INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

CCPR

Distr.
GENERAL

CCPR/C/SR.130
18 April 1979

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixth session

SUMMARY RECORD OF THE 130th MEETING

Held at Headquarters, New York,
on Thursday, 12 April 1979, at 3 p.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT: INITIAL REPORTS OF STATES PARTIES DUE IN 1977 AND 1978 (continued)

Initial report of Chile (continued) (CCPR/C/1/Add.25 and Add.40)

1. Mr. DIEZ (Chile) said that, before replying to the questions raised concerning his country's report, he wished to make a few general observations.

2. Despite the intention of the Chairman, with his characteristic objectivity and impartiality, that the debate should deal only with the provisions of the Covenant, some members of the Committee had made highly politicized statements which had been repeated many times in other forums. It was public knowledge that Chile had fallen victim in recent years to ideological persecution by certain countries whose common denominator consisted in not being democratic, not having representative régimes and not recognizing human rights. At the same time Chile had suffered the incomprehension of other countries that had not lived through the Chilean experience.

3. In response to resolution 11 (XXXV) recently adopted by the Commission on Human Rights, the Chilean Government had issued a statement, which had been brought to the Secretary-General's attention, in which the Government, in addition to categorically rejecting the resolution, had stated that Chile remained free to act and to determine its future conduct in the light of the treatment that it received from the United Nations. If the treatment was objective and of universal validity, Chile would continue to offer its co-operation. Otherwise, it would co-operate only with those organizations that respected Chile's sovereignty and their own statutes.

4. Chile opposed any infringement of the principles of the equality and sovereignty of States. It considered that fundamental principles were being openly flouted through ad hoc procedures established in a discriminatory manner and applied to a country without its consent.

5. The Chilean Government and people could not fail to note the absurdity of the action taken by certain United Nations organs, which, while agreeing to give priority consideration to the situation in Chile, had remained silent and inactive with regard to events which were occurring in various parts of the globe, involving the deaths of thousands of people and violating the rights of millions. As a mature country, Chile was aware that that discriminatory approach was dictated by political motives and economic interests. Attempts should not be made to invoke humanitarian or legal pretexts when the organs in question had been transformed into political and ideological forums and had discredited the reasons for which they had been established. That view had been openly expressed by many States in both international forums and the world's free press.

6. Chile had the right to be treated in accordance with the law and on the basis

of equality with all Member States, and it requested that the Human Rights Committee should confine itself to applying the provisions of the Covenant, respect for which had determined the submission of Chile's report and Chile's attendance at the Committee's meetings. On that understanding, Chile would reply only to questions which fell within the Committee's competence. He also recalled that Chile had not made the declaration provided for under article 41 of the Covenant, nor had it signed the Optional Protocol; consequently the Committee's competence derived only from article 40 of the Covenant.

7. The frankness of the Chilean Government's point of view corresponded to reality: Chile openly acknowledged that it had a military Government and had legislation in force for a state of emergency. With the same frankness, and in accordance with its tradition and love of truth, Chile would try to mislead no one. In order to save time and avoid repetition, the questions raised would be dealt with in categories and would be regarded as having been posed by the whole Committee rather than being attributed to individual members.

8. Questions had been raised as to the juridical status of the relevant international instruments in Chilean legislation. Actually, it was not a matter of whether the Constitution or the Covenant took precedence, since States parties undertook under article 2 of the Covenant to adopt measures for its implementation. However, the Covenant could not be invoked indirectly: it was for the State to enact the necessary legislation if the existing legislation did not provide for all the rights recognized in the Covenant, as indicated in article 2, paragraph 2, thereof.

9. Accordingly, the Chilean Government had revised its legislation. It did not claim that the new legislation was perfect; Chile, with a democratic tradition dating back more than 150 years, had an extensive bureaucracy and legislation. That legislation flowed from the various political views expressed by the majority in Congress and the executive power.

