

A. SOLICITATION AND ACKNOWLEDGEMENT OF PLEDGES AND COLLECTION OF CONTRIBUTIONS

2. The Controller, in consultation with the Under-Secretary-General for Political and General Assembly Affairs and the Director of the Division of Human Rights and with the advice of the Board of Trustees of the Fund, shall determine the procedures for soliciting voluntary contributions to the Fund.

3. Any prospective donor desiring to make a voluntary contribution to the Fund shall submit a written proposal to the Secretary-General. The request for acceptance should contain all relevant information including the amount of the proposed contribution, the currency and the timing of payments.

4. The proposal, with the comments, *inter alia*, of the Under-Secretary-General for Political and General Assembly Affairs and the Director of the Division of Human Rights, shall be forwarded to the Controller, for determination that the proposal is acceptable under the Financial Regulations and Rules of the United Nations, including the determination of whether or not any proposed gift or donation might directly or indirectly involve additional financial liability for the Organization. Before acceptance of any gift or donation involving such liability, the Controller shall request and obtain the approval of the General Assembly.

5. The Controller shall acknowledge all pledges and shall determine the bank account or accounts in which contributions to the Fund should be deposited. He shall be responsible for collecting contributions and following up on payments of contributions pledged.

6. The Controller may accept contributions in such currencies as he deems usable by the Fund or readily convertible into usable currencies.

B. OPERATION AND CONTROL

7. The Controller shall ensure that the operation and control of the Fund shall be in accordance with the Financial Regulations and Rules of the United Nations. He may delegate responsibility for the operation and administration of the Fund to the heads of departments or offices designated by the Secretary-General to execute activities financed by the Fund. Only officials so designated may authorize the execution of specific activities to be financed by the Fund.

8. In respect of activities conducted by the United Nations, requests for allotments of funds shall be submitted to the Controller by the Director of the Division of Human Rights accompanied by such supporting information as the Controller may require. After review, allotments to provide for expenditures of the funds received shall be issued by the Director of the Budget Division, and certifying officers for the Fund shall be designated by the Controller in accordance with established procedures.

9. The Controller shall be responsible for the reporting of the financial transactions of the Fund and shall issue quarterly statements of assets, liabilities and unencumbered Fund balance, income and expenditure.

10. The Fund shall be audited by both the Internal Audit Service and the Board of Auditors, in accordance with the Financial Regulations and Rules of the United Nations.

C. REPORTING

11. An annual report showing funds available, pledges and payments received and the expenditures made from the Fund shall be prepared by the Controller and submitted to the General Assembly and, as appropriate, to the Commission on Human Rights.

33/175. Protection of human rights in Chile

The General Assembly,

Emphasizing its commitment to foster universal respect for, and observance of, human rights and funda-

mental freedoms for all in accordance with the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights,⁹⁶

Recalling that in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights⁹⁷ everyone 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 the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, unanimously adopted in its resolution 3452 (XXX) of 9 December 1975,

Reaffirming once more its condemnation of all forms of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling its resolution 32/118 of 16 December 1977, in which it reiterated its profound indignation, as well as its resolutions 3219 (XXIX) of 6 November 1974, 3448 (XXX) of 9 December 1975 and 31/124 of 16 December 1976 concerning the human rights situation in Chile,

Bearing in mind Commission on Human Rights resolution 8 (XXXI) of 27 February 1975,⁹⁸ in which it established the Ad Hoc Working Group on the Situation of Human Rights in Chile, and resolutions 3 (XXXII) of 19 February 1976,⁹⁹ 9 (XXXIII) of 9 March 1977¹⁰⁰ and 12 (XXXIV) of 6 March 1978¹⁰¹ of the Commission, by which it extended the mandate of the Ad Hoc Working Group,

Noting with appreciation the steps taken by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to implement General Assembly resolutions 31/124 and 32/118,

Having considered the study prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the consequences for human rights in Chile of the various forms of aid extended to the Chilean authorities,¹⁰²

Taking note of the important role that regional human rights organizations can play in situations of violations of human rights,

Taking note with appreciation of the fact that in July 1978, for the first time, members of the Ad Hoc Working Group were enabled to visit Chile in pursuance of their mandate, which represents a valuable experience for the United Nations when dealing with constant and flagrant violations of human rights,

Having considered the reports of the Ad Hoc Working Group¹⁰³ and of the Secretary-General¹⁰⁴ under

⁹⁶ Resolution 217 A (III).

⁹⁷ Resolution 2200 A (XXI), annex.

⁹⁸ See *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4 (E/5635)*, chap. XXIII, sect. A.

⁹⁹ *Ibid.*, *Sixtieth Session, Supplement No. 3 (E/5768)*, chap. XX, sect. A.

