

opportunity for all citizens to become candidates and put forward their political views, individually and in co-operation with others;

4. *Reaffirms* that *apartheid* should be abolished, that the systematic denial or abridgement of the right to vote on the grounds of race or colour is a gross violation of human rights and an affront to the conscience and dignity of mankind, and that the right to participate in a political system based on common and equal citizenship and universal franchise is essential for the exercise of the principle of periodic and genuine elections;

5. *Calls upon* the Commission on Human Rights, at its forty-fifth session, to consider appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections, in the context of full respect for the sovereignty of Member States, and to report to the General Assembly at its forty-fourth session, through the Economic and Social Council;

6. *Decides* to include in the agenda of its forty-fourth session an item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections".

75th plenary meeting
8 December 1988

43/158. Situation of human rights and fundamental freedoms in Chile

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations and bearing in mind the Universal Declaration of Human Rights,² the International Covenant on Economic, Social and Cultural Rights²⁰ and the International Covenant on Civil and Political Rights,²⁰

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

Noting the obligation of the Government of Chile to respect and protect human rights in accordance with the international instruments to which Chile is a party,

Bearing in mind that the concern of the international community at the situation of human rights in Chile has been expressed by the General Assembly in a number of resolutions, particularly resolution 33/173 of 20 December 1978 on disappeared persons and resolution 42/147 of 7 December 1987, in which the Assembly invited the Commission on Human Rights to take the most appropriate steps for the effective restoration of human rights and fundamental freedoms in that country, including the extension of the mandate of the Special Rapporteur,

Recalling the pertinent resolutions of the Commission on Human Rights, particularly resolution 1988/78 of 10 March 1988,²⁷ in which the Commission decided, *inter alia*, in view of the persistence of serious violations of human rights in Chile, to extend the mandate of the Special Rapporteur for one year and to consider that subject as a matter of high priority,

Considering the referendum held on 5 October 1988 to be an important step towards the restoration of democracy in Chile,

Noting the formal acceptance of the results of the referendum and the increase in political activity in Chile,

Noting with satisfaction the termination of the two states of emergency and of the prohibition of free movement into and out of the country,

Deploring the fact that, notwithstanding the repeated visits of the Special Rapporteur to Chile and the adoption of positive measures by the Government, the institutional and legal framework that makes violations of human rights possible has remained unchanged,

Noting that, although opposition publications have in some cases been authorized, they are frequently subject to arbitrary restrictions and limitations,

1. *Takes note with interest* of the provisional report of the Special Rapporteur,¹⁷⁸ submitted in accordance with Commission on Human Rights resolution 1988/78;

2. *Welcomes* the positive fact that the Government of Chile has decided to continue to co-operate with the Special Rapporteur and again permitted him to visit the country in October 1988, providing him with free access to the facilities for compiling his report, and expresses its confidence that a further visit will be authorized on the same conditions in the immediate future;

3. *Welcomes* the decision of the Government of Chile to respect the result of the referendum of 5 October 1988 as an expression of the will of the people and an important step towards the rapid restoration of democracy in Chile;

4. *Urges* the Government of Chile to take the necessary measures to facilitate the full re-establishment of a democratic, pluralist and representative system based on the principle of popular sovereignty;

5. *Notes with satisfaction* the decision of the Government of Chile to lift the two states of emergency imposed fifteen years ago, permitting greater political activity in the country;

6. *Expects* that the measures already adopted by the Government of Chile in favour of a transition to democracy will lead to a genuine improvement in the situation of human rights and fundamental freedoms of the Chilean people;

7. *Expresses once again its concern* at the persistence of serious violations of human rights and fundamental freedoms in Chile, as stated in the provisional report of the Special Rapporteur;

8. *Again urges* the Government of Chile to put an end to this situation and to the legislation that makes it possible; to continue adopting measures to permit the restoration of the rule of law in Chile; to ensure the independence of the judiciary and the effectiveness of judicial remedies; to respect human rights in accordance with the principles of the Universal Declaration of Human Rights and to comply with its obligations under various international instruments in order to ensure the enjoyment and effective exercise of human rights and fundamental freedoms;

9. *Urges* the Government of Chile to authorize, in accordance with the recommendations of the Special Rapporteur and in conformity with existing laws, the official publication of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

10. *Invites* the Commission on Human Rights to consider at its forty-fifth session, as a matter of high priority, the situation of human rights in Chile, bearing in mind the report of the Special Rapporteur and the pertinent available information, to consider also the measures necessary for the restoration of human rights in Chile, including the extension of the mandate of the Special Rapporteur, and

¹⁷⁸ A/43/624, annex.

to report to the General Assembly at its forty-fourth session.

*75th plenary meeting
8 December 1988*

43/159. Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 42/142 of 7 December 1987 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence, in certain cases, of the practice of enforced or involuntary disappearances, and about the fact that, in certain cases, the families of disappeared persons have been the target of intimidation and ill-treatment,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances, with a view to finding solutions for cases of disappearances and helping to eliminate such practices,

Bearing in mind Commission on Human Rights resolution 1988/34 of 8 March 1988,²⁷

1. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and to those Governments that have co-operated with it;

2. *Welcomes* the decision of the Commission on Human Rights to extend for two years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980,⁵³ while

maintaining the principle of annual reporting by the Working Group;

3. *Also welcomes* the provisions made by the Commission on Human Rights in its resolution 1986/55 of 13 March 1986⁶⁰ to enable the Working Group to fulfil its mandate with greater efficiency;

4. *Further welcomes* the progress made in the preparation of the draft declaration on enforced or involuntary disappearances;

5. *Appeals* to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to co-operate fully with the Working Group so as to enable it, with respect for its working methods based on discretion, to perform its strictly humanitarian role, and in particular to reply more quickly to the requests for information addressed to them by the Working Group;

6. *Encourages* the Governments concerned to consider the wish of the Working Group, when such a wish is expressed, to visit their countries, thus enabling the Working Group to fulfil its mandate even more effectively;

7. *Extends its warm thanks* to the Governments that have invited the Working Group;

8. *Appeals* to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or any ill-treatment of which they may be the target;

9. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group when it considers the report to be submitted by the Working Group to the Commission at its forty-fifth session;

10. *Renews its request* to the Secretary-General to continue to provide the Working Group with all necessary facilities.

*75th plenary meeting
8 December 1988*