10. Chile had notified the Committee of the restrictions which it had adopted under article 4 of the Covenant, under which the State party had the sole right to determine whether the life of the nation was threatened by a public emergency.

11. The question had been raised as to whether the rights proclaimed in the Covenant could be restricted by persons who had come to power in a manner not in keeping with article 25 of the Covenant. However, if the Chilean Government was recognized as a party to the Covenant - as it was - then it had the right to restrict the application of the Covenant.

12. Outlining the situation which had necessitated a restriction of the rights set forth in the Covenant, he said it was commonly believed that, five years earlier, a constitutional régime had been overthrown. The truth was that, although that régime had originally been constitutional, it had not been so when overthrown. The Chilean Congress, a freely elected body, had adopted a resolution in August 1973, declaring the Government to be unconstitutional and requesting the armed forces to take measures to remedy the situation. Over the years, that fact had been forgotten. The Supreme Court had informed the Congress that the Government was disregarding judicial decisions and becoming unconstitutional. The

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Controller General of the Republic, responsible for both finance and the legal supervision of the acts of the Administration, had said that he had been unable to exercise his mandate because the Government had not promulgated laws or constitutional reforms sent to it by the Congress. That was why, the régime had been overthrown.

13. That event had occurred against a background of mounting chaos which was reflected in the country's economic situation, characterized by galloping inflation, food shortages and social unrest. The Congress, in accordance with the 1925 Constitution, had enacted legislation for the control of arms, and the armed forces had been given the task of investigating the flow of arms into the country. The Commission for the Defence of the Senate and the Republic, of which he had been a member, had received reports concerning the substantial numbers of illegal weapons being smuggled into the country. The press had reported that there had been thousands of foreigners, mostly of one nationality, in the country, who no doubt were intending to use those weapons. Many of the weapons were still hidden away in the country. Indeed, the Swedish Ambassador had recently informed the police of a large cache of explosives found hidden in the Swedish Embassy. The situation with regard to the supply of arms had been established by the Chilean authorities and the international press. A former President of the Republic - not a supporter of the present Government - had indicated his belief that the clandestine weapons in the country were enough for more than 20,000 men.

14. That was why the Government had been forced to adopt emergency measures derogating from its obligations under the Covenant. The need for such measures continued. During the past year, more than 60 bombs had been detonated by terrorist elements. It had also been widely reported that there was an international movement aimed at regaining power in Chile by violent means.

15. Outlining the Chilean legal system, he explained that the 1925 Constitution had followed traditional principles, embodying provisions on the powers, organization and functions of the State. It had defined individual guarantees and had indicated the cases where they could be restricted as a result of emergency measures. In 1958 the Congress had adopted Act No. 12,927 on State security, concerning the state of emergency. On 11 September 1973 the armed forces had assumed power. The Junta had assumed constitutional and legislative power, replacing the Congress, and the Chief of the Junta had assumed the title of President of the Republic. The Government had stated that the judiciary would remain unchanged under the 1925 Constitution. The constitutional, legislative and executive powers were laid down in additional legislation, which also embodied individual guarantees in many cases wider than those laid down in the 1925 Constitution. In Constitutional Act No. 3 account had been taken of international instruments, including the Covenant itself.

16. Thus questions of the judicial power as a whole were covered by the 1925 Constitution, while individual guarantees, and limitations on such guarantees, were embodied in the constitutional acts. That was the constitutional system currently in force. The system governing the state of emergency was also subject

to legal regulation. The state of siege flowed from the 1925 Constitution, under which the President of the Republic had the power to detain or arrest persons and confine them to places other than prisons, and the power to transfer persons from one department to another within the country.