¹⁰⁰ *Ibid.*, *Sixty-second Session, Supplement No. 6 (E/5927)*, chap. XXI, sect. A.

¹⁰¹ See *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. XXVI, sect. A.

¹⁰² E/CN.4/Sub.2/412 (vols. I to IV) and Corr.1.

¹⁰³ A/33/331.

¹⁰⁴ A/33/293.

this item, as well as the observations and documents submitted by the Chilean authorities,¹⁰⁵

Noting that the *Ad Hoc* Working Group records its appreciation for the co-operation extended to it by the Chilean authorities,

Noting also that the report of the *Ad Hoc* Working Group confirms the substance of its previous reports,

Acknowledging the conclusions of the *Ad Hoc* Working Group that the present situation of human rights in Chile has improved, as compared to previous years, in that cases of torture and ill-treatment as well as the number of arrests for political reasons have decreased, large numbers of political prisoners are no longer held, no cases of persons disappearing in 1978 have been confirmed and the expression in the press of a wider range of opinion appears to be permitted, which developments are mainly attributable to the efforts of the Chilean people and the international community,

Gravely concerned by the conclusions of the *Ad Hoc* Working Group that violations nevertheless continue to take place, often of a grave nature, of human rights provided for in:

(a) The International Covenant on Civil and Political Rights and manifested *inter alia* by ill-treatment and torture, arrest and detention for political reasons, denial to Chileans of the right to return and live in their country, prohibition of political parties by infringement of freedom of expression and the lack of effective legal remedies,

(b) The International Covenant on Economic, Social and Cultural Rights¹⁰⁶ and manifested *inter alia* by denial of the right to collective bargaining and the right to strike,

Concerned furthermore by the recent dissolution of labour organizations, arrest and persecution of labour leaders and trade union members and infringements of acquired labour rights,

Particularly concerned also by the lack of progress in clarifying the fate of missing and disappeared persons in spite of appeals by the General Assembly, the Commission on Human Rights, the Secretary-General, private institutions and citizens of Chile,

Concluding, therefore, that the human rights situation in Chile justifies the continued concern and involvement of the international community and the special attention of the Commission on Human Rights,

1. *Expresses* its continued indignation that violations of human rights, often of a grave nature, continue to take place in Chile, as has been convincingly established by the report of the *Ad Hoc* Working Group on the Situation of Human Rights in Chile;

2. *Expresses also* its particular concern and dismay at the refusal of the Chilean authorities to accept responsibility or account for the large number of persons reported to have disappeared for political reasons, or to undertake an adequate investigation of cases drawn to their attention;

3. *Calls once more upon* the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the provisions of the relevant international instruments

to which Chile is a party, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to heed the concerns expressed by the international community;

4. *Urges* the Chilean authorities in particular:

(a) To cease the state of emergency, under which continued violations of human rights and fundamental freedoms are permitted;

(b) To restore the democratic institutions and constitutional safeguards formerly enjoyed by the Chilean people;

(c) 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;

(d) To take urgent and effective measures in response to the profound international concern at the fate of persons reported to have disappeared for political reasons and, in particular, to investigate and clarify the fate of these persons;

(e) To cease arbitrary arrest and detention and to release immediately those who are imprisoned for political reasons;

(f) To restore fully the right of *habeas corpus*;

(g) To restore Chilean nationality to those who have been deprived of it for political reasons;

(h) To allow those who have been forced to leave the country for political reasons to return home and take appropriate measures to assist in their resettlement;

(i) To remove restrictions on political activities and re-establish the full enjoyment of the freedom of association;

(j) To guarantee the standards of labour protection called for by international instruments and fully restore previously established trade union rights;

(k) To guarantee fully freedom of expression;

(l) To safeguard the human rights of the Mapuche Indians and other indigenous minorities, taking into account their particular cultural characteristics;

5. *Expresses its appreciation* to the Special Rapporteur for his report on the consequences for human rights in Chile of the various forms of aid extended to the Chilean authorities;¹⁰²

6. *Commends* the Chairman and other members of the *Ad Hoc* Working Group for their thorough and objective report;

7. *Invites* the Commission on Human Rights to continue to give close attention to the situation in Chile and, to this end:

(a) To appoint, in consultation with the Chairman of the *Ad Hoc* Working Group from among members of the Group as presently constituted, a Special Rapporteur on the situation of human rights in Chile who should report to the Commission on Human Rights and to the General Assembly, and to formulate his mandate on the basis of resolution 8 (XXXI) of the Commission, in which it established the mandate of the *Ad Hoc* Working Group;

(b) To consider at its thirty-fifth session the most effective ways of clarifying the whereabouts and fate

¹⁰⁵ A/C.3/33/7.

