

close as possible to those of the normal life of a person of his or her age.

10. Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

11. Disabled persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.

12. Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.

13. Disabled persons, their families and communities shall be fully informed, by all appropriate means, of the rights contained in this Declaration.

2433rd plenary meeting
9 December 1975

3448 (XXX). Protection of human rights in Chile¹⁸

The General Assembly,

Conscious of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all,

Recalling that, in accordance with the Universal Declaration of Human Rights,¹⁹ everyone has the right to life, liberty and the 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 that, in its resolution 3219 (XXIX) of 6 November 1974, the General Assembly expressed its deepest concern about reported constant and flagrant violations of basic human rights and fundamental freedoms in Chile and urged the authorities in that country to take all necessary steps to restore and safeguard those rights and freedoms,

Noting that the General Conference of the United Nations Educational, Scientific and Cultural Organization at its eighteenth session, the General Conference of the International Labour Organisation at its sixtieth session, the World Conference of the International Women's Year and the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its twenty-eighth session called for the cessation of violations of human rights and fundamental freedoms in Chile,

Noting that, in its resolution 8 (XXXI) of 27 February 1975,²⁰ the Commission on Human Rights, after expressing its serious concern about the continuing reports of violations of human rights in Chile, decided to establish an *ad hoc* working group to inquire into the present situation of human rights in that country on the basis of all available evidence, including a visit to Chile, and appealed to the authorities of Chile to extend their full co-operation to the group,

Having considered the report of the Secretary-General under General Assembly resolution 3219

(XXIX)²¹ and, in particular, the progress report submitted by the *Ad Hoc* Working Group on the Situation of Human Rights in Chile,²²

Convinced that the progress report contains evidence from which to conclude that constant flagrant violations of basic human rights and fundamental freedoms have taken place and continue to take place in Chile,

Expressing its appreciation to the Chairman and the members of the *Ad Hoc* Working Group for their report, which has been prepared in a commendable manner notwithstanding the refusal of the Chilean authorities to permit the Group to visit the country,

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

1. *Expresses its profound distress* at the constant flagrant violations of human rights, including the institutionalized practice of torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrest, detention and exile—to which the progress report of the *Ad Hoc* Working Group on the Situation of Human Rights in Chile, established under resolution 8 (XXXI) of the Commission on Human Rights, brings additional evidence—which have taken place and, according to existing evidence, continue to take place in Chile;

2. *Calls upon* the Chilean authorities to take, without delay, all necessary measures to restore and safeguard basic human rights and fundamental freedoms and fully to respect the provisions of the international instruments to which Chile is a party and, to this end, to ensure that:

(a) The state of siege or emergency is not used for the purpose of violating human rights and fundamental freedoms, contrary to article 4 of the International Covenant on Civil and Political Rights;²³

(b) Adequate measures are taken to end the institutionalized practice of torture and other forms of cruel, inhuman or degrading treatment or punishment in full respect of article 7 of the International Covenant on Civil and Political Rights;

(c) The rights of all persons to liberty and security of person, in particular the rights of those who have been detained without charge or are in prison solely for political reasons, as provided for in article 9 of the International Covenant on Civil and Political Rights, are fully guaranteed and steps are taken to clarify the status of those individuals who are not accounted for;

(d) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed, contrary to article 15 of the International Covenant on Civil and Political Rights;

(e) No one, in accordance with article 15, paragraph 2, of the Universal Declaration of Human Rights, shall be arbitrarily deprived of Chilean nationality;

(f) The right to freedom of association, including the right to form and join trade unions, shall be respected, in accordance with article 22 of the International Covenant on Civil and Political Rights;

¹⁸ See also p. 99, item 12.

¹⁹ Resolution 217 A (III).

²⁰ See *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4 (E/S635), chap. XXIII.*

²¹ A/10295.

²² A/10285, annex.

²³ Resolution 2200 A (XXI), annex.

