

year the mandate of the Special Rapporteur on the situation of human rights in Chile.

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

*Expressing its profound concern* that, according to the conclusions of the Special Rapporteur, the performance of the Chilean authorities with regard to the situation of human rights has been negative in general and that they have not been responsive to the concerns of the international community expressed in resolutions of the General Assembly and the Commission on Human Rights.

*Observing* that the Chilean authorities have permitted a limited number of nationals to return to the country, but noting that the measures taken to that effect have been arbitrary and restrictive,

1. *Commends* the Special Rapporteur on the situation of human rights in Chile for his report,<sup>124</sup> prepared in accordance with Commission on Human Rights resolution 1983/38;

2. *Reiterates its grave concern* at the persistence of and increase in serious and systematic violations of human rights in Chile, as described in the report of the Special Rapporteur;

3. *Expresses once again its concern* at the disruption of the traditional democratic legal order and its institutions by the maintenance of exceptional legislation, the institutionalization of various states of emergency and the existence of a Constitution in Chile which does not reflect a freely expressed popular will and the provisions of which not only fail to guarantee the enjoyment of human rights and fundamental freedoms but also suppress, suspend or restrict the exercise of those rights and freedoms;

4. *Also reiterates its grave concern* at the inefficacy of recourse to *habeas corpus* or *amparo* and of protection in view of the fact that the judiciary in Chile does not exercise its powers fully in this respect and carries out its functions under severe restrictions;

5. *Once again requests* the Chilean authorities to respect and promote human rights in compliance with the obligations they have assumed under various international instruments and, in particular, to end the régime of exception and especially the practice of declaring states of emergency, under which serious and continuing violations of human rights are committed, and to restore the principle of legality, democratic institutions and the effective enjoyment and exercise of civil and political rights and fundamental freedoms without any discrimination;

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

7. *Reiterates its appeal* to the Chilean authorities to put an end to intimidation and persecution, as well as arbitrary detentions and imprisonment in secret places and the practice of torture and other forms of cruel, inhuman or degrading treatment which have resulted in unexplained deaths, and to respect the right of persons to life and physical integrity;

8. *Expresses its concern* at the violent suppression of the ever larger and more widespread popular protests in the face of the incapacity of the authorities to restore human rights and fundamental freedoms, as reported by the Special Rapporteur, which have resulted in serious, flagrant and systematic violation of human rights, including mass detentions and numerous deaths;

9. *Once again urges* the Chilean authorities to respect the right of Chileans to live in and freely enter and leave their country, without restrictions or conditions, and to cease the practice of "relegation" (assignment of forced residence) and forced exile;

10. *Renews its appeal* to the Chilean authorities to restore the full enjoyment and exercise of trade union rights, in particular the right to organize trade unions, the right to collective bargaining and the right to strike;

11. *Once more urges* the Chilean authorities to protect and restore the economic, social and cultural rights of the population and, in particular, to respect the rights intended to preserve the cultural identity and improve the social status of the indigenous population;

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

13. *Calls again upon* the Chilean authorities to co-operate with the Special Rapporteur and to submit their comments on his report to the Commission on Human Rights at its fortieth session;

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

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16 December 1983

### 38/103. Human rights and mass exoduses

*The General Assembly,*

*Mindful* of its general humanitarian mandate under the Charter of the United Nations and its mandate to promote and encourage respect for human rights and fundamental freedoms for all,

*Deeply disturbed* by the continuing scale and magnitude of exoduses and displacements of populations in many regions of the world and by the human suffering of millions of refugees and displaced persons in all regions of the world,

*Conscious* that human rights violations are among the principal factors in the complex and multiple causes of mass exoduses of population,

*Deeply preoccupied* by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden and mass exoduses and displacements of population,

*Recalling* its resolution 32/130 of 16 December 1977 and Commission on Human Rights resolution 4 (XXXIII) of 21 February 1977<sup>125</sup> on the full realization of economic, social and cultural rights,

<sup>124</sup> See A/38/385 and Add.1.

<sup>125</sup> See *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6 (E/52/1)*, chap. XXI, sect. B.