17. The grounds for declaring a state of siege were, first, the danger of external attack or invasion, in which case the measure was unlimited in its application; and, second, internal disorder, in which case the measure was renewable every six months and applied to a specific area of the country. Those measures were no longer in force in any part of the territory, having lapsed in February 1979 in the last remaining province to which they had applied. The law permitted a state of emergency to be declared in case of war or public disaster - expanded during the term of office of President Frei to cover internal disorder - and was renewable after six months. Under the state of emergency the exercise of the right of assembly required the authorization of the military authorities. Persons could be detained for a maximum of five days, after which they must either be released or brought before a court. After a hearing in the military courts, appeals could be made to the Supreme Court.

18. Hundreds of newspapers were published in Chile, only one of which was government-owned. There were also hundreds of radio transmitters, only one of which was under government control. Five of the six television channels were controlled by the universities and only one by the Government.

19. With regard to the expulsion of university students, the Catholic University was run by the Church, and the Government could not intervene in its affairs. If students wished to appeal against expulsion, they had to do so through the ecclesiastical courts.

20. Frequent references had been made to the report of the Working Group, although the Committee was not the body competent to consider it. The lack of impartiality of that report could be seen from the fact its main part was largely composed of accusations against the Chilean Government, while the Government's replies were consigned to the annexes. There were frequent references in the report to press criticism of the Government. That in itself was a proof of Chile's practical implementation of the Covenant. Freedom of the press was the best evidence that could be given of the enjoyment of human rights in a country. Diplomatic missions and United Nations agencies in Santiago could attest to such freedom in Chile, where reports of international groups on events there were freely published. One of the most important human rights was the right to protest against injustice, and a free press was the main vehicle through which such protest could be made.

21. The remedy of amparo, or habeas corpus, which was fully applied under the state of emergency, covered all acts of deprivation or threat of deprivation of fundamental freedoms, and could be freely exercised. Preventive amparo could be used against harassment or threat of harassment or to determine whether or not a person

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was being held, and if so where, and whether or not the person holding him was authorized to do so. The Chilean press had repeatedly referred to the use of that remedy, and had given publicity to specific cases in which it had been successfully applied.

22. Constitutional Act No. 3 had established the new remedy of protection, which covered such rights as the right to life and security of person, the right not to be tried by special courts, the right to peaceful assembly, the right to assembly without prior permission, the inviolability of the home, respect for and protection of private life, respect for the family, freedom of conscience, freedom to hold and express opinions, freedom of instruction, freedom of ownership, copyright, freedom of association in places of work and freedom from compulsory association. Individual rights were also protected by the body of applicable penal legislation, which would cover any attempt to violate individual rights. Subject to establishment of ownership, any case of deprivation of property, for example, could be brought before a court of appeal.

23. Amnesty must be general and could not be applied partially. The law was an instrument of justice and it was important for justice always to be upheld. It would be unjust, for example, for a policeman who had exceeded his authority in apprehending a terrorist to be penalized while the terrorist was able to claim amnesty. A person committing murder was no less a murderer because he did so for political motives. He could not agree that there should be a categorization of crime according to motive, in which terrorism - one of the scourges of the age - was looked upon with tolerance. Amnesty did not mean that offences should not be investigated to ascertain criminal responsibility. The person benefiting from the amnesty would still have to face up to his social responsibilities, and a holder of government office would be subject to administrative sanctions.

24. Reference had been made in the Committee to political parties, but there was no such reference in the Covenant. His Government shared the view that no democratic system could flourish in the absence of opportunities to express differing opinions through opposition parties which were eligible for office. There were some so-called democracies in which a single party had been in power for 40 years or more. His country had no desire to emulate them.