(g) The right to intellectual freedoms, as provided for in article 19 of the International Covenant on Civil and Political Rights, shall be guaranteed;

3. *Deplores* the refusal of the Chilean authorities to allow the *Ad Hoc* Working Group to visit the country, notwithstanding previous solemn assurances given by the authorities in this regard, and urges them to honour these assurances;

4. *Invites* the Commission on Human Rights to extend the mandate of the *Ad Hoc* Working Group, as presently constituted, to enable it to report to the General Assembly at its thirty-first session and to the Commission on Human Rights at its thirty-third session on the situation of human rights in Chile and, in particular, on any developments which occur to re-establish respect for human rights and fundamental freedoms;

5. *Requests* the President of the thirtieth session of the General Assembly and the Secretary-General to assist in any way they may deem appropriate in the re-establishment of basic human rights and fundamental freedoms in Chile.

2433rd plenary meeting
9 December 1975

3449 (XXX). Measures to ensure the human rights and dignity of all migrant workers

The General Assembly,

Considering the Convention on Diplomatic Relations²⁴ and the Convention on Consular Relations,²⁵

Considering also its resolution 2920 (XXVII) of 15 November 1972 on the exploitation of labour through illicit and clandestine trafficking,

Recalling its resolution 3224 (XXIX) of 6 November 1974 on measures to improve the situation of migrant workers,

Recalling also Economic and Social Council resolution 1749 (LIV) of 16 May 1973, in which the Council affirmed the need for the United Nations to continue examining the situation of migrant workers, taking into account economic, political, social and cultural factors with respect to human rights and dignity,

Noting with satisfaction the awareness of the international community of this problem and the necessity to protect the human rights of migrant workers,

Noting with satisfaction the work being undertaken by the specialized agencies in the field of migrant workers,

Taking into consideration the urgent need carefully to examine the problem of migrant workers who surreptitiously enter another country to obtain work,

1. *Calls upon* the United Nations organs active in the field of human rights to continue devoting their attention to this question;

2. *Requests* the United Nations organs and the specialized agencies concerned to utilize in all official documents the term "non-documented or irregular migrant workers" to define those workers that illegally and/or surreptitiously enter another country to obtain work;

²⁴ United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

²⁵ *Ibid.*, vol. 596, No. 8638, p. 261.

3. *Appeals* to the Governments of Member States to remind their competent administrative authorities of their obligation to respect the human rights of all migrant workers, including those that are non-documented or irregular;

4. *Urges* the Governments of Member States to grant all facilities and help to diplomatic and consular agents accredited in their countries so that they can fulfil their functions in relation to the protection and defence of the human rights of migrant workers, including those that are non-documented or irregular.

2433rd plenary meeting
9 December 1975

3450 (XXX). Missing persons in Cyprus

The General Assembly,

Recalling its resolution 3212 (XXIX) of 1 November 1974,

Noting resolution 4 (XXXI) adopted by the Commission on Human Rights on 13 February 1975,²⁶

Gravely concerned about the fate of a considerable number of Cypriots who are missing as a result of armed conflict in Cyprus,

Appreciating the work of the International Committee of the Red Cross in this field,

Reaffirming the basic human need of families in Cyprus to be informed about missing relatives,

1. *Requests* the Secretary-General to exert every effort, in close co-operation with the International Committee of the Red Cross, to assist in tracing and accounting for persons missing as a result of armed conflict in Cyprus;

2. *Requests* the Secretary-General to provide the Commission on Human Rights at its thirty-second session with information relevant to the implementation of the present resolution.

2433rd plenary meeting
9 December 1975

3451 (XXX). Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling its resolutions 3136 (XXVIII) of 14 December 1973 and 3221 (XXIX) of 6 November 1974,

Considering that the International Covenant on Economic, Social and Cultural Rights²⁷ and the International Covenant on Civil and Political Rights and the Optional Protocol thereto²⁷ will soon enter into force,

1. *Expresses its appreciation* to the Secretary-General for his report on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;²⁸

2. *Urges* Member States that have not already done so to submit their views to the Secretary-General in accordance with paragraph 1 of General Assembly resolution 3221 (XXIX);

²⁶ See *Official Records of the Economic and Social Council, Fifty-eighth Session, Supplement No. 4 (E/5635)*, chap. XXIII.

²⁷ Resolution 2200 A (XXI), annex.

²⁸ A/10235.