

# VENCEREMOS!

Organo Oficial de la Asociacion de Chilenos en Toronto. Enero 1980.

## conferencia canadiense por la justicia en chile



Justice is a word that has lost its meaning in Chile today. How can that meaning be restored? That is the enormous question facing delegates to the Canadian Conference for Justice in Chile, meeting January 19, 1980, in Toronto.

The very anomaly of discussing justice in Chile ten thousand miles away from Chile reveals the seriousness of the situation. It is only far away from Chile that the failure of Chilean justice can be discussed.

In Chile today, such concepts as law, democracy and justice date back to a time before the 1973 military coup. Ever since then, no laws have been passed, only decrees, handed down by the Junta without consultation, without a single vote. Both

chambers of Congress have been closed since the first day of the coup. There is no participation in government, therefore no democracy. Those who rule do so by power of the gun. Even the universities are run by the military.

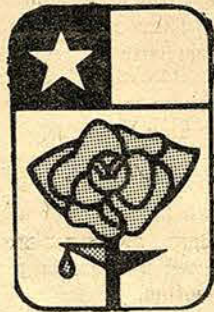
As for justice, its trappings continue, but only as a mockery. Out of 5,000 suits of habeas corpus presented in the past six years, in order to make sure an arrested person was produced in court, only four have had any results. The others were either denied or were ineffective. The Chilean courts have become mere extensions of arbitrary authority. For example, when a special 'visiting minister' is appointed to investigate the discovery of the bodies of yet another DINA massacre, all he has to do to escape any respon-





**VENCEREMOS!**

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**JUNTOS DE NUEVO EN LA SOLIDARIDAD.**

*Es indudable que las alternativas por las cuales atraviesa la Toronto Chilean Association, se reflejan en la continuidad de las ediciones de "Venceremos". En los últimos tiempos nuestra agrupación ha pasado por muchos altibajos pero tenemos la esperanza que la dirección actual, revisando sus acciones y llamando al trabajo solidario a todos sus asociados, nos permita regularizar nuestra aparición como órgano de la solidaridad de todos los chilenos no fascistas y que comprenden la necesidad de que nuestra patria vuelva a los cauces de la democracia y la libertad. "Venceremos" no es solamente el vocero de la Asociación, lo es también de la fraterna solidaridad canadiense y que está expresada en las páginas escritas en inglés de esta edición. Esta solidaridad canadiense llega a su punto más alto*

*con la preparación y realización de la Conferencia Canadiense por la Justicia en Chile, que se realizará el próximo 19 de enero en la Facultad de Leyes de la Universidad de Toronto. El aporte que significa la realización de la Conferencia a la lucha del pueblo chileno es inmensamente significativo. Una vez más, nuestros amigos canadienses nos demuestran con hechos más que con palabras el verdadero sentido de la solidaridad y su participación en la lucha, que todos libramos contra Pinochet y su camarilla, se pone otra vez de manifiesto. Saludamos la iniciativa de los amigos canadienses en todo lo que vale y la asistencia masiva de los componentes de la Asociación debe servir para rubricar los fraternales lazos de amistad de nuestro pueblo con el pueblo de Canadá.*

sibility in affixing guilt is to declare himself 'incompetent' and the case goes to the military themselves. Justice, Chilean style, means that the criminals judge their own guilt. Nobody judges the judges.

This is why Canadian Lawyers, jurists, professors, human rights spokesmen and other experts will be examining the mockery of justice in Chile today. First purpose of the Conference is to gather evidence which will be presented to the United Nations Commission on Human Rights meeting in Geneva in February, 1980.

Part of the evidence they will hear will come from the representatives of the Association of Families of the Disappeared Political Prisoners, who are coming to Canada direct from Chile. What they have to say involves not just the tragedy of losing loved ones without ever knowing their fate, or whether they might even still be alive, but the misery of vainly, to appeal to Chilean justice in their plight. Their story is one of a cruel charade by the Junta and its servants which has meant years of going from office to office, writing out endless denunciations which are merely 'received' and ignored. And when normal channels of law failed, these women became victims of injustice themselves time after time, being dragged to jail for peaceful protests. In Chile, it is a political - and therefore illegal - act merely to ask 'Donde están?' - where are they, the 2,500 disappeared prisoners.

Chileans resident in Canada will also report their failure to find justice in their attempts to find out what happened to their relatives who have disappeared in Chile. There are Chileans resident here who have lost brothers in the Lonquén massacre, or who have sworn testimony that their relatives were indeed in the torture cells of the DINA, and never came out.

Canadian delegates are not being asked to come to a conference just to hear more violations of human rights. They are called together to analyse and expose not just these violations, but the Junta's attempts to cover up the violations by a mask of legality. It is no accident that justice has disappeared. It is part of a systematic denial of all the rights which the whole world treasures: the right to participate in the decisions that decide one's fate, the right to a fair trial, the right to state one's opinions, the right to protest injustice.