25. The Marxist parties in Chile had been dissolved because they had engaged in revolutionary activities and had resorted to armed violence in which more than 100 persons had been killed and property had been seized. The forces of division in the political parties had become so violent and bitter that they had led the country to the verge of civil war and it had been necessary to adopt a policy of national unity - not unity of thought, but unity as a nation. The Chilean Congress had been established in the middle of the war of independence, and over 100 years of parliamentary life had followed, in which there had been complete unity and complete freedom for political opponents to express their views. All that had changed when dissident political camps had turned the country into an international ideological battlefield, in which the Chilean Communist Party and the Christian Democratic Party had been receiving funds from trade unions in the

German Democratic Republic and from the CIA respectively. The election of a new president at that time would have done nothing to solve the problem. The corruption of political life which had brought about the collapse of the old standards and had threatened life, property and freedom of opinion had called for a fundamental change in the country's institutional framework. The system that Chile was now in the process of building, in accordance with its right to national sovereignty and self-determination, was a democracy in which different currents of opinion could be expressed but in which the violent events that had led to the crisis the country had undergone could never occur again. Constitutional reform had had to take place before elections could be held. Elections prior to such reform could have caused the situation to deteriorate even further.

26. Fundamental values had to be protected against totalitarian powers and international penetration. Human rights could be truly protected only if there was an independent judiciary, such as that existing in Chile.

27. Some questions had been raised regarding the independence of the judiciary in Chile. He wished to make it clear that the judiciary was completely independent in his country. Vacancies on the Bench were filled by a procedure which guaranteed that independence. Lists of three or five highly qualified persons were submitted by the relevant court and the appointment could be made only from among the names on that list. In the case of the Supreme Court, the list consisted of five names chosen by secret ballot by the Supreme Court. It was impossible for the executive branch to choose a judge. The Supreme Court judges, in particular, were all persons with many years of experience and their appointments were for life. No judge could be removed by the executive. In certain special cases, a charge of misconduct could be brought against a judge; such a charge was dealt with by the Supreme Court. Neither the present nor the past Government of Chile had ever removed a judge. The judiciary had been untouched by the political crises of the country.

28. Some rather strange arguments had been advanced regarding the views expressed by the courts in connexion with the actions of the executive during the state of siege. If the law provided that the executive had certain powers during a state of siege, the role of the courts was merely to establish whether arrests had been made according to the rules established for the state of siege; they were not called upon to make a pronouncement on the reasons the executive had had for exercising the powers granted to it. The laws relating to a state of siege might be criticized, but not the judiciary itself. The Chilean people were keenly aware of the importance of ensuring the independence of the judiciary.

29. He wished to comment on his Government's views concerning the competence of the Committee. His Government had carefully studied its international commitments before ratifying the Covenant. Its interpretation of the Covenant therefore was not an a posteriori one. He wished to point out that the Government of Chile had not made a declaration under article 41 of the Covenant nor was it a party to the Optional Protocol. Therefore, it was not for the Committee or for any one of its

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members to express an opinion as to whether Chile was complying with the Covenant. Article 41 was the only article that referred to compliance. In ratifying the Covenant, his Government had borne in mind its long-standing juridical tradition of holding that questions relating to compliance could be submitted only to the International Court of Justice. Therefore, the Committee's consideration of the report submitted by Chile must be limited to the terms stated in article 40 of the Covenant. The Committee had no power to decide whether Chile was in compliance with the Covenant. He asked members to study very carefully the meaning of articles 40 and 41 of that instrument.

30. It was inadmissible that allegations should be made, based on information obtained from sources other than those provided for in the Covenant, by countries that were not even parties to the Covenant. When his Government made a statement, it stated the truth; it did not try to conceal anything. For example, the Working Group had alleged that in 1978 more than 300 political arrests had been made. His Government had provided an exhaustive list containing the names of all persons arrested. The Working Group had not added any names to that list. Nevertheless, using data from other sources, but without giving any names, it had arrived at the figure of over 300 arrests.

31. He hoped that his country would be treated on the same basis as all other countries. Its position was clearly stated on the last page of annex LXXXII of the report of the Ad Hoc Working Group (A/33/331) and had not been contradicted by the Working Group. If members wished to find out about the situation with regard to human rights in Chile, they should study not only the report of the Working Group but the annexes to that report as well. He hoped that the Committee would not become politicized, as that would defeat its purpose. His Government viewed the Committee as a body that had been set up to encourage co-operation; its role was incompatible with the practice of allowing irresponsible political statements. It was a body created by specific legislation for a specific purpose and had no powers other than those entrusted to it under the Covenant.

