic, social and cultural rights,

Conscious of the responsibility of the United Nations expressed, inter alia, in resolution 32/130 of 16 December 1977, in dealing with situations of mass and flagrant violations of human rights,

Believing that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind,

Recalling the statements made in the present session of the General Assembly by representatives of countries which have recently experienced mass and flagrant violations of human rights,

1. Expresses deep satisfaction that during this year several situations of mass and flagrant violations of human rights have ceased, though many serious situations remain to be resolved;

2. Notes with appreciation the assistance being offered by the Secretary-General and by various United Nations bodies to countries which have recently experienced situations of mass and flagrant violations of human rights;

3. Reaffirms that mass and flagrant violations of human rights are of special concern to the United Nations;

4. Urges the appropriate United Nations bodies, within their mandates, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights;

5. Stresses the important role that the Secretary-General can play in situations of mass and flagrant violations of human rights.

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<sup>24/</sup> Resolution 217 A (III).

DRAFT RESOLUTION VII

United Nations Trust Fund for Chile

The General Assembly,

Recalling its resolution 33/174 of 20 December 1978 by which it established the United Nations Trust Fund for Chile as a voluntary fund to receive contributions and distribute, through established channels of assistance, humanitarian, legal and financial aid to persons whose human rights have been violated by detention or imprisonment in Chile, to those forced to leave the country and to relatives of persons in the above-mentioned categories,

Also recalling the appeal to Member States for pledges and contributions to the United Nations Trust Fund for Chile made by the Secretary-General in his letter dated 28 September 1979,

Taking note of the report of 8 November 1979 on the implementation of resolution 33/174 of 20 December 1978, 25/ by which the Secretary-General informed the Assembly that, as at 31 October 1979, no contributions or pledges of contributions had been received,

1. Noting that some Governments have since 31 October 1979 decided to contribute or make pledges of contributions to the United Nations Trust Fund for Chile; 26/

2. Appeals to Member States to respond favourably to the request for contributions to the United Nations Trust Fund for Chile made in the letter of the Secretary-General of 28 September 1979.

DRAFT RESOLUTION VIII

International co-operation in drug abuse control

The General Assembly,

Noting the continuing spread of drug abuse in many parts of the world and its harmful impact on developing and industrialized countries,

Viewing with concern the detrimental effects drug abuse can have on all societies and individuals, particularly young people,

Recognizing that illicit traffic in drugs and the profits accruing therefrom

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25/ A/34/658.

26/ A/34/658/Add.1.



to traffickers and criminal organizations pose a threat to the social-economic well-being of many countries and should be addressed through development assistance programmes together with intensified law enforcement, education and demand reduction efforts,

Noting with satisfaction the positive results that have been attained in a number of countries, but at the same time expressing concern for the lack of realization of many of the objectives for drug abuse control set forth in the drug control treaties as well as in the resolutions and documents of the Commission on Narcotic Drugs, the International Narcotics Control Board, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization,

Recalling General Assembly resolution 33/168 of 20 December 1978, in which the Assembly requested more extensive and co-ordinated co-operation between Governments and relevant bodies of the United Nations and specialized agencies in the designing and implementation of programmes aimed at the eradication of illicit demand for and illicit traffic in drugs,

Bearing in mind the necessity for international drug abuse control policies and strategy, as requested in General Assembly resolution 32/124 of 16 December 1977 and reiterated in Commission on Narcotic Drugs resolution 8 (XXVIII) of 23 February 1979, 27/

Having received the report of the Commission, 28/ noted in Economic and Social Council decision 1979/19, proposing principles to guide future international drug abuse control activities,

1. Takes note of the report of the Commission on Narcotic Drugs 28/ and requests all agencies and organizations concerned to implement operative paragraphs 2 and 3 of the aforementioned resolution of the Commission and to elaborate a practical and dynamic drug abuse control programme, noting these principles, and to provide within the existing regular budget for the monitoring of the implementation of the programme by the Commission;

2. Requests the Commission to finalize at its next special session, to be held in 1980, a meaningful drug abuse control strategy and policies aimed at eradicating illicit demand for, production of and traffic in narcotic drugs and psychotropic substances, and to report to the Economic and Social Council at its first regular session in 1980 on the progress achieved in this respect;

3. Invites Member States to take into account the principles set forth by the Commission in allocating, within their capabilities, national resources to drug abuse control programmes - including programmes to combat the illicit production of and trafficking in narcotic and psychotropic substances and to reduce the demand for these drugs - and calls for greater technical and financial contributions to those developing countries which are constrained by limited national resources in their efforts to implement drug abuse control programmes;

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27/ Official Records of the Economic and Social Council, 1979, Supplement No. 5 (E/1979/35), chap. XIV.

28/ Ibid., Supplement No. 5 (E/1979/35).

