

Aware that the Commission on Transnational Corporations will examine the report on the activities of the United Nations Centre on Transnational Corporations and the study on transnational corporations in the pharmaceutical industry in developing countries, according to the agenda approved by the Economic and Social Council in its decision 1980/170 of 24 July 1980,

Aware also that many organs, organizations and bodies of the United Nations system have an interest in and expertise on this subject and can therefore provide valuable assistance to the Secretary-General in his preparation of the report for next year,

Taking into account that the United Nations Conference on Trade and Development, the Economic Commission for Europe, the United Nations Centre on Transnational Corporations, the Division of Narcotic Drugs of the Secretariat, the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the World Health Organization have already been involved in this exercise,

Conscious of the importance of the information system on transnational corporations for the analysis of transnationals in certain sectors of special social and humanitarian interest to host countries, particularly developing countries,

Mindful of the importance of objective information about banned hazardous chemicals and unsafe pharmaceutical products,

1. *Invites* Member States to provide information on the measures they have taken to exchange information on hazardous chemicals and unsafe pharmaceutical products that have been banned in their countries;

2. *Requests* the Commission on Transnational Corporations to study, during its seventh session, the ways and means within the information system on transnational corporations to improve the exchange of information on banned hazardous chemicals and unsafe pharmaceutical products, with a view to formulating appropriate recommendations;

3. *Requests once again* the Secretary-General, in co-operation with the United Nations organs, organizations and bodies concerned, to submit a report to the General Assembly, at its thirty-sixth session, on the experience of Member States and the United Nations organs, organizations and bodies concerned;

4. *Appeals* to the United Nations organs, organizations and bodies concerned, especially the World Health Organization, to provide any assistance, expertise and co-operation required for the preparation of the above-mentioned report.

96th plenary meeting
15 December 1980

35/187. Refugee and displaced children

The General Assembly,

Noting with deep concern the increasing gravity of the problems of refugees in various parts of the world,

Stressing that, among the problems posed by the plight of these populations, the problem of children is especially anguishing,

Considering the disturbing situation of millions of refugee and displaced children, particularly children who have not yet been settled,

Considering that many of them have lost all the members of their immediate families,

Reaffirming the pre-eminently humanitarian character of the activities of the United Nations High Commissioner for Refugees for the benefit of refugees,

1. *Expresses its gratitude* to the United Nations High Commissioner for Refugees for the action which he has already taken to assist refugee and displaced children, and requests him to intensify his efforts in that respect, endeavouring to ensure as far as possible that the cultural and family identity of the minors settled is preserved;

2. *Requests* the High Commissioner to associate all the specialized agencies in the action undertaken.

96th plenary meeting
15 December 1980

35/188. Protection of human rights in Chile

The General Assembly,

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

Noting that Governments have an obligation to protect and promote human rights and to carry out responsibilities they have undertaken under various international instruments,

Recalling its resolutions 31/124 of 16 December 1976, 32/118 of 16 December 1977, 33/175 of 20 December 1978 and 34/179 of 17 December 1979 on the protection of human rights in Chile, and 33/173 of 20 December 1978 on disappeared persons,

Recalling also Commission on Human Rights resolution 11 (XXXV) of 6 March 1979¹¹¹ on violations of human rights in Chile, in which the Commission, *inter alia*, decided to appoint a Special Rapporteur on the situation of human rights in Chile,

Deploring that the Chilean authorities have consistently refused to co-operate with the Special Rapporteur appointed by the Commission on Human Rights,

Expressing its regret that, according to the report of the Special Rapporteur,¹¹² there has not been an improvement in the human rights situation in Chile, and that in certain respects it has, on the contrary, deteriorated,

Considering that the lack of popular participation in the preparation of the draft constitution and the existing restrictions, under the state of emergency, on the freedoms of assembly, association, expression and information do not enable the result of the recent plebiscite to be regarded as an authentic expression of the will of the Chilean people,

Noting with increasing concern that the Chilean authorities continue to ignore the repeated appeal of the international community reflected in the various resolutions of the General Assembly and other international organs and have failed to take urgent and effective measures to investigate and clarify the fate of persons who have disappeared,

Expressing deep concern that the whereabouts of the numerous persons who have disappeared are still unknown and that this has caused grief and often hardship to their relatives.

¹¹¹ See *Official Records of the Economic and Social Council, 1979, Supplement No. 6 (E/1979/36)*, chap. XXIV, sect. A.