32. Mr. LYON (Chile) said he wished to clarify the situation with regard to military jurisdiction, on which several questions had been asked. Military jurisdiction was exercised in peacetime by courts which were essentially different from those which functioned in wartime. Wartime Military Courts functioned when there was a state of siege, in other words, only under special circumstances, such as when organized rebel forces were operating in the national territory. At the present time, there were no wartime Military Courts in the country, nor had there been any for many years. Therefore, the only military courts currently operating in Chile were the Peacetime Military Courts, which were subordinate to the Supreme Court of Justice. The Courts were essentially concerned with military offences envisaged in the Military Code of Justice and with offences which were submitted to them under special laws. They also dealt with ordinary offences committed by military personnel in wartime in the exercise of their duties.

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33. The judges presiding over the Military Courts were usually lawyers belonging to the armed forces. The investigations conducted by the judges were subject to the rules of the Military Code, which was substantially similar to the Chilean Penal Code. Both Codes contained essentially the same rules with regard to arrest, defence, provisional release and so forth. Any final sentence handed down by the judge must be in compliance with the rules set forth in the Code applying to the ordinary courts. The Military Courts were essentially courts of second instance. The recourse of amparo was available to any person arrested under a warrant from a Military Court.

34. There were two Military Courts, one in Santiago and one in Valparaiso, each made up of five judges, including two ministers of the relevant court of appeals. One of the judges presided; the others were all lawyers holding high rank in the judicial services of each branch of the armed forces. A sentence of a Military Court could be appealed to the Supreme Court. In administering justice, the Military Courts adhered strictly to the rules set forth in the Penal Code, with due respect for individual guarantees. It should be noted that the uniformed police forces were also subject to the Military Courts.

35. Certain offences by civilians were dealt with by Military Courts. They included all offences constituting violations of arms control regulations and offences against the external and internal security of the State against public order and so forth.

36. The Military Courts also dealt with members of the military or police forces who, in the exercise of their functions, used or caused the use of unnecessary violence. Such cases were considered having regard to both the issue of rationality and the issue of proportionality. For example, if a member of the police had to arrest an offender, he might have to use violence in self-defence. It was for the judge to decide whether the officer had done so rationally and whether he had used excessive violence under the circumstances.

37. Some members had asked how many political prisoners there were in Chile and whether persons arrested as a result of the events of 1973 were still being detained pending trial. Currently there were no political prisoners in the country, in gaols or anywhere else, including mental institutions, where dissidents were often sent by other Governments. No one arrested as a result of the events of 1973 remained in prison; all had been tried and subsequently released under the amnesty. There were even some cases where a prisoner had been exchanged for a political prisoner of another country; for example, Luis Corvalán had been exchanged for Vladimir Bukovsky.

38. The question of loss of nationality had also been mentioned. Since the state of siege had been raised, that issue was no longer relevant. Even during the state of siege, a person deprived of nationality had been able to appeal to the Supreme Court.

39. Reference had been made to the rule according to which the accused had six days to present his defence, a period some had considered too short. Actually,

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that rule referred to the plenary stage in criminal cases. There were two stages in such cases, namely the sumario, or investigation into the facts and preliminary taking of evidence by the examining judge, and the plenario, during which the accused presented his defence. Six days were provided for that stage, which was reasonable, since at the sumario stage and before charges were brought the defendant could appoint a lawyer, summon witnesses and present written evidence.

40. A question had been asked regarding the law concerning the use of excessive force by the police in making arrests. The victim of such an abuse had access to the full range of legal remedies, right up to the Supreme Court. In reply to a related question, he said that a person could initiate action against security agencies or their members. The Chilean courts had punished many policemen who had committed such abuses. If the Committee wished, his Government would be willing to transmit to it copies of the decisions rendered in those cases.