The Junta is spending millions of dollars in an international public relations campaign designed to deceive world opinion and cover up the truth. It is also embarked on a campaign to turn injustice into justice - by making it law.

The projected Constitution excludes from citizenship anyone who believes in the class struggle and anyone whose ideas might be considered dangerous to the public order which the Junta enforces. There will be one Chile, made up of Pinochet and his friends. The other Chileans are to have no voice.

By declaring such a Constitution, Pinochet could make legal a system of government which gives all power to the President and the military and disenfranchises not only his active opponents but anyone who might be considered to oppose him. It is a Constitution designed by appointees who say, proudly, that they believe in government by force and do not trust democracy.

For the last year, Pinochet has been trying to legalize his acts of repression. For example, the new Labour Code is not merely designed to make it look as if workers in Chile are now free to strike. It is also designed to limit the legal power to strike. In emasculates worker activity at the same time as it pretends to give the workers back the power they once had.

All this will come under scrutiny of the Conference delegates as they review the mockery and indecency of using arbitrary power to enforce laws that make that power even more arbitrary - and then calling this law.

More concrete still will be the work going on in the Conference's seminars during the day. At these workshops, delegates will be seeking ways in which international justice, such as United Nations agreements signed by Chile, can be used to pressure the Junta into compliance with normal rules of conduct. They will also work out legal and human rights machinery to help the families of the disappeared political prisoners and to aid the return of Chilean exiles. For instance, the UN has established a special fund for the Chileans who suffer from arbitrary measures. How can Canadians make sure this help is made available to those who need it? How can Canadians exert pressure, through their government or through national groups, to help the return of Justice? What should Canadian unions be doing to help Chilean workers? Can secondary boycotts isolate the Junta? Can church groups help the Chilean church's Vicariate of Solidarity which has for years been the chief defender of the Chilean oppressed? Two years ago, the Canadian Inquiry into Human Rights in Chile constituted an important

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- Pauline Jewett, MP
- Howard Pawley, leader of Manitoba's NDP
- Walter Pitman, President of Ryerson Polytechnical Institute
- Ricahrd Gathercole, UNiversity of Toronto Faculty of Law
- Elspech Munro Gardener, lawyer and chairperson of the Canadian Inquiry into Human Rights in Chile, 1977
- Andrew Brewin, former MP and NDP international affairs critic
- Lois Wilson, past President of the Canadian Council of Churches
- Rev. John Morgan, President of the Canadian Peace Congress
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- Lurette Sloan, President of la Ligue des Femmes
- Ed Broadbent, leader of the NDP, Canada
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- Dr. Stuart Smith, leader of the opposition, Ontario
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- Dennis Lee, poet
- June Callwood, broadcaster
- Earle Birney, poet
- Finnish Organization of Canada
- Helen Burpee
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- Dr. Federico Allodi
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- Veterans of the International Brigades, MacKenzie-Papineau Battalion
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step in bringing the facts to light not only for concerned Canadians, but for the United Nations. The 1980 Conference is being followed with interest by people outside of Canada, too.

Recent retaliation by the United States against the mockery of justice in failing to extradite the murderers of Orlando Letelier and Ronni Moffit have made the Junta even more isolated. Even Brazil voted to condemn the Junta at the last Organization of American States meeting in La Paz. America is changing, as dictators like Somoza are forced out and other arbitrary governments begin to soften their stance.

The only way that the Chilean junta can hang on is by deceiving the world with a semblance of justice and a nod towards democracy. And this cannot work if informed and professional critics, like delegates to this conference, expose this deceit.

For this conference, delegates are coming from all parts of Canada and from all the major sectors of Canadian community — the law, parliament, the church, the university and labour. They will have the advice of such experts as Sergio Insunza, Minister of Justice in Allende's government, and they will have full documentation of Pinochet's plans to decree 'justice and democracy'.

They are meeting in suitable surroundings — the University of Toronto Law Faculty's Moot Court which is furnished as a court of justice, and in seminar rooms in the historic buildings that form home for the Law Faculty.

Later on the same day, at 8 p.m. in 300 Bathurst, there will be an open meeting so that all people interested may meet the witnesses and delegates and learn the deliberations of the delegates. And there will be dancing and entertainment following the meeting.



# derechos humanos

Las continuas infracciones a toda legalidad y las sostenidas violaciones a los Derechos Humanos en Chile, Argentina y Uruguay, han suscitado reacciones de repudio en todo el mundo civilizado. Son numerosos los organismos internacionales que han enviado sus comisiones investigadoras, a fin de determinar en el lugar de los hechos, la veracidad de las acusaciones y las formas y métodos de un sistema que hunde sus raíces en la dominación económica y cultural manipulada por intereses transnacionales en los cuales la vida está regulada por la preocupación de la ganancia y el poder del dinero.

