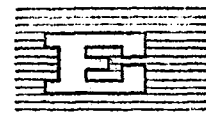


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1615th MEETING

held at the Palais des Nations, Geneva,  
on Wednesday, 25 February 1981, at 10 a.m.

Chairman

Mr. CALERO RODRIGUES

(Brazil)

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Question of human rights in Chile



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The meeting was called to order at 10.20 a.m.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (E/CN.4/1428; E/CN.4/1449; E/CN.4/1465; E/CN.4/L.1566; E/CN.4/L.1570; E/CN.4/NGO/293; E/CN.4/NGO/294; E/CN.4/NGO/298; E/CN.4/NGO/304; E/CN.4/NGO/311; E/CN.4/NGO/315; A/C.3/35/10)

1. Mr. van BOVEN (Director, Division of Human Rights), introducing the agenda item, drew attention to General Assembly resolution 35/188, under which the Commission had been requested to study thoroughly the report of the Special Rapporteur on the situation of human rights in Chile in document A/35/522. That document had been supplemented by the report contained in document E/CN.4/1428. The Commission also had before it a note verbale from the Permanent Mission of Chile to the United Nations Office at Geneva (E/CN.4/1465) and a report by the Chairman of the Board of Trustees of the United Nations Trust Fund for Chile (E/CN.4/1449). In accordance with General Assembly resolution 35/190, the Commission was requested to study, at its current session, the possibility of extending the Fund's mandate to receive voluntary contributions and further to study criteria for their distribution, and to report thereon to the Economic and Social Council at its first regular session of 1981.
2. Mr. DIEYE (Senegal), Special Rapporteur on the situation of human rights in Chile, introducing the report contained in document E/CN.4/1428, said that it should be read in conjunction with his report to the General Assembly at its thirty-fifth session (A/35/522).
3. He regretted that the Government of Chile had not co-operated in his work, even while he had been in that country. It had merely submitted a number of comments, virtually reiterating its earlier remarks, and had again complained groundlessly that he and the Commission were discriminating against Chile. The Chilean Government had not responded by stating that human rights were indeed respected in that country pursuant to international instruments or by challenging any of the instances to which he had drawn attention and suggesting that they should be subjected to closer scrutiny. It had merely made the unsatisfactory retort that Chile was not the only country with human rights problems.
4. It was the Commission's task to investigate allegations of human rights violations no matter where those violations were said to have occurred. The most effective procedure for performing that task, it seemed, was to establish a completely independent ad hoc group for each country or region concerned. The attention focused by such a group on a particular situation gave no grounds for asserting that the Commission was being unduly selective in its consideration of human rights situations as a whole.
5. He felt bound to emphasize the Chilean authorities' unco-operative attitude, which he hoped would not be maintained in the future. That attitude was even more disappointing in that the Chilean Government had originally agreed to receive a fact-finding group in the country.
6. He noted the improvements requested of the Chilean Government by the Commission in resolution 21 (XXXVI), including the adoption of measures to ensure respect for Chilean citizens' rights freely to enter and leave the country and to regain nationality where they had been deprived of it for political reasons, to prevent torture and ill-treatment and to punish those responsible for such

practices, and to restore constitutional safeguards with the object of terminating the state of emergency. Unfortunately, the existing situation in Chile differed little from that reported to the Commission at its previous session.

7. The method of investigation adopted with regard to the situation in Chile could perhaps form a precedent for similar activities in the future. It should be clearly understood that the procedure adopted was an open one and had nothing to do with that related to situations dealt with pursuant to Economic and Social Council resolution 1503 (XLVIII).

8. In his reports, he had abstained from any political observations, except in so far as political events had a direct bearing on human rights. For example, the new Chilean Constitution, concerning which a plebiscite had been held on 11 September 1980, contained provisions which clearly failed to conform to the International Covenant on Civil and Political Rights. It had incorporated many of the provisions introduced in recent years by means of Decree-Laws, and would thus place exceptional powers in the hands of the military Junta. The decision to hold a referendum had been announced only one month before the event; in view of the short time available and the prevailing state of emergency, reflection and comment on the proposed text by the nation at large had clearly been impossible. Apart from one meeting, punctuated by arrests and harassment, there had been no public debate on the matter. The voting procedure, too, had been questionable, since all electoral rolls had been destroyed, there had been no electoral body to lay down rules, and the polling station officials had all been Government appointees. The entire procedure had fallen short of standards acceptable to the international community, and it was highly doubtful whether the result truly reflected the Chilean people's will.

