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QUESTION OF HUMAN RIGHTS IN CHILE

Letter dated 20 February 1989 from the Permanent Representative
of Chile to the United Nations Office at Geneva addressed to
the Under-Secretary-General for Human Rights

I have pleasure in transmitting to you, through Mr. Mario Calderón, Ambassador on Special Mission, the document entitled "Overall institutional and human-rights situation after the plebiscite in Chile". This document contains my Government's comments on the question, as suggested by the organ of which you are the distinguished Director.

I should be grateful if you would arrange for this document to be circulated in conjunction with the supplementary report by Mr. Fernando Volio Jiménez, Special Rapporteur for Chile.

The foregoing is without prejudice to the information that will be given in connection with the Special Rapporteur's supplementary report and any statement made by my country's observer delegation during the debate on items 5 and 12 of the Commission's agenda.

A copy of the same document has already been transmitted to the Special Rapporteur in San José, Costa Rica.

(Signed): Luis ESCOBAR
Ambassador
Permanent Representative

Annex

OVERALL INSTITUTIONAL AND HUMAN-RIGHTS SITUATION AFTER
THE PLEBISCITE IN CHILE

Santiago, 2 February 1989

1. Ever since the 1980 Constitution entered into force, the Government of Chile has expressed its desire to complete the institutional course laid down in the Constitution. To that end, it has been taking all possible steps towards that goal, as demonstrated by the promulgation of the various constitutional organization acts and, in particular, the holding of the plebiscite on 5 October 1988.
2. The method of organization of this electoral act, together with the attitude of the Government and the armed forces to its result, were widely recognized by the international community and, in particular, by Mr. Fernando Volio Jiménez, Special Rapporteur appointed by the United Nations. 1/ The plebiscite produced certain legal effects, which gave rise to broad political activity that will culminate in the elections to be held in December next.
3. On the understanding that the present presidential term of office is extended, joint elections of the President of the Republic and National Congress (Senate and Chamber of Deputies) will be held in December 1989. 2/
4. This has given rise to great political activity, particularly within the various political parties, which have begun to elect their leaders, and to designate their candidates for parliamentary office and the person they will support in the forthcoming presidential election. All this activity has been taking place in accordance with the legislation in force.
5. This political process has been characterized by the full existence of the constitutional guarantees which ensure effective freedom for its development, guarantees which primarily comprise the rights of assembly and association and freedom of the press and information. 3/
6. In addition, the Government has declared its intention not to become involved in the forthcoming electoral process and to guarantee the proper conduct of these elections to all political sectors in Chile.
7. Together with the foregoing, and in keeping with this process of normalization of national political life, there has been a gradual but steady resumption of their specific functions by the armed forces. As a result, governmental responsibilities are being taken over by civilians, as testified by the current composition of the Ministry and the recent change in Intendants and Governors and other senior governmental officials.
8. It should be placed on record that this normalization process has been taking place in a steady and increasingly effective manner, despite the continuation of destabilizing terrorist activity, whose principal exponent is the so-called "Manuel Rodríguez" Patriotic Front, as has been demonstrated, inter alia, by the attack on the Carabineros barracks at Los Queffes and the recent discovery of an explosive device in the Hotel O'Higgins. 4/

9. As further indications of the growing normalization of the country, particularly as regards its human-rights situation, we would mention that, since the holding of the plebiscite, there have been no allegations of torture or other unlawful or degrading ill-treatment. Furthermore, the Minister of the Interior announced, on 30 December 1988, that proceedings against journalists in the ordinary courts would be discontinued.

10. In addition, on 26 November 1988, the Diario Oficial published the decrees promulgating the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations in 1984, and the Inter-American Convention to Prevent and Punish Torture, adopted in 1985. By means of these decrees, the international instruments in question have been incorporated within Chilean law, with all consequent legal effects.

11. As regards the administration of justice, as is traditional in our legal system, judicial activity has continued, along a course independent of, and separate from, the Executive. Thus, in response to an application by the Ministry of the Interior against four leaders of the Communist Party, the Santiago Court of Appeal, in a decision dated 17 January 1989, admitted the committal decision in respect of only one of the three offences on which the application had been based (advocacy of violence in breach of the State Security Act). 5/ In addition, the Court Martial, by a decision of 31 January 1989, unanimously committed for trial two carabineros on a charge of unnecessary violence causing grievous bodily harm (by firing shots at two minors during a day of protest on 29 October 1984). 6/ Furthermore, on 16 January 1989, a section of the San Miguel Court of Appeal unanimously admitted an application for the committal for trial of two carabineros on a charge of murdering three persons at 150 Calle Mamifa, La Cisterna, in July 1986, and a third person on a charge of being an accessory after the fact. 7/

12. In the economic and social sector, it should be pointed out that, as indicated in a recent study by the United States Department of Commerce, 8/ the Chilean economy grew by approximately 6.8 per cent in 1988 in a broad range of sectors, with a low inflation rate, strong growth of employment and an increase in wages in real terms. In the health sector, provision has been made for a substantial increase in the 1989 budget: it will rise to 12,000 million pesos, which is 10 times greater than the historic average. This sum will be allocated to investment in physical resources, hospital equipment and the creation of 940 new jobs, which had not been filled owing to lack of funds. 9/ Lastly, as from 1 February 1989, a readjustment in pensions of between approximately 9.4 per cent and 11 per cent will take effect, benefiting 1,329,000 pensioners. There will also be a general readjustment of about 10 per cent in salaries and wages for public administration employees.

Notes

1/ See appendix II to the report submitted by the Special Rapporteur to the General Assembly of the United Nations in 1988 (A/43/624).

2/ 1988 Constitution, twenty-ninth transitional provision.

3/ Constitution, article 19, paragraphs 12, 13 and 15.

4/ See El Mercurio, 31 January 1989.

5/ Ibid., 18 January 1989.

6/ Ibid., 1 February 1989.

7/ Ibid., 17 January 1989.

8/ Ibid., 1 January 1989.

9/ Ibid., 7 January 1989.

10/ Ibid., 4 January 1989.