Invocando, hoy en día, la "seguridad nacional" se pretende consolidar un modelo de sociedad que ahoga las libertades básicas, conculca los derechos más elementales y sojuzga a los ciudadanos en el marco de un temido y omnipotente Estado Policial.

En Chile como en varios países de América Latina se ha iniciado un proceso de "Institucionalización" que pretende legitimar la política represiva de los militares en el poder y por ende la sistemática violación de los derechos humanos. El terror "legalizado" se dirige contra todo el pueblo, atentando contra toda expresión de libertad, de asociación económica, política, educacional, cultural y de vida. La violación de los derechos humanos en el plano económico tiene una demostración palmaria en la instauración y mantención de un modelo político, económico y social inspirado en los principios del liberalismo manchesteriano, que requiere para su funcionamiento una política laboral inscrita en el modelo económico adoptado y que se concreta con medidas legislativas y administrativas que tienen como uno de sus efectos, la represión desatada contra los dirigentes sindicales y sus organizaciones y la pérdida o restricción de los derechos esenciales de los trabajadores.

Los problemas a que se han visto sometidos los trabajadores en estos seis años, se pueden sintetizar en los siguientes:

1.- Atentados contra la vida y la libertad de los trabajadores y sus dirigentes.

Numerosos dirigentes sindicales y trabajadores han sido encarcelados, muchos de ellos fueron muertos sin mediar ningún tipo de juicio, y otros hasta hoy, están desaparecidos. Otros sin que mediara juicio fueron expulsados del país y hasta hoy día se les niega el derecho a vivir en su propia patria.

2.- Discriminación y despido de trabajadores motivados por sus opiniones políticas o sindicales.

El D.L.N. 32 de 1973 estableció causales de despido como el llamar a huelga. Mediante este subterfugio se echó a la calle y se encarceló a muchos trabajadores, se desafió a dirigentes sindicales acusándoseles de inducir a la comisión de actos ilícitos en contra de las empresas privadas o estatales.

Se intenta privatizar o manejar con criterio de empresa privada la salud, la educación, la vivienda y la previsión, con la mentira del autofinanciamiento con lo que únicamente se logrará dejar al trabajador y su familia al margen de estas necesidades, violando un principio primario de la declaración Universal de los Derechos Humanos.

Es elocuente, que la política económica de la Junta Militar en Chile, equivale a un verdadero genocidio por HAMBRE de un masivo sector de la población. Aún las propias estadísticas oficiales no pueden ocultar el aumento de la cesantía, de disminución del nivel de vida y las cifras crecientes de desnutrición y mortalidad infantil.

No menos dramática y desoladora es la planificada violación de los derechos del hombre en el Orden Educativo. Es tremendamente grave, las violaciones, humillaciones y deformaciones que el régimen militar impone en las mentes y espíritu

de los jóvenes, principalmente cuando se impone un plan destinado a incorporar la asignatura de "Seguridad Nacional" a todos los planes de estudios desde primer año básico hasta los últimos cursos universitarios



Los escolares y estudiantes chilenos sufren HAMBRE y están sometidos a un régimen de militarización que convierte al encargado militar de la escuela en un verdadero tirano omnipotente.

La educación ha sufrido un atentado a los principios pedagógicos universalmente reconocidos. La ideología de la Junta se ve hoy reflejada en todas las escuelas donde los delegados militares han eliminado y proscrito toda enseñanza a formar al hombre de mentalidad democrática capaz de respetar opiniones discrepantes.

Los principios pedagógicos basados en la auto-disciplina consciente han sido reemplazados por una disciplina militar. Se ha atentado contra el contenido y la calidad de la enseñanza. Los programas de estudio vigentes de 1965, fueron modificados prohibiendo enseñar determinadas materias (La Revolución Francesa) o utilizar ciertos textos.

Se prohíbe al profesor "interpretar" la materia, debiendo limitarse a exponer el contenido de los textos aprobados. Los programas de Ciencias Sociales han sido mutilados, censurados en un evidente atentado a la cultura.

Maestros y profesores son vejados en sus principios éticos, en su dignidad profesional; las Universidades han sido convertidas en centros donde reina el control policial de las actividades docentes. Hay alumnos que han sido inmediatamente detenidos por haber discrepado con el profesor o la autoridad militar de turno. Cursos enteros han sido suspendidos y posteriormente detenidos por apoyar la demanda de los familiares de los presos desaparecidos.

Este recuento permite comprender hasta que punto todo asomo de libertad intelectual ha quedado anulado en Chile.