4. Further invites Member States to take appropriate measures for the prevention of uncontrolled or illicit manufacture and export of psychotropic substances and the chemical precursors of drugs of abuse such as acetic anhydride;

5. Urges States which have not yet become parties to the international drug control treaties to adhere to them and to make maximum efforts to implement them;

6. Further urges greater action by the specialized agencies and programmes of the United Nations system - especially the United Nations Educational, Scientific and Cultural Organization, the Food and Agricultural Organization of the United Nations, the International Labour Organisation, the World Health Organization and the United Nations Development Programme - in developing and implementing, within their mandates, programmes aimed at the reduction of illicit production and demand for drugs, and specifically requests these agencies to make this activity a regular item on the agendas of their governing bodies;

7. Requests the agencies and programmes of the United Nations system, the international financial institutions and member Governments within their bilateral and multilateral development assistance programmes to consider providing, when requested by a recipient State and if possible, appropriate assistance for the implementation of drug abuse prevention and control measures, particularly activities which promote new income sources that can substitute for illicit production of narcotics raw materials and which promote the reduction in demand for dangerous drugs;

8. Further requests the United Nations and the specialized agencies with programmes having an impact on narcotics, as a means of expediting a concerted international effort to substantially reduce illicit drug activities, to report annually to the General Assembly on their activities and proposed projects in this field;

9. Appeals to Member States, in accordance with their individual development goals, to consider within their national development programmes the inclusion of appropriate drug abuse control measures;

10. Reiterates its continued support for the initiatives of the United Nations Fund for Drug Abuse Control in helping countries reduce the demand for, production of and traffic in illicit narcotics;

11. Expresses its disappointment at the low levels of financial support being provided to the United Nations Fund for Drug Abuse Control and appeals to Member States to make new, sustained or increased cash contributions to the Fund as well as further financial or in-kind contributions in support of its projects and activities;

12. Requests the Secretary-General to report annually to the General Assembly on the progress being made in the implementation of the present resolution and the Commission on Narcotic Drugs resolution 8 of 23 February 1979, and to transmit the first-mentioned resolution to Governments and concerned international agencies.

DRAFT RESOLUTION IX

The right of amparo, habeas corpus or other  
legal remedies to the same effect

The General Assembly,

Bearing in mind the provisions of the Universal Declaration of Human Rights, Rights, 29/ and Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 30/ and the International Covenant on Civil and Political Rights, 31/

Mindful, in particular, of article 9, paragraph 4, of the said Covenant, which stipulates that anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful,

Recalling its resolution 32/121 of 16 December 1977 regarding the protection of the human rights of persons who are detained in respect of offences which they committed, or are suspected of having committed, by reason of their political opinions or convictions,

Recalling also its resolutions 33/169 of 20 December 1978 regarding persons arrested or detained for trade union activities and 33/173 of 20 December 1978 on disappeared persons,

Noting that this year marks the three hundredth anniversary of the Act which in 1679 gave statutory force to the remedy of habeas corpus,

Recalling that, from 15 to 28 August 1961 a United Nations regional Seminar on Amparo, Habeas Corpus and Other Similar Remedies was held in Mexico City, Mexico, under the advisory services programme,

1. Expresses its conviction that the application within the legal system of States of amparo, habeas corpus, or other legal remedies to the same effect, is of fundamental importance for:

- (a) Protecting persons against arbitrary arrest and unlawful detention;
  - (b) Effecting the release of persons who are detained by reason of their political opinions or convictions, including in pursuance of trade union activities;
  - (c) Clarifying the whereabouts and fate of missing and disappeared persons;
2. Considers that the use of these remedies may also forestall opportunities for persons exercising power over detainees to engage in torture or other cruel, inhuman or degrading treatment or punishment;

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29/ Resolution 217 A (III).

30/ Resolution 3452 (XXX).

31/ Resolution 2200 A (XXI).

3. Calls upon all Governments to guarantee to persons within their jurisdiction the full enjoyment of the right of amparo, habeas corpus, or other legal remedies to the same effect, as may be applicable in their legal system;

4. Decides that in order to extend the global understanding and larger applications of institutions such as amparo and habeas corpus, or other legal remedies to the same effect, an international seminar on the matter would be timely and useful;

5. Decides further to consider this question again at its thirty-fifth session.

#### DRAFT RESOLUTION X

##### Human rights in Chile

###### The General Assembly,

Noting that all Governments have an obligation to respect and promote human rights in accordance with the responsibilities they have undertaken under various international instruments,

Recalling its resolutions 31/124 of 16 December 1976, 32/118 of 16 December 1977 and 33/175 of 20 December 1978 on the protection of human rights in Chile,

Recalling also Commission on Human Rights resolution 11 (XXXV) of 6 March 1979 32/ 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 reports of the Special Rapporteur and the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile, 33/

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,

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32/ Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36), chap. XXIV.

33/ A/34/583 and Add.1.

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 resolution 33/175 to investigate and clarify the fate of persons reported to have disappeared for political reasons,

Calling the attention of the Commission on Human Rights 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 5 B (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; 33/

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:

- (a) An increase in the arbitrary powers of security agencies;
- (b) Cases of torture, ill-treatment and unexplained deaths;
- (c) Freedom of assembly and association;
- (d) Trade union rights;
- (e) The presumption of innocence of accused persons;
- (f) The treatment of indigenous people;

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

- (a) To 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;

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(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) To restore fully the freedom of expression and information and of assembly and association;

(d) To 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) To 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) To restore fully the right of amparo (habeas corpus);

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

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

6. Expresses its deep concern, although noting that no persons are reported to have disappeared in Chile during 1978 and 1979, that 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 authorities 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 and to punish those found guilty;

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 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,

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through the Economic and Social Council, to the General Assembly at its thirty-fifth session.

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56. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

The General Assembly, recalling Economic and Social Council resolution 1086 B (XXXIX) of 30 July 1965, which established the United Nations Trust Fund for Social Defence, endorses Council resolution 1979/21 of 9 May 1979 and requests the Secretary-General to put it into effect in the context of the relevant fund-raising mechanisms in the Organization.

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