

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 narcotic raw materials and which promote the reduction in demand for dangerous drugs;

8. *Further requests* the organs of the United Nations and the specialized agencies with programmes having an impact on narcotics, as a means of expediting a concerted international effort substantially to 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 Commission on Narcotic Drugs resolution 8 (XXVIII) and to transmit the present resolution to Governments and concerned international agencies.

106th plenary meeting
17 December 1979

34/178. 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,¹³⁰ of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹³¹ and of the International Covenant on Civil and Political Rights,¹³²

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, concerning the protection of the human rights of persons who are detained in respect of offences which they have 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, concerning persons arrested or detained for trade

union activities, and 33/173 of 20 December 1978 on disappeared persons,

Noting that the year 1979 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 seminar on *amparo*, *habeas corpus* and other similar remedies was organized by the United Nations at Mexico City,¹³³ under the programme of advisory services in the field of human rights,

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 those 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 system;

4. *Decides* that, in order to extend the global understanding and larger applications of institutions such as *amparo*, *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.

106th plenary meeting
17 December 1979

34/179. 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 1979¹³⁴ on reported violations of human rights in Chile, in which the Commission, *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,

¹³⁰ Resolution 217 A (III).

¹³¹ Resolution 3452 (XXX), annex.

¹³² Resolution 2200 A (XXI), annex.

¹³³ The report of the seminar was issued as document ST/TAO/HR/12.

¹³⁴ See *Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36)*, chap. XXIV, sect. A.

Noting with concern the delay in the publication of the report of the Special Rapporteur¹⁸⁵ and the report of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile,¹⁸⁶

Noting that both reports in their conclusions clearly indicate that generally the situation of human rights has not improved, and in a number of areas has even deteriorated, compared with that described in the last report of the *Ad Hoc* Working Group on the Situation of Human Rights in Chile,¹⁸⁷

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 the hope that the judicial investigation initiated to determine the origins of those 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 by the General Assembly in resolution 33/175, to investigate and clarify the fate of persons reported to have disappeared for political reasons,

Drawing the attention of the Commission on Human Rights to the recommendations contained in the report of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile¹⁸⁸ when pursuing the question of disappeared persons, as requested by the General Assembly in resolution 33/173 of 20 December 1978, and when considering resolution 5 B (XXXII) of 5 September 1979¹⁸⁹ of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. *Commends* the Special Rapporteur and the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile for their work;

2. *Requests* the Commission on Human Rights at its thirty-sixth session thoroughly to study the report of the Special Rapporteur and the report of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile;

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 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. *Strongly urges* the Chilean authorities to respect and promote human rights in accordance with the obligations Chile 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 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 disappearance between September 1973 and the end of 1977 of numerous persons, whose whereabouts are still unknown, represents 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 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 Commission resolution 11 (XXXV);

(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 of the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile;

9. *Further urges* the Chilean authorities to co-operate with the Special Rapporteur and the Expert on the Question of the Fate of Missing and Disappeared Persons in Chile;

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.

*106th plenary meeting
17 December 1979*

34/180. Convention on the Elimination of All Forms of Discrimination against Women

The General Assembly,

Considering that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter, is to promote universal respect for human rights and fundamental freedoms without distinction of any kind, including any distinction as to sex,

Recalling the proclamation by the General Assembly, in its resolution 2263 (XXII) of 7 November 1967, of

¹⁸⁵ A/34/583.

¹⁸⁶ A/34/583/Add.1.

¹⁸⁷ A/33/331.

¹⁸⁸ A/34/583/Add.1, paras. 193-198.

¹⁸⁹ See E/CN.4/1350, chap. XVI, sect. A.