9. A disturbing feature of the new Constitution was that the text included the name of the person who would serve as President of the Republic, thus flagrantly violating the Chilean people's right to elect the head of State. Even the President of the Chilean Supreme Court had apparently refrained from challenging the text - yet another illustration of the judiciary's loss of independence. Indeed, that person was a member of the National Security Council, which had been given power to ensure public order and the maintenance of services; it seemed highly questionable for a judge to belong to such a body.

10. Under the new Constitution the President would have the power to declare, without prior consultations, a state of emergency in the event of "acts of violence", which he could determine at his own discretion. Acts of terrorist violence did indeed occur in Chile, and were to be condemned; no one was entitled to invoke political motives as an excuse for terrorism. Nevertheless, the power conferred on the President posed a grave threat to the Chilean people's human rights.

11. It should be noted that the pattern of arrests and detentions had not changed, even though the number of persons affected had declined. There was considerable uncertainty as to who had the power to arrest and there seemed little or no difference between the National Information Agency and the notorious DINA.

12. He had been scrupulous in seeking expert medical opinion to substantiate every allegation of mistreatment, because it was easy for dissidents to bring a Government into disrepute by making false accusations. It was difficult to establish the facts precisely when the Chilean Government remained silent. Still, the report made it clear that the right to life was not respected in Chile and that many persons had been killed simply for complaining of human rights violations to the appropriate bodies.

13. As for the fate of missing persons, misunderstandings which could be used for political purposes were bound to arise because of the Chilean Government's failure to provide information. Recently the Executive Power had even prevented the completion of a judicial investigation initiated following the discovery of 34 corpses, on the grounds that only the military could make such an investigation. The Committee must draw the Chilean Government's attention to the need to co-operate and shed light on such matters.

14. With respect to the right freely to enter and leave the country, he noted that the Chilean Government had failed to honour its commitment to the Ad Hoc Working Group to permit exiles to return. That Government had been equally reluctant to respect its commitments concerning political detainees, who had been dispersed in prisons throughout the country and were being held together with common criminals. The Commission must do its utmost to induce the Chilean Government to change its attitude and co-operate in fulfilling its commitments.

15. Mrs. DJORDJEVIC (Yugoslavia) said that documents A/35/522 and E/CN.4/1428 made it clear that the human rights situation in Chile, instead of improving, had further deteriorated.

16. The Chilean régime had attempted to legalize its oppressive rule by holding a spurious plebiscite to obtain approval for a new Constitution whose basic aim was to extend the Junta's rule for at least another eight years. The people of Chile had been forced to participate in the referendum, which had been conducted under the strict control of the military and police authorities. The international community was not deceived, however; it had condemned the plebiscite and had refused to recognize the new Constitution as a step towards the restoration of democracy.

17. Even after the adoption of the Constitution, the state of emergency had been maintained by a military régime which continued to disregard the appeals of the international community. The Junta continued to deny the freedoms of assembly and association, and many prominent Chileans had been arrested for participation in meetings calling for an end to repression and expressing disagreement with the plebiscite. Moreover, the Chilean authorities had turned a deaf ear to all appeals to establish the responsibility of those who had caused disappearances of persons; they denied trade union rights to nearly 90 per cent of the workers in the country; and they showed no sign of any intention to improve the situation of the country's ethnic minorities and indigenous groups, which were deprived of almost all fundamental economic, social and cultural rights while their very identity and integrity were threatened by poverty, illness and high mortality.

18. In those circumstances her delegation took the view that the Commission should continue to seek effective ways to solve the human rights problem in Chile and therefore fully supported the proposal to extend the mandate of the Special Rapporteur, who had an extremely important role to play in that regard. It also fully endorsed the recommendations contained in the report of the Special Rapporteur, and commended him highly for the way he had performed his task in spite of the lack of co-operation on the part of the Chilean authorities.