¹⁰⁶ Resolution 2200 A (XXI), annex.

of missing and disappeared persons in Chile, taking into account the views on this subject expressed by the *Ad Hoc* Working Group in its report;

8. *Urges* the Chilean authorities to co-operate with the Special Rapporteur;

9. *Requests* the Commission on Human Rights to submit to the General Assembly at its thirty-fourth session, through the Economic and Social Council, a progress report on action taken in compliance with the present resolution.

*90th plenary meeting
20 December 1978*

33/176. Importance of the experience of the *Ad Hoc* Working Group on the Situation of Human Rights in Chile

The General Assembly,

Bearing in mind Commission on Human Rights resolution 8 (XXXI) of 27 February 1975,¹⁰⁷ in which it established the *Ad Hoc* Working Group on the Situation of Human Rights in Chile, and resolutions 3 (XXXII) of 19 February 1976,¹⁰⁸ 9 (XXXIII) of 9 March 1977¹⁰⁹ and 12 (XXXIV) of 6 March 1978¹¹⁰ of the Commission, by which it extended the mandate of the *Ad Hoc* Working Group,

Welcoming the fact that the *Ad Hoc* Working Group was finally able to travel to Chile and carry out, on the spot, an investigation of the human rights situation in that country in accordance with its mandate,

Aware of the importance of this experience in the framework of United Nations activities, when dealing with consistent patterns of gross violations of human rights,

1. *Expresses its great appreciation* to the *Ad Hoc* Working Group on the Situation of Human Rights in Chile for the careful and objective manner in which it carried out its mandate;

2. *Draws the attention* of the Commission on Human Rights to the importance of the experience of the *Ad Hoc* Working Group in view of the Commission's future action, when dealing with consistent patterns of gross violations of human rights.

*90th plenary meeting
20 December 1978*

33/177. Draft Convention on the Elimination of Discrimination against Women

The General Assembly,

Recalling its resolution 32/136 of 16 December 1977,

Reiterating its conviction that the adoption of the Convention on the Elimination of Discrimination

¹⁰⁷ See *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4 (E/5635)*, chap. XXIII, sect. A.

¹⁰⁸ *Ibid.*, *Sixtieth Session, Supplement No. 3 (E/5768)*, chap. XX, sect. A.

¹⁰⁹ *Ibid.*, *Sixty-second Session, Supplement No. 6 (E/5927)*, chap. XXI, sect. A.

¹¹⁰ See *Official Records of the Economic and Social Council, 1978, Supplement No. 4 (E/1978/34)*, chap. XXVI, sect. A.

against Women and its entry into force will contribute to the implementation of the principal objectives of the United Nations Decade for Women: Equality, Development and Peace,

Convinced that the adoption of the Convention and its entry into force will contribute to the achievement of equality between men and women,

Taking into account the World Conference of the United Nations Decade for Women, to be held in 1980,

1. *Takes note with appreciation* of the report of the Working Group of the Whole on the Drafting of the Convention on the Elimination of Discrimination against Women¹¹¹ established by the Third Committee;

2. *Recommends* that a working group be established at the beginning of the thirty-fourth session of the General Assembly and be provided with adequate facilities to enable it to complete its task, to consider the final provisions of the draft Convention and to reconsider the articles which have not yet been completed with a view to the adoption of the draft Convention at the thirty-fourth session;

3. *Decides* to include in the provisional agenda of its thirty-fourth session, as a matter of high priority, the item entitled "Draft Convention on the Elimination of Discrimination against Women".

*90th plenary meeting
20 December 1978*

33/178. Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Considering that 1978 marks the thirtieth anniversary of the Universal Declaration of Human Rights,¹¹²

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling its resolution 32/62 of 8 December 1977, in which it requested the Commission on Human Rights to draw up a draft convention on torture and other cruel, inhuman or degrading treatment or punishment in the light of the principles embodied in the Declaration,

Recalling also its resolution 32/63 of 8 December 1977, in which it requested the Secretary-General to draw up and circulate among Member States a questionnaire soliciting information concerning steps they had taken, including legislative and administrative measures, to put into practice the principles of the Declaration,

Recalling further its resolution 32/64 of 8 December 1977, in which it called upon Member States to reinforce their support of the Declaration by making unilateral declarations against torture and other cruel, inhuman or degrading treatment,

1. *Takes note* of the progress report of the Commission on Human Rights on the drafting of a con-

¹¹¹ A/C.3/33/L.47 and Corr.1 and 2, Add.1 and Corr.1 and Add.2 and Corr.1 (subsequently issued as A/34/60).

¹¹² Resolution 217 A (III).