Quizás el más claro ejemplo de la violación de los derechos humanos en Chile, es la situación de cerca de 2.500 personas "desaparecidas", en su totalidad secuestrados de sus propios hogares y que hoy los hallazgos de Lonquén y Yumbel son una prueba macabra, repugnante de la participación del Gobierno Militar bajo las órdenes de Augusto Pinochet en la planificación criminal de este método de violación de los derechos humanos.

Desde Septiembre de 1973, miles y miles de chilenos viven en la indefensión; en Chile, como en todas las dictaduras latinoamericanas, ha muerto el "Habeas Corpus" procedimiento legal más ele-

mental para defender la libertad y la dignidad del hombre, y aunque Pinochet declare, cínicamente que su gobierno es el campeón de los derechos humanos, recurso politiquero para mejorar la imagen externa de su régimen, aún no hay respuesta sobre el paradero de miles de chilenos secuestrados por la Junta Militar, si no que en forma siniestra pretende evadir su responsabilidad directa, descubriendo cementerios clandestinos con los restos de trabajadores secuestrados por la policía secreta de Pinochet.

La represión por medio de los secuestros ha afectado a todos los sectores incluso la juventud y las mujeres, una cuarta parte de los 2.500 desaparecidos en menos de 30 años. El caso más espeluznante es el del estudiante Carlos Farfán Oyarce, de 13 años de edad, detenido el 13 de Octubre de 1973 y de quien nunca más se han tenido noticias.

Sabemos bien, que las violaciones más brutales de los derechos humanos siguen en todo su vigor: prisiones y consiguientes desaparecimiento de las víctimas, apremios físicos y psíquicos, que llegan a las más horribles torturas y vejaciones o el asesinato, como lo demuestran los repugnantes casos del profesor Alvarez, muerto por las torturas infringidas, en un centro de la policía de Pinochet comprobadas por las autoridades médicas del primer centro asistencial de Santiago, y el pueril asesinato de Daniel Acuña, luchador incansable del pueblo chileno, y militante ejemplar del socialismo chileno. Hoy día una nueva muestra de la represión contra el pueblo lo constituye el encarcelamiento de ocho personas en Valdivia por presunta politización de los Centros Comunitarios.

Esta es la cruda realidad que sigue viviendo el país con relación a los derechos humanos, la misma que impulsa a la Iglesia Católica, la Comisión Internacional de Juristas, Naciones Unidas, la Comisión de Derechos Humanos de la O.E.A., a expresar su pública condena al régimen de la Junta Militar Chilena, opiniones que escapan a la acusación torpe y absurda de estar confabulados en una conspiración antichilena; lo han dicho numerosos representantes de los intelectuales, de la Iglesia, abogados y por sobre todo por los propios representantes de los trabajadores; "Nada puede haber en esta hora negra, más chileno y más patriótico que luchar por la defensa de los derechos humanos, inherentes al grado de civilización, de cultura y moral ciudadana de cualquier país".

# ENQUIRY INTO HUMAN RIGHTS

# IN CHILE

## RETURN

Banishment is illegal under international law, but the Chilean Junta does it every day. There are now one million Chileans living in exile, several thousand of them in Canada. This means a tenth of Chile's population is outside the home country, and most of them want to return - and cannot.

The right to live in one's own home country is one of the rights established by the United Nations

Charter on Human Rights. Even the Junta's projected constitution concedes that right. It remains a right in Chilean law. But, as in so many cases in Chile today, the Junta can disregard any law when it sees fit. This is how the right to return is denied.

A Chilean who fled the country right after the coup and arrived in Canada in, say, 1974 applies to his consulate or embassy in Canada for permission to return. There are no charges against him. He has not broken any law in Chile or in Canada. But it is within the power of the Chilean Ministry of the Interior to decide whether or not to let him return, and the Ministry does not have to give any reasons.

Today, the Chilean embassy in Canada does not even tell an applicant in writing that he may not return. He is told to phone the embassy and he is told, by telephone, that he is not 'admissible'. In this way the applicant does not even have proof of rejection, and so he cannot prove that he is being denied his lawful rights.

Earlier, Chilean applicants for return were sometimes told they could not do so because they were likely to endanger the security of the state. Even a six-year-old was denied re-entry for this reason. Many Chileans who thought they would have no difficulty simply making a visit to their homeland have been turned around at Santiago's Pudahuel airport and re-routed back to their place of exile. Occasionally, the Ministry of the Interior has allowed such 'dangerous' people into Chile for special reasons, like the funeral of a parent, but has granted barely three days stay and has made sure the person gets his plane and leaves the country.

The bitterness of exile is hard for many Canadians to understand since so many Canadians are willing immigrants who don't want to return to the 'old country' to live. The difference between their case and that of the Chileans is the 'willingness' to leave their old country and take up a new life.