41. In reply to another question he said that in several cases reports of missing persons had been investigated.

42. Finally, two or three members had mentioned the concept of latent subversion. That was a classification which applied only during a state of siege and was aimed only at determining whether certain cases should be tried under the wartime or the peacetime system. Since no state of siege existed at present, the question of latent subversion was irrelevant.

43. Mr. CALDERON (Chile) said that he would discuss articles 12, paragraph 4, 22 and 27 of the Covenant. With regard to the first of those provisions, concerning the right to enter one's own country, he recalled that his Government had informed the Committee of its decision temporarily to suspend and limit the right of some Chileans to re-enter the country. Paragraphs 1 and 2 of the same article, concerning liberty of movement and freedom of everyone lawfully living within the territory of the State to choose his residence, were clearly related to the right of return. For a full understanding of the temporary restriction of the right of return, it was important to analyse in detail the position of the persons concerned, particularly their reasons for emigrating, in order to show that refusal to readmit them was not an arbitrary measure. They could clearly be subdivided into different categories. The first consisted of those who had taken refuge in various embassies in 1973 and 1974. His Government, in deference to a long tradition of honouring the right of asylum, had scrupulously observed the right of embassies accredited to Chile to harbour such individuals and had honoured the safe conduct requested by embassies, even those of countries not signatories to the Convention on the Right of Asylum. Those requesting asylum, moreover, were often members or former members of extremist organizations, who had maintained links with the approximately 15,000 foreigners in Chile, many of whom had been acting as instructors in the use of the arms illegally imported into Chile in the years before 1973. Others who had sought asylum in embassies had included common criminals implicated in crimes of violence, even murders, or who had infringed the arms and explosives control laws. Another group of citizens leaving Chile at that time had done so for the same reasons, but under the auspices of such bodies as the Red Cross and the Office of the United Nations

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High Commissioner for Refugees, with all of whom the Chilean Government had collaborated in full. Another group consisted of persons whose prison sentences had been commuted to exile. Many in that category had been found guilty of terrorist acts or offences against the arms and explosive control laws. Although a large number of them had been sentenced to long terms of imprisonment, more than 90 per cent of those in respect of whom action had been requested by various international organizations and the Catholic Church in Chile had been released as a result of decisions by the Committee of Jurists appointed to review cases. Another group consisted of those who had left the country voluntarily, some of them under the pretext of political persecution and others for reasons not stated. Many of those requesting authorization to return wished to do so in order to engage in open opposition to the Government, and some of them had openly declared in statements abroad that they were dedicated to the violent overthrow of the Government. The Government, while provisionally denying them such authorization, was examining the cases very carefully, taking into account the activities abroad of the applicants and making final decisions on an individual basis. In no case were refusals decided on an arbitrary basis. Finally, those whose applications to return had been refused also had the right to have their cases reconsidered. Anti-government activities were not, in any case, considered adequate grounds for refusal. There had been many cases of persons returning to the country who continued to maintain an anti-government stance. One such example was Carlos Contrera Labarca, the former Secretary-General of the Communist Party of Chile, who had earlier returned to the country. Only two weeks ago Mr. Labarca had signed a violent anti-government document, but he had not, since so doing, been harassed by the authorities.

44. In any case, his Government wished only to observe that if the situation in Chile were as serious as that described in some of the documentation submitted to the Committee, it would be totally incomprehensible why such individuals were applying for readmission in such large numbers.