19. Mr. CHILOVITCH (Byelorussian Soviet Socialist Republic) said that the tragic situation of the Chilean people had further deteriorated as the Chilean régime continued to disregard international appeals to restore human rights in the country and to co-operate with the Special Rapporteur to that end.

20. The two reports of the Special Rapporteur in documents E/CN.4/1428 and A/35/522 showed that such violations of basic human rights as the prohibition of political activity, the outlawing of trade unions and press censorship persisted in a climate of repression, violence and torture. Paragraph 103 of document A/35/522 provided striking evidence of the fact that many people had been arrested in Chile and held without trial merely for having participated in peaceful demonstrations. The brutality to which detainees were subjected emerged clearly from paragraph 30 of document E/CN.4/1428. The number of arrests had even increased, and he drew attention in that connection to paragraph 427 of document A/35/522.

21. The Special Rapporteur's report to the Commission (E/CN.4/1428) also analysed the situation with respect to Chile's new Constitution. He drew attention in that connection to paragraph 145 and added that the new Constitution could deceive no one as to the unpopular, anti-democratic and illegal nature of the régime. No amount of political machinations could weaken the growing unity of the anti-fascist forces in Chile and international solidarity with their struggle to restore genuine freedom and democracy in the country, a struggle that was certain to succeed in the long run.

22. The Byelorussian people fully supported the Chilean people in its efforts to win that struggle as soon as possible, so that future generations would be spared the dangerous consequences of the conditions described in paragraph 438 of document A/35/522. His delegation had endorsed all United Nations decisions to that effect ever since the overthrow of the legitimate government of Salvador Allende and would support any resolutions submitted at the current session of the Commission which provided for effective measures to combat the gross and mass violations of human rights in Chile.

23. Mr. ZORIN (Union of Soviet Socialist Republics) said that the two excellent and useful reports submitted by the Special Rapporteur in documents A/35/522 and E/CN.4/1428 should be considered together, particularly since the information contained in the former report remained fully valid.

24. The gross and mass violations of human rights in Chile gave cause for serious concern and were comparable in extent, persistence and cruelty to the crimes being committed in southern Africa and in the occupied Arab territories. For the previous eight years, the entire international community had been preoccupied by the fate which had befallen the Chilean people since an imperialist-inspired counter-revolutionary putsch had established a régime of terror and repression in the country in 1973. Countless Chileans had been killed, crippled and deprived of their rights by a régime which had abolished democratic institutions, outlawed political parties and other representative organizations and undone all the political, social, economic and cultural achievements of the previous Government.

25. The United Nations had adopted numerous decisions condemning the criminal actions of the Chilean Junta and calling for an immediate end to them. He recalled that the Commission had already urged the Chilean Government to take specific measures to redress the deteriorating human rights situation in Chile, and drew particular attention to Commission resolution 21 (XXXVI). The response of the Chilean Government, however, was continuing defiance, even to the extent of refusing, significantly, to co-operate with the Special Rapporteur.

26. The latest report by the Special Rapporteur indicated a continued deterioration in the situation of human rights in Chile. The Junta was using the state of emergency as a pretext to deprive the population of their political rights and subject them to increasingly repressive measures. Despite repeated United Nations protests, not one person responsible for acts of repression and torture had been punished. Such acts were perpetrated against all sectors of society, including the Catholic Church. Moreover, many Chileans had disappeared after being arrested. Such disappearances cast a pall over the lives of the relatives and friends of the individuals concerned. Despite the concern expressed by the international community, the Chilean authorities stubbornly refused to provide any information concerning the disappearances.

27. The plebiscite held on the text of the new Constitution had been farcical and the Constitution itself institutionalized violations of human rights. The conditions in which the plebiscite had taken place had prevented the Chilean people from expressing their opinion freely and had demonstrated, once again, a total disregard for human rights.

28. The Chilean Junta also continued to deprive the overwhelming majority of Chileans of their economic, social and cultural rights. Trade-union leaders were arrested and the standard of living of a large segment of the population continued to fall, as noted in paragraph 438 of document A/35/522.