The Chileans who left their country after the September 11, 1973 military coup fled to escape imprisonment, torture or death. They left to get away from a military regime that did not allow them the alternative of remaining, outside of jail. And when they left, they felt guilty at 'betraying' their homeland in leaving Chile to the mercy of the military. They still feel Chileans. They live two lives: one, that of other Canadian residents, learning to accept the Canadian winter, working alongside Canadians, getting to know the language and the customs; the other life is the old life in Chile, which remains not just a memory but a promise for the future. They will return. Their children who all speak Spanish in the home, and think of themselves, always, as Chilean, will return, too.

Not unusual is the sentiment of a five-year-old who was actually born right after her Chilean mother had arrived in Canada, but who says she was 'started' in Chile and even insists she can remember Chile. 'I was there. I was inside my mommy but I was there', she says. She doesn't talk about 'going' to Chile. She talks about 'going back'.

What many Canadians can't understand is why anybody would want to return to Chile when there is so much oppression and repression there. The answer lies in the Chilean exiles' conviction that starvation wages in one's homeland are better than a richer life in a foreign country. They see the military regime as something that will pass, so that Chile can be herself again. Of course, there are many who want to return so that they can work actively to help mountains and the dusty roads, the fish stew and the strange fruit. They just want to go home, and they can't be happy elsewhere.

The problem of exile has its serious social implications, too. Almost all of Chile's well-known artists, writers, film-makers, actors and musicians are living in exile. They cannot create from memory and they can rarely set down creative roots in a new land. They need to keep their home ties, to nourish the sources of their creative life. And they cannot return

Most of Chile's scientists, intellectuals and scholars are in exile, too. Without them, Chile has become a branch-plant of so-called Western scholarship apart from technological research or abstract thesis that have no bearing on the reality of life in Chile today. The exile of one tenth of the population has seriously depleted the intellectual life of the country.

Another effect has been the break-up of Chilean families. Every family inside Chile has some members outside, and they do not think of this with any satisfaction, as do some other groups with family members making a new life elsewhere. At family reunions, Chileans mourn the relatives overseas. They mourn their own loss and the losses suffered by the exiles, cut off from their home.

Among the exiles themselves, exile is already showing serious symptoms, now being investigated by psychologists. The exile suffers from grief much as a widow grieves for her lost husband. On top of this, there are the problems of language, of finding work, of bringing up children in a different environment, and of feeling, all the while, both rejected and guilty at not being home. The longer Chileans remain in exile, the more frustrated and helpless they feel.

Berthold Brecht, in exile in the United States during World War II understood the difficulty of trying to explain to Americans how he felt about his home land, Germany, which he returned to the very first chance he got, in spite of lavish American hospitality:

'I am like a man who carried a brick around with him all the time to show the world what my home looked like'.

That is what Chileans feel like, clutching their memories and their dreams of the future.

By all international laws, they cannot be kept in exile, banished. By all Chilean law, their banishment is illegal. By all laws of the human conscience, they should be able to return and live in their own land, part of their own people. And this is the right for which they are fighting, the right to return.

## LABOUR

Chile's new Labour Code, handed down by decree last July, is another masterpiece of pretence. In the guise of offering union freedoms, it actually curtails their powers. In pretence of offering freedom to strike, it makes such a strike suicidal.

As usual, the Labour Code was never discussed. No labour organization participated in its formation, and, certainly, no labour organization has welcomed it.

What it does, primarily, is to weaken union power by several measures. It takes away from the confederations and federations, which have always played large roles in Chilean labour history, any power of action or even solidarity. Craft unions or inter-factory unions, like federations, won't have any power either. They can't bargain and they get no share of the workers' dues. Even in the country, workplace unions must be established farm by farm, which makes any union activity virtually impossible.

If the larger union groups are rendered powerless, the workplace unions also lower power. Affiliation is purely voluntary. There can be many unions in one workplace. A factory with more than 250 workers could have as many as ten unions, thereby splitting the union action. There can be managerial unions, too. By spreading the myth that even the bosses are "workers", the strength of the real unions is dissipated.

Collective bargaining is now legal, except of course that it isn't legal in most cases. No union can bargain for anything but money and working conditions. They can not bargain about promotion or the use of machinery. They can't bargain on behalf of apprentices or casual labour. They cannot bargain about the right to participate in the operation of the factory. And any group of workers can bargain, not just unions. Inter-factory or craft unions cannot bargain; nor can federations or confederations.

The one limit placed on employers in this bargaining is they cannot offer wages lower than those now in existence, which is in some cases as low as \$ 25.00 a week, in a country where food prices are similar to those in Canada.