45. With regard to freedom to form and join trade unions, for which provision had been made in article 22 of the Covenant, he stated that, as had been noted the previous day, new labour legislation was being prepared for promulgation by the end of June of the current year. It included eight basic features. First, trade unions would be free, giving workers the right to a collective voice in labour matters through unions set up and organized in accordance with the will of their members, with no restrictions other than those required for the common good. Individual workers would have complete freedom to join or leave such unions and freedom of expression. Second, the trade unions would be democratic, in that members would have the freedom to draw up their own rules and the actions taken by the unions would be decided by the members. Third, unions would be self-financing, and members would have the right to determine what the dues should be. Dues would be deductible from pay if so desired by the individual member or by a majority of registered members, depending on the union concerned. Fourth, the unions would be autonomous and apolitical, and would pursue trade-union objectives as such. There was to be no exploitation of trade-union organizations by outside

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groups or interests. Fifth, collective bargaining between trade unions and enterprises was essential and was to be regulated by both parties on the basis of complete equality. It must be efficient and fair, and to that end it should be based on the individual enterprise. The parties to the negotiations must have full knowledge of the facts and access to the requisite technical expertise. Sixth, the right to strike was recognized, subject only to the prohibition of strikes affecting public services, posing a threat to health or interfering with the public's access to essential supplies. The law giving definitive form to the organization of trade unions would be published by 30 June, but the regulations governing collective bargaining would come into effect prior to that date. Seventh, any new trade-union elections would be carried out under the new rules; trade unions which had held elections under the temporary legislation could hold new ones under the definitive legislation before the expiry of the terms of the officers elected earlier. Eighth, Decree-Law No. 2544 superseded the temporary legal provisions of 1973 which had suspended the right of association in the case of trade-union meetings. All meetings of trade union bodies and federations were to be conducted on their own premises, outside working hours, and were to deal with subjects concerning matters of common interest to the members. The same was to apply in equal measure to associations of civil servants. Decree-Law No. 2545 established that the payment of dues to trade unions and associations of workers in the public sector would be mandatory for all members. If necessary, the complete text of the Decree-Laws referred to could be supplied to the Committee.

46. He wished to reply to certain questions raised by Committee members concerning three decree-laws of October 1978 that were open to possible misinterpretation. The first, Decree-Law No. 2345, permitted the Ministry of the Interior, in the reorganization of elements of the civil service, to approve the removal of officials. So far that legislative power had not been used. Similarly, Decree-Law No. 2346, making provision for the possibility of dissolving any trade unions or trade-union federations that failed to comply with the law, had not been applied; thus far no trade unions had been dissolved and the right to affiliate with existing trade unions or to establish new ones had been strengthened. Decree-Law No. 2347 had likewise not been applied, and would be superseded by the trade-union legislation due to come into effect in July 1979.

47. Finally, with regard to the question of ethnic, religious and other minorities covered by article 27 of the Covenant, he said that the statement in Chile's report that there were no "minorities" within the meaning of that article reflected his Government's desire to integrate all ethnic groups into the national community as a whole, thus giving them complete equality of rights with all other Chileans. In his Government's view, the establishment of different standards of treatment for different groups would be tantamount to discrimination, and would be totally alien to the Chilean tradition. The population of Chile was a mosaic of peoples of the most varied types. For example, in the southern part of the country there were many persons of German extraction, in the extreme north and in the south there were majorities of Yugoslav ancestry, in other areas such as Valparaiso there was an appreciable number of descendants of settlers of British origin, and throughout the country there were numerous descendants of immigrants of Arab origin. To attain the goal of integration the Government was adopting the necessary

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steps to guarantee Chileans of Mapuche origin the full enjoyment of their rights while respecting not only the individual characteristics of Mapuche life but also protecting the right of the Mapuches to follow their own customs and use their own language. It was in that spirit that a law had been adopted which would provide an early settlement of some of the most urgent problems of citizens of Mapuche origin, a law which had been drawn up after a detailed analysis of their problems and which took into account suggestions made by their leaders. The text of that law would be provided to the Committee for its consideration.

48. The CHAIRMAN, recalling that many members had requested time for consideration of matters arising under article 40 of the Covenant, suggested that in view of the pressure of time consideration of Chile's report in respect of that article should be deferred to a later date.

49. It was so decided.

50. Mr. LALLAH asked that the statement by the representatives of Chile be given the fullest possible coverage in the summary records.

The meeting rose at 6.05 p.m.