29. In the various debates on the question of human rights in Chile, many delegations had drawn attention to the fact that gross and massive violations of human rights in that country had acquired the status of official policy and that, under the state of emergency, victims of injustice were deprived of any effective remedy. DINA, under another name, continued its acts of repression, and no Chilean citizen was free from the fear of arbitrary arrest. Such a régime of arbitrary violence represented a fascist dictatorship. The elimination of massive repression in Chile and the restoration of respect for human rights and fundamental freedoms was linked with the

struggle of the Chilean people for the restoration of democracy. It was well known that the plot of the Chilean reactionaries against the legitimate Government had been planned, prepared and financed by the imperialist monopolies and ruling cliques of the United States of America. Events in Chile showed, once again, that, when faced with any real threat to their supremacy, the imperialist monopolies were prepared to go to any lengths to protect themselves. The Soviet people unequivocally condemned the massive and flagrant violations of human rights taking place in Chile and demanded their immediate cessation. The Commission should redouble its efforts to assist the Chilean people in putting an end to the situation prevailing in that country. He expressed the hope that further measures would be adopted to that end and that the mandate of the Special Rapporteur would be extended. His delegation fully supported draft resolution E/CN.4/L.1566.

30. Mr. SOLA VILA (Cuba) said that, since the overthrow of the legitimately elected Government of Chile in 1973, all semblance of legality had gradually disappeared from that country. The military régime had destroyed democratic institutions, revoked guarantees of freedom and security of person, sown insecurity and fear and engaged in persecution. It had fostered arbitrary rule, and torture, disappearances of persons opposed to the régime, enforced exile and summary executions had become standard practice. It had handed the country over to the monopolies.

31. There was irrefutable evidence that the situation of human rights in Chile, far from improving, was deteriorating. The latest report of the Special Rapporteur (E/CN.4/1428) indicated that recent events simply confirmed the trends already observed and that the conditions in which the farcical plebiscite had been held prevented it from being considered as a valid expression of the will of the Chilean people. What semblance of credibility could be ascribed to a plebiscite held at a time when a national state of emergency had been in force, when there had been a complete absence of guarantees and when the most fundamental rights of the Chilean people had been subject to restriction? The plebiscite, which had been condemned by the Chilean people and by numerous international organizations and other institutions, should also be rejected by the international community as a clumsy attempt to perpetuate the tyranny of the Pinochet régime, to legalize the state of arbitrary rule and illegality and to prevent the restoration of the most cherished rights of the Chilean people.

32. He congratulated the Special Rapporteur on the objective manner in which he had analysed the human rights situation in Chile, despite the difficult circumstances in which he had had to work and the evident lack of co-operation on the part of the fascist Junta. His delegation believed that the mandate of the Special Rapporteur should be extended.

33. In early 1981 violations of human rights by the fascist Junta had increased. There had been a rise in the numbers of people detained following mass arrests,

military and police raids had been carried out in workers' districts, a new secret graveyard had been discovered at Alto Molle - a fact which had been reported by the Association of Relatives of Missing Detainees - and further disappearances had taken place. Repression of the activities of trade unions and religious organizations, particularly the Catholic Church, continued, as did illegal imprisonment for political reasons and repression of universities. Workers' rights continued to deteriorate with the arrest of trade-union leaders and the disbanding of trade unions. It was the bounden duty of the international community to condemn, once again, the violations of human rights perpetrated by the military Junta. For that reason, his delegation had sponsored draft resolution E/CN.4/L.1566, the adoption of which would be a further expression of the Commission's preoccupation at the events taking place in Chile.

34. He expressed his delegation's concern at the situation of a group of individuals who had been arrested in late January and early February 1981 and were being detained by the Chilean intelligence services. The persons concerned - Miriam de Lourdes Ortega Araya, Víctor Ortega Araya, Carmen Gloria Escobar González, Rodolfo Rodríguez Moraga, Carlos Arturo García Herrera, Fernando Escobar González and Georgina Rojas Bagnara and her 18-month-old daughter - had all been subjected to torture and inhuman treatment by the security police and the death penalty had been requested for five of them. His delegation appealed for international solidarity in protecting their lives.