If the bargaining process does not satisfy the union, it can declare a strike IF such a stoppage does not "seriously damage the supplies or health of the population or the economy of the country or national security", a disposition, which could be applied in almost any situation. Workers at



the copper mines, for example, can never go out on strike. Nor can state or municipal workers or those in public services.

If there is a strike, it cannot last longer than 60 days. At the end of this time, the workers will be considered to have quit voluntarily. After 30 days on strike, any worker can go back to work. If the strike affects more than 50 o/o of the workers, an employee can declare a lock-out and he does not have to pay any wages or even social benefits. This means that workers not on strike are encouraged to pressure the strikers to go back. In this way, employers get much the best of any strike. They even get a subsidy for hiring strike-breakers older than 55.

During a strike, no other union may help out. There is no room for solidarity. There can be no picketing, not even any groupings of workers except on union premises, and no public meetings.

This is why many Chilean labour groups have called the new strike legislation "an invitation to suicide". With unemployment rates running in the 20 o/o, and encouragement of "scabs", it is very hard to keep workers out. It is therefore no wonder that Chile's Minister of Labour has said he is "very satisfied" with the new process and that he believes both parties now have "equal power of pressure", while the unions are saying "this law is not made for us".

True, most of the strikes have been settled, but none of the raises so far negotiated has been for more than 15 o/o in spite of inflation rates almost twice as high. Typical case is the Pfizer pharmaceutical factory, where workers asked for a 30 o/o raise but had to settle for 10 o/o after thirty days on strike.

The result may not have brought satisfaction to the workers, but it has certainly increased union and worker solidarity.

"We have been silent for six years, but now we are raising our voices once again," said Pfizer strike leader David Orrego. "We aren't dumb any more likely a defeat, but we are not taking it with out protest."

At Goodyear Tires, wives of the strikers began a series of fast and prayer sessions to support their men. Other workers sent food. It was Goodyear that dismissed 600 workers and increased production norms the moment it arrived in Chile. Some strikers reported having to work 16 hours a day to fulfil their quotas and get their minimum salary.

Hundreds of marchers have demonstrated solidarity with the Goodyear strikers, despite threats from the authorities. Some dozen were arrested in Santiago and later released. There have been free concerts and groups of the unemployed have promised not to scab and take jobs away from strikers. However, in other areas, such as in paper mills, high unemployment levels have brought a rush of applicants for strikers jobs and strikers have folded fast.

It isn't just the recent Labour Code that restricts Chilean workers. Recent legislation has stripped many workers of rights they have held for as long as the Work Code of 47 years ago.

For example, home workers no longer have the right to a minimum wage. This affects thousands of wives of unemployed men, who have been forced take up piece work. There is no minimum wage, either, for workers under 23, and no reduction in the length of their working day or mechanism for their graduation to skilled worker status. Since no limit is set, child labour is perfectly legal, and it is common to find Chileans working at 12, even in the roads. Pregnant women can be dismissed at will. Agricultural workers no longer have housing provisions in addition to their meagre wages. It is also provided for employers and workers to forego any individual benefits above the minimum wage "by mutual consent". In times of enormous unemployment it is easy to see this as encouragement of special "deals" that take advantage of desperate workers.

Even worse is the condition of Chileans on the Minimal Employment Scheme, which accounts for 60,000 people and so effects roughly a quarter of a million Chileans. When the plan began in 1975, a PEM worker got \$19 a week. Today he gets \$9.

Money for skill training, literacy schools and food benefits has gone down. In fact, the only food benefits now going to PEM workers is to those building the Southern Road system.

Although the PEM system was brought in as a temporary measure, intended to provide workers to clean parks or sweep the streets, PEM workers are now working in factories and in the ports and on the roads. There are even fine craftsmen decorating the luxury hotels - at \$9 a week.

At such wages, workers get no insurance against accidents and no other benefits. There is no longer any special health service provision for them, due to cutbacks in the

National Health Service.

With such deplorable working conditions, it is indicative of the general misery in Chile that this Minimal Employment scheme is growing. The director estimates an increase of 25 o/o in the Metropolitan areas.

Nine dollars a week will buy little more than bread, at 50 cents a loaf. Even is better than starvation, and starvation is what forces the Chilean workers to accept inhuman conditions and inhuman wages.

What the latest Labour legislation achieves is merely to institutionalize this misery, making a farce of collective bargaining and weakening the unions still further. This is why the much fragmented Chilean union movement has been drawing closer together in protest. Just as individual strikes have given the ordinary Chilean worker a voice, if not power, so has the Labour Code brought even the originally pro-Junta union groups to join hands with the Group of 10 and the Coordinadora union group to protest and plan joint action.

