

*Bearing in mind* the pertinent resolutions of the Commission on Human Rights, particularly resolution 1989/62 of 8 March 1989,<sup>205</sup> in which the Commission decided, *inter alia*, to extend the mandate of the Special Rapporteur for one year, to consider the question as a matter of high priority in view of the persistence of serious violations of human rights in Chile and to determine how the item was to be dealt with on the agenda of its forty-sixth session in the light of developments in the situation,

*Regretting* the decision of the Government of Chile to discontinue its co-operation with the Special Rapporteur,

*Regretting also* that the process of restoration of civil and political rights in Chile does not yet include the amendment of numerous laws that constitute an institutional and legal framework that makes violations of human rights possible,

1. *Takes note with appreciation* of the report of the Special Rapporteur<sup>205</sup> submitted in accordance with Commission on Human Rights resolution 1989/62;

2. *Congratulates* the Chilean people on their peaceful progress towards the re-establishment of a representative and pluralist democracy based on respect for human rights and fundamental freedoms, and for reaffirming their will to achieve peace and national reconciliation through the restoration of justice;

3. *Expresses its satisfaction* at the progress of the Chilean electoral process which it considers an important step towards the rapid return of democracy in that country;

4. *Welcomes*, as a positive development, the decision by the Government of Chile to heed the demands of democratic sectors of the country and of the international community with regard to reforming certain aspects of the institutional and legal framework harmful to civil and political rights;

5. *Takes note with satisfaction* of the decision by the Government of Chile to incorporate the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights into domestic law;

6. *Welcomes* the improvement of the situation of human rights in Chile noted by the Special Rapporteur during the six months covered by his report;

7. *Regrets*, nevertheless, the decision of the Government of Chile to discontinue its co-operation with the Special Rapporteur in the fulfilment of his mandate, and urges it to resume such co-operation in compliance with the resolutions of the General Assembly and the Commission on Human Rights;

8. *Urges* the Government of Chile to continue to make progress regarding respect for human rights and fundamental freedoms for all the Chilean people, including the indigenous peoples, especially by adapting the legal system to the relevant principles and provisions and refraining from making any more changes in national institutions without duly consulting the people, and to be guided by those principles and provisions in the exercise of its powers in the same way as the judiciary;

9. *Also urges* the Government of Chile for that purpose to ensure the independence of the judiciary and the effectiveness of judicial remedies, by respecting procedural guarantees, equality before the law and the right to defence in all cases;

10. *Expresses its concern* at acts of violence of any origin that continue to occur in Chile, thereby aggravating

the climate of insecurity and rendering the return to democracy more difficult;

11. *Again expresses its serious concern* at the persistence of violations of human rights and fundamental freedoms in Chile involving, *inter alia*, cases of death, torture and ill-treatment, and at the Colonia Dignidad case, as described by the Special Rapporteur in his report;

12. *Urges* the Government of Chile to investigate all cases of serious violations of human rights that occurred in the past, bearing in mind the reports of special rapporteurs;

13. *Invites* the Commission on Human Rights to evaluate at its forty-sixth session the situation of human rights in Chile, bearing in mind the reports presented by special rapporteurs, to consider the mandate of the Special Rapporteur and also how the item is to be dealt with on the agenda in the light of developments in the situation, and to report to the General Assembly at its forty-fifth session.

82nd plenary meeting  
15 December 1989

**44/167. Enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms**

*The General Assembly,*

*Recalling* Economic and Social Council resolutions 845 (XXXII) of 3 August 1961, 1147 (XLI) of 4 August 1966 and 1979/36 of 10 May 1979,

*Appreciating* the contribution made by the Commission on Human Rights to the cause of human rights and recognizing the need to reinforce the Commission,

*Reaffirming* that the Commission on Human Rights shall be guided by the standards in the field of human rights laid down in the various international instruments in that field,

*Emphasizing* the importance of further improving the effective functioning of the Commission on Human Rights and the participation therein by Member States at a high level,

*Taking note* of the relevant section of the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries adopted at Belgrade on 7 September 1989,<sup>42</sup> in which it is recognized that, in order to strengthen the role and efficiency of the United Nations and to reinforce United Nations mechanisms so as to allow for efficient co-ordination of the Organization's activities, there is an urgent need, *inter alia*, for an overall review of the current distribution of membership in the various United Nations bodies and commissions, with a view to achieving a more equitable geographical distribution,

1. *Decides* to recommend that the Economic and Social Council take the necessary steps, at its first regular session of 1990, to expand the membership of the Commission on Human Rights, on the basis of the principle of equitable geographical distribution, for the further promotion of human rights and fundamental freedoms;

2. *Calls upon* the Economic and Social Council to conclude deliberations on this question with urgency;

3. *Requests* the Commission on Human Rights to examine ways and means of making its work more effective and to submit its recommendations thereon to the Economic and Social Council.

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<sup>205</sup> A/44/635.