35. Mr. GONZALEZ DE LEON (Mexico) congratulated the Special Rapporteur on the manner in which he had performed his difficult task.

36. As his delegation had already had occasion to point out, the international community must not let itself become accustomed to the situation of human rights prevailing in Chile simply because it was of such long standing. The Chilean Government was very inventive. Recently, for example, it had held a plebiscite at which the people had been able simply to vote for or against the text of a new Constitution. However, in voting for the Constitution, the electorate was also agreeing to its suspension. Moreover, in its note verbale contained in document E/CN.4/1465, the Chilean régime had reiterated its position concerning international action by flatly rejecting any attempt to investigate the situation in Chile and by refusing to send an observer delegation to attend the current session of the Commission. The attitude of the Chilean authorities was reminiscent of the contempt with which the South African régime had consistently treated the Commission.

37. Draft resolution E/CN.4/L.1566, of which his delegation was a sponsor, was self-explanatory and could be voted on without further delay. It contained the same basic provisions as Commission resolution 21 (XXXVI) and General Assembly resolution 35/188. He expressed the hope that those delegations which had voted in favour of those two resolutions would support the draft.

38. Mr. LOPATKA (Poland) said that, since the military coup d'état in 1973, there had been massive and flagrant violations of human rights in Chile. The Chilean Government showed no signs of any intention to change that state of affairs; on the contrary, it was attempting to maintain the situation. It was unresponsive to the views of the international community and refused to co-operate with the Commission or the General Assembly. The Chilean Government was violating its international obligations and was disregarding the United Nations and world public opinion.



39. His delegation expressed its appreciation to the Special Rapporteur for his detailed and objective analysis of the current human rights situation in Chile (E/CN.4/1428) and fully endorsed the conclusions and recommendations of that report, particularly those concerning the new Constitution, the situation regarding economic, social and cultural rights and the situation of the indigenous populations.

40. The United Nations Trust Fund for Chile, established by General Assembly resolution 33/174, had played a positive role in providing assistance to Chileans residing abroad and in Chile. His delegation did not believe that there was any justification for transforming the Fund into a United Nations Trust Fund for Victims of Gross and Flagrant Violations of Human Rights, since such a step would deprive the Fund of its specific purpose and lead to the dispersion of its limited financial resources. It would be more appropriate if the Secretary-General appealed to Governments to contribute to the Fund with a view to easing the difficult situation of the victims of human rights violations in Chile.

41. His delegation considered that draft resolution E/CN.4/L.1566 made a correct assessment of the human rights situation in Chile. It hoped that the Chilean people, with the support of the international community and progressive world public opinion, would put an end to the situation of mass and flagrant violations of human rights in Chile and that those who had committed crimes of genocide, torture and other heinous acts would be duly punished. In its view, the situation in Chile required vigilance and the mandate of the Special Rapporteur should therefore be extended.

42. Mr. FRAMBACH (Observer for the German Democratic Republic) said that the call made to the Chilean authorities by the General Assembly in its resolution 35/138 to restore human rights immediately had been based on the fact that the Junta had not only ignored world public opinion but had even worsened the situation by intensifying its repressive practices. Evidence of that was to be found in the reports of the Special Rapporteur to the thirty-fifth session of the General Assembly (A/35/522) and to the current session of the Commission (E/CN.4/1423), which showed clearly that terror and violence in Chile continued unabated.

43. The statement in the Special Rapporteur's report to the General Assembly (A/35/522) that he had not been able to note any improvement in the human rights situation in Chile and that in certain respects it had even deteriorated was still valid. In that connection, he drew attention to the first two sentences of paragraph 425 of the document.

44. A recent and particularly grave attack on the vital interests of the Chilean people had been the so-called plebiscite held on 11 September 1980 - the seventh anniversary of the assassination of President Allende - for the adoption of a new constitution. Before that event, there had been attempts to stifle any opposition and threats had been made to imprison those who did not participate in the "plebiscite". Through the adoption of the Constitution, the Junta intended to secure its rule of terror at least until 1989. Democratic organizations remained prohibited and civil rights were further restricted. Moreover, progressives were prevented from engaging in any kind of political activity and even from exercising the fundamental right to vote. In view of the circumstances under which the mock referendum had been held, its results could only be regarded as null and void.