Chile's labour history goes back to the first mines' strikes of 1864, and includes massacres like the murder of 3,000 nitrate workers and their families in Iquique in 1907. Laws of 1924 established both plant and craft unions, with federations and confederations and rural unions, too. The half million Chilean workers represented by the Chilean Central Trade Union ( CUT ) were running the factories in the Allende government, sharing profits and increasing industrial production. They were the first target of Junta repression, and their leaders are still being detained and threatened and fired. But these are people who are not taken in by fake "liberalization" decrees.

They know that a Labour Code that is decreed can only favour those who decree it—the Junta and the small sector of industrialists, monopolists and foreign investors who support the Junta. The workers are not deceived, and they are getting more united in their protest.

## CONSTITUTION

The easiest way to get away with murder is to make it legal. That's the principle behind the Constitution which Pinochet is planning for Chile. If it is legal to deny human rights, then nobody can complain any more. And if other countries complain, then they can be seen as interfering in Chile's own business.

First thing wrong with the Constitutional Plan is the way it has been produced. Since no parliament has met since the 1973 coup, and since all political parties are illegal, Pinochet handed over the job of preparing a new constitution to a few hand-picked friends led by Enrique Ortuzar. Not a single representative of any legitimate group, such as jurist, academics, union leaders, was allowed to participate. When a group of widely respected Chileans, including former senators and ministers of the Supreme Court, got together, under the name of Group of 24, to analyse the Constitutional plan and make their own suggestions, the Junta refused to let them hold a public meeting. It is widely known in Chile that many of the actual supporters do not agree with the Constitutional Plan.

Even Pinochet has admitted this. However, there seems to be no possibility of its critics having any real say in any changes. As of now, the Constitutional Plan remains hanging over the heads of Chileans, ready to be imposed upon them by arbitrary decree or—possibly—approved by a similar fake referendum to that staged by Pinochet in January of 1978, when there was no electoral role, no security of secret voting, no check on voting tabulation.

Second thing wrong with the Constitutional Plan comes right in Article 1. Those Chileans who "defend a concept of society..... which is based on class struggle" and who propagate their ideas cannot vote. They can't run for any public office, even in their municipality. They can't even apply for a trade union post, or be heads of a students' union or directors of a school. They can't work in broadcasting or in a newspaper. Organizations, political movements or parties which "aspire to the same objectives" are illegal, and it is up to the very-much appointed Constitutional Tribunal to decide which ideas are permitted and what is to be outlawed. The wording is so loose that almost any ideology could be caught in such a net. What, for instance, is "doctrine directed against the family"?

What Article 1 accomplishes is to make into outcasts all people who don't agree with the Junta. They are deprived of their rights to participate in the national life and are restricted in the exercise of their civil, political, social and economic rights. This is to be done by judgment of a Tribunal made up of three judges of the Supreme Court ( which is notorious for its servility to Pinochet ) and two lawyers which it appoints. And there is no possibility of appeal.

What is more, the exclusion is retroactive. Any Chilean who has spoken out in terms of the class struggle in the past can be deprived of his rights, too.

Another way to catch dissenters is to declare "terrorism contrary to the natural rights of man" and say that anyone who commits it shall be deprived of citizenship, barred from any office, liable to military tribunals and excluded from any pardon, parole or amnesty. Of course, nobody defines what constitutes terrorism because that would be drawing too fine a net.

Once all dissenters are taken care of, the Constitutional Plan goes on to do away with anybody else's human rights should the President and his cronies see fit. In spite of lots of preliminary platitudes about freedoms for all and protection of a citizen's rights, Article 19 suggests five emergency situations that allow the President to do whatever he likes. He can expell people, prohibit entry or exit, restrict or suspend freedom of information or opinion, censor correspondence, arrest or detain at will, restrict trade union rights, stop meetings etc. And there is no appeal, not even through the universally recognized habeas corpus provisions. All the President needs to declare such special circumstances is agreement of the National Security Council, which is largely formed by his own appointees and the heads of the armed services.

Trade unions next come in for Constitutional prohibitions. Trade union leaders can't be members of a political party or take part in politics and they cannot be elected to parliament or become president of the Republic. Nor can trade unions in general have any participation in national life beyond that of the factory or place of work. And if a political leader or deputy or senator takes any position in union affairs, he is liable to punishment or removal from office.

Article 19 sets out further union restrictions by forbidding strikes in the public service or in any areas where vital goods or services or the national security might appear to be threatened.

When it comes to creating the bodies to hold political power, the armed forces come first. They comprise the majority of the National Security Council ( other members cannot vote ) and this Council is the body that sets Chile's "national objectives", defining goals on the home front, in foreign relations and in economic and social development. The armed forces, therefore, are given power over any that might be held by the Senate of Chamber of Deputies.

The President alone would wield enormous power. He can dissolve the Chamber of Deputies. He can appoint Senators. He can decree states of emergency. He can decide what is to be made law. The only exceptions to his power of legislation are laws concerning nationality, citizenship, elections, plebiscites and constitutional guarantees.