Recalling also its resolutions 35/124 of 11 December 1980, 36/148 of 16 December 1981 and 37/121 of 16 December 1982 on international co-operation to avert new flows of refugees, 35/196 of 15 December 1980 and 37/186 of 17 December 1982 on human rights and mass exoduses and Commission on Human Rights resolutions 29 (XXXVII) of 11 March 1981,<sup>126</sup> 1982/32 of 11 March 1982<sup>127</sup> and 1983/35 of 8 March 1983,<sup>128</sup>

Convinced that there is an urgent need to improve co-ordination within the existing international machinery to deal with mass exoduses and displacements of population,

Recognizing that the study on human rights and massive exoduses prepared by the Special Rapporteur of the Commission on Human Rights<sup>129</sup> can make an important contribution to the development of international thinking on the present problem of mass exoduses and their causes, and thus help in the prevention of further mass movements of population and the mitigation of their consequences,

1. Takes due note of the report of the Secretary-General on human rights and mass exoduses;<sup>130</sup>

2. Invites Governments to intensify their co-operation and assistance in world-wide efforts to address the increasingly serious problem of mass exoduses;

3. Requests those Governments that have not yet done so to communicate to the Secretary-General their opinions on the study prepared by the Special Rapporteur and the recommendations made therein with a view to the General Assembly taking a decision on those recommendations;

4. Notes the Secretary-General's request to the agencies and organizations of the United Nations system to make recommendations and to take whatever steps possible, within their mandates and existing resources, to improve international co-operation in these fields;

5. Considers it desirable for the Secretary-General to utilize to the greatest extent possible relevant United Nations machinery to analyse promptly information on situations which might cause mass exoduses;

6. Notes with interest that the Secretary-General has on many occasions designated special representatives on humanitarian issues on an *ad hoc* basis, and his readiness to continue and expand this practice;

7. Requests the Secretary-General to follow closely developments on this question, to take into consideration all the further comments of Member States, including those expressed at the thirty-eighth session of the General Assembly and at the fortieth session of the Commission on Human Rights, and to keep under review the recommendations of the Special Rapporteur;

8. Recalls that, in its resolution 36/148, the General Assembly requested the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees to undertake a comprehensive review of the problem of massive flows of refugees and, in accordance with paragraph 7 of that resolution, invited the Group of Governmental Experts to consider the recommendations of the Special Rapporteur which fall within its mandate;

9. Decides to consider the question of human rights and mass exoduses at its thirty-ninth session.

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<sup>126</sup> See *Official Records of the Economic and Social Council, 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.*

<sup>127</sup> *Ibid.*, 1982, *Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.*

<sup>128</sup> *Ibid.*, 1983, *Supplement No. 3 (E/1983/33 and Corr.1), chap. XXVII, sect. A.*

### 38/104. International Research and Training Institute for the Advancement of Women

*The General Assembly,*

Recalling its resolution 37/56 of 3 December 1982, in which it invited the Secretary-General to submit to the General Assembly at its thirty-eighth session a report on the programme activities of the International Research and Training Institute for the Advancement of Women,

Taking note of the report of the Institute on its programme activities,<sup>131</sup>

Recalling Economic and Social Council resolution 1983/29 of 26 May 1983 concerning the programme of work of the Institute for the biennium 1984-1985,

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

1. Expresses its satisfaction at the official inauguration of the International Research and Training Institute for the Advancement of Women at its permanent headquarters at Santo Domingo,

2. Takes note with satisfaction of the programme of work of the Institute<sup>132</sup> and requests that the Institute continue activities that contribute to the full integration of women in the mainstream of development and that due attention be given to the interdependence of micro and macro economy and its impact on the role of women in the development process;

3. Requests the Secretary-General to take into account, when preparing the statute of the Institute, all relevant factors, including the fact that the Institute and its work are funded from voluntary contributions, as well as the principle of equitable geographical distribution applicable to the membership of the Board of Trustees;

4. Similarly requests the Economic and Social Council, when considering the statute of the Institute, to take the above-mentioned elements into account;

5. Urges the Secretary-General to continue to provide support to the Institute through the various departments of the Secretariat and to secure office space at United Nations Headquarters for liaison purposes in order to ensure prompt execution of the Institute's programme of work, as well as to maintain channels of communication between the Institute and the United Nations in conformity with the decision of the Board of Trustees;

6. Invites Governments and intergovernmental and non-governmental organizations to contribute to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women to meet the urgent need for financial resources in order to implement the programme of work of the Institute;

7. Decides to include in the provisional agenda of its thirty-ninth session a separate item entitled "International Research and Training Institute for the Advancement of Women".

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<sup>129</sup> E/CN.4/1503.

<sup>130</sup> A/38/538.

<sup>131</sup> A/38/406, annex.

<sup>132</sup> *Ibid.*, annex, sect. III.