45. In spite of the general increase in fascist terror in the country, including large-scale drag-net operations by police and security forces, unlawful interrogation of patriots and torture, public opposition to the repressive system had been growing. In 1980, for example, more than 30,000 workers had participated in strikes and tens of thousands of Chileans had carried out political demonstrations despite police harassment.
46. In view of the Junta's massive attacks on the social gains of the working people and on social, cultural, political and trade union rights, the banned trade union association CUT had lodged an official complaint with ILO on 30 March 1980.
47. Furthermore, the Junta had not yet made any serious effort to provide information about the whereabouts and fate of the 2,500 patriots arrested in 1973. In view of that attitude, which was a grave affront to the international community, he stressed the importance of the relevant provisions of General Assembly resolution 34/179 and the need for the Junta to respect them.
48. The Government and people of the German Democratic Republic had always demonstrated their solidarity with the people of Chile and would continue to support its just struggle for the restoration of democracy in that country.
49. Mr. VARKONGI (Observer for Hungary) said it was a cause for great concern that, despite all the efforts of the United Nations, there had been no improvement in the situation in Chile, where an entire nation had been deprived of the exercise of fundamental rights since the coup d'état by a fascist military junta.
50. The latest report of the Special Rapporteur (E/CN.4/1428), which was supported by voluminous evidence, clearly showed that there had been no change in the restrictions on civil and political rights in Chile referred to in previous reports and that the situation had, in fact, worsened in many respects.
51. The new Constitution preserved the illegal power of the Junta over the Chilean people. That instrument not only prohibited nearly all forms of political activity but also empowered the President to declare various states of emergency, with much greater powers than he had had during the years since 1973. Torture and detention enjoyed official protection and the situation was further aggravated by the large numbers of disappeared persons. At the previous session of the Commission, the representative of the Chilean Junta had said that his Government would perform its obligations under the Universal Declaration of Human Rights and the International Covenants. Two years had elapsed since then, but the military régime had not yet done so.
52. The report of the Special Rapporteur (E/CN.4/1428) showed clearly that many provisions of the new Constitution violated human rights and were contrary to the principles, rights and guarantees laid down in the International Covenants on Human Rights. Unfortunately, the Government of Chile maintained its cynical attitude towards world public opinion and the Commission, an attitude which had been expressed in the letter of the Permanent Representative of Chile to the Chairman of the Commission (E/CN.4/1465) reiterating the unacceptable view of his Government, which contested the competence of the Commission.

53. His delegation endorsed the concluding observations and recommendations of the Special Rapporteur and agreed with those who urged that the Commission should adopt further measures in order to force the régime to end its inhuman and repressive policy.

54. His Government maintained no relations with the Junta and had been one of the first to speak out against the brutality of that régime. The Government and people of Hungary strongly condemned the cruel policy of the military Junta and requested that respect for human rights should be restored in Chile and that all those responsible for the terror in that country should be punished at the national and, if necessary, international level.

55. Mr. ABOVREZK (International Indian Treaty Council) said that his organization had closely followed the situation of the Mapuche Indians of Chile since 1973 and conducted campaigns denouncing the wrongs suffered by that people throughout those years. Referring to document A/35/522, which dealt in detail with the division of Mapuche lands, he denounced the fact that Decree-Law No. 2568 took no account of the inalienable rights of the Mapuche people and that its sole purpose was to integrate the Mapuches into the market society; it was precisely in the reserves that ceremonials and dances took place and the Mapuche language was spoken. He stressed that the Chilean authorities were continuing to use deceit and lies to divide up the reserves and that, notwithstanding protests by the Mapuches and international organizations, the Junta was continuing its genocidal policy.

56. His organization also denounced the new Constitution, which was nothing more than a legal implement for the continued theft of the ancestral lands of the Mapuches and thus for denying them the fundamental basis of their identity as a people. In conclusion, he urged the Commission to renew the mandate of the Special Rapporteur.

57. Ms. BALLANTYNE (Women's International League for Peace and Freedom) said that her organization had had an active national section in Chile until the coup d'état in September 1973. Since then some of its members had been forced into exile, while others had remained in Chile and were engaged in humanitarian work through the Church.