The only limitations on the President's powers are in his relation to the armed forces. He cannot fire commanders-in-chief and he is limited to who he can appoint. What the Constitutional Plan does is to make it easier for the armed forces to exercise power through the President, and harder for the Senate or Chamber of Deputies to have any real say in legislation or the governing of the country.

Limitations on the Congress begin with limitations on election. To become a deputy or senator, a Chilean would have to have completed secondary school, which means eight years of elementary and four years of secondary education. Today, the average standard of education is only four years of elementary school. Since secondary education isn't free, this limits parliamentary office to the elite.

The Senate is even more anti-democratic. It is stacked by appointees, including former commanders-in-chief of the armed forces. Even municipal councils are no longer to be elected by direct suffrage, but are to be "representative of local organizations" which may include local businesses.

Where the Constitution is most concerned about "rights" it is the "free initiative for engaging in any economic endeavour" and..... "the liberty to acquire ownership". It was back in 1963 that the Chilean Constitution was modified to open the way to expropriation of abandoned or little exploited rural estates, leading to agrarian reforms that flourished in the time of Allende. Such measures are no longer possible under the projected Constitution.

# TWO CANADIAN WOMEN REPORT ON CHILE

Maureen Reilly, from Canadian Union of Public Employees, attended the Women's National Meeting of the Co-ordinadora trade union movement. Lake Sagaris, a student from Alberta, spoke to student and youth groups all over Chile during a two week tour.

## MAUREEN REILLY

On November 9th and 10th, 1979, a group of 650 women from all over Chile assembled in a church building on the outskirts of Santiago. While city-dwellers were enjoying the sunshine of a spring heatwave, conference delegates clustered in small crowded rooms to hammer out a program of action for the women of Chile.

In Chile, as in most countries, women bear the burden of economic recession, inflation, poor health care and unemployment. While everyone is affected, it is women who must stretch the meals, mend worn clothes and nurse the sick. While the official rate of unemployment stands at twenty percent, it is nearly double that figure for women. Subsistence living would be impossible for many without the aid of neighbourhood kitchens which pool community resources to buy staple foods and furnish hot soup for needy children. Over the past few years since Pinochet took power, the standard of living has dropped significantly. The national health insurance plan has been dismantled.

Contending with these daily hardships, women are becoming more politically active in trade unions, civil liberties organizations as well as mother's centers and communal kitchens. Many women are taking over the work of their male relatives who were jailed, killed or exiled after the coup. Almost ten percent of the population has left Chile. Since most of the emigres are men, women are in a clear majority, and much of the difficult work of reconstructing a culture and a humane political structure falls to them.

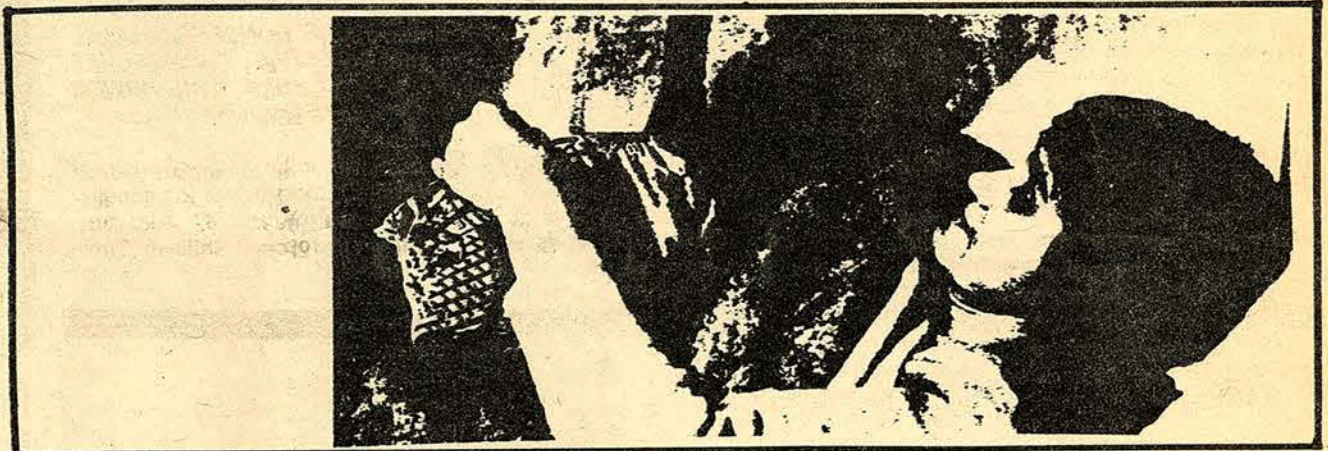