¹¹² See A/35/522.

1. *Commends* the Special Rapporteur for his report on the situation of human rights in Chile, prepared in accordance with Commission on Human Rights resolution 21 (XXXVI) of 29 February 1980;¹¹³

2. *Requests* the Commission on Human Rights at its thirty-seventh session to study thoroughly the report of the Special Rapporteur;

3. *Expresses its grave concern* at the deterioration of the human rights situation in Chile as reported by the Special Rapporteur, in comparison with the same period last year, in particular concerning the alteration of the traditional democratic legal system and its institutions and the repression of the human rights activities of the Catholic Church and of academic life;

4. *Strongly urges* the Chilean authorities to respect and promote human rights in accordance with their obligations under various international instruments and, in particular, to take concrete steps as outlined in Commission on Human Rights resolution 21 (XXXVI);

5. *Concludes*, on the basis of the report of the Special Rapporteur, that continued vigilance with regard to the human rights situation in Chile is warranted;

6. *Expresses its deep concern* about the lack of information on the numerous persons who have disappeared, which continues to be a gross and flagrant violation of human rights;

7. *Urges once more* the Chilean authorities to investigate and clarify the fate of persons who have disappeared for political reasons, to inform relatives of the outcome and to institute criminal proceedings against those responsible for such disappearances;

8. *Urges* the Chilean authorities scrupulously to respect the right and duty of the Chilean judiciary to employ fully and without restriction its constitutional power under *habeas corpus* and *amparo*;

9. *Urges once more* the Chilean authorities to cooperate with the Special Rapporteur and to submit their comments on the findings of his report to the Commission on Human Rights at its thirty-seventh session;

10. *Invites* the Commission on Human Rights to extend the mandate of the Special Rapporteur for another year and requests the Commission to report on the human rights situation in Chile, through the Economic and Social Council, to the General Assembly at its thirty-sixth session.

96th plenary meeting
15 December 1980

35/189. Protection of human rights of certain categories of prisoners

The General Assembly,

Recalling its resolution 32/121 of 16 December 1977 regarding the protection of the human rights of persons who are detained either in respect of offences which they committed, or are suspected of having committed, by reason of their political opinions or convictions, or as a result of their struggle against colonialism, aggression and foreign occupation and for self-determination, independence, the elimination of *apartheid* and all forms of racial discrimination and racism, and the termination of all these violations of human rights,

¹¹³ See *Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1)*, chap. XXVI, sect. A.

Recalling also its resolution 33/169 of 20 December 1978 regarding the protection of the human rights of persons who have been arrested or detained as a result of their trade union activities,

Noting, however, that, although certain prisoners belonging to the above-mentioned categories may have been duly convicted of common-law offences, which may justify their arrest, detention or imprisonment, or may be detained pending a trial in respect of such offences, the arrest, detention or imprisonment for common-law offences cannot be justified when it is based on laws which are of a discriminatory nature or involve other serious violations of human rights, including *apartheid*,

Realizing that persons belonging to these categories are exposed to special dangers as regards the protection of their human rights and freedoms,

Noting that violations of their human rights and fundamental freedoms may consist in the arrest or detention itself, or in the treatment to which they are subjected,

Recalling the Universal Declaration of Human Rights¹¹⁴ and the International Covenants on Human Rights,¹¹⁵

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹¹⁶ which states that any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity, that no State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment, and that exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment,

Recalling also the Standard Minimum Rules for the Treatment of Prisoners,¹¹⁷

Emphasizing the particular importance of protecting the right of prisoners not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and their right to receive a fair hearing by a competent, independent and impartial tribunal in the determination of any criminal charge against them,

Aware of the fact that, despite releases of prisoners in some countries, the general situation as regards the arrest and detention of persons belonging to the above-mentioned categories remains as serious as before,

1. *Recognizes* that the arrest and detention, in many parts of the world, of numerous persons on the above-mentioned grounds often give rise to serious human rights problems and that effective measures should be taken to eliminate these problems;

2. *Reiterates*, therefore, the requests to Member States in General Assembly resolutions 32/121 and 33/169 regarding the release of such persons and the assurance that their fundamental human rights are protected during their arrest or detention.

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¹¹⁴ Resolution 217 A (III).

¹¹⁵ Resolution 2200 A (XXI), annex.

¹¹⁶ Resolution 3452 (XXX), annex.

¹¹⁷ *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.