58. In his latest reports, the Special Rapporteur concluded that the human rights situation in Chile had not improved and, indeed, had deteriorated in some respects. Information received by her organization a few days previously showed that human rights violations by the military Government had tended to increase in the past two months. During that period, more than 420 persons had been arrested in different localities, particularly in the poorer areas, as a result of military and police raids. Between 22 January and 14 February, over 30 persons, including women and students, had been arrested or placed in restricted residence. In one case, a baby girl had been arrested together with her parents and had been detained for 10 days. Upon her release, the child had been found to be in a continuous state of fear and even panic. Her body had shown marks of violence and it was assumed that she had been tortured in order to extract a confession from her parents.

59. Her delegation shared the concern expressed by the Special Rapporteur regarding the effects of the new Constitution on the human rights situation in Chile. While the Constitution gave supreme importance to the family, its provisions undermined the very security of the family unit. In a situation such as that

obtaining in Chile, women were the first victims, a fact stressed in reports to the third meeting of Chilean women convened by the Women's Department of the Coordinadora Nacional Sindical in December 1980 at Santiago. Those reports had described the particularly difficult economic situation which many Chileans faced and stressed its effects on their physical and mental health.

60. The military Junta had deprived the majority of Chileans of their civil, political, economic, social and cultural rights. The new Constitution would impose further restrictions, and continuing vigilance by the international community was therefore essential. In conclusion, she said that her organization deplored the fact that the Government of Chile was again to receive the military and economic assistance which had previously been withdrawn because of its human rights violations.

61. Ms. von ROEMER (International Confederation of Free Trade Unions) said that the events currently taking place in Chile were even more tragic than those which had occurred during the years immediately following the coup of 1973. Through a so-called plebiscite conducted in a climate of repression, the dictatorship had managed to perpetuate its own rule and forced a Constitution upon the country.

62. Her delegation expressed its appreciation to the Special Rapporteur for his detailed description of the circumstances in which the plebiscite had been held as well as of the various provisions of the Constitution which clearly violated the International Covenants on Human Rights to which Chile was a party.

63. Under the new labour legislation - the "Plan Laboral" - the workers of Chile were condemned to live as second-class citizens in an anachronistic society designed for the benefit of a small élite. Her organization had lodged a complaint with ILO against the Government of Chile, charging that Decree-Laws Nos. 2,756 and 2,758 of 29 June 1979 contained numerous provisions which violated trade union freedoms as defined in ILO Conventions Nos. 87 and 98. Those provisions were incompatible with the rights of trade unions to draw up their constitutions, to elect their representatives in complete freedom, to organize their activities and to establish and join federations and confederations. They also allowed authorities to dissolve trade unions and to limit the right to strike, which was generally recognized as a means available to workers to defend and improve their living standards. Moreover, as pointed out in document A/35/522, large numbers of workers were denied the right to join a trade union and engage in collective bargaining. Strikes were limited to a period of 60 days, after which the workers must choose between accepting the proposal made by the employer or becoming unemployed. The employer, on the other hand, had the right to hire temporary personnel at the minimum legal wage to replace strikers and was thus well equipped to weather a storm whose end was in sight. Hence, the strike became a tool by which the employer could exert pressure on the workers. In that connection, she referred to a statement by the trade union of the Coresa Company, which said that on the basis of its experience, the primary task of the Chilean trade union movement was to act in order to secure the repeal of the "Plan Laboral".

64. According to information received by her organization, there were cases in which trade unionists were arrested and detained for days for calling an unauthorized meeting and for engaging in discussions relating to strikes and other activities

regarded as infringements of labour laws which were themselves in violation of ILO conventions. Reports had also been received of threats against the families of trade unionists. In view of the gravity of the situation, ILO had sent a mission to Chile in December 1980, but the Government had refused to arrange for a meeting to discuss matters at an appropriate level.

65. Her organization urged the international community not to confer the seal of respectability upon the Government of Chile by relaxing its vigilance. It appealed to the United Nations to continue to intensify its actions until democracy was restored in Chile and human and trade union rights were respected.

The meeting rose at 12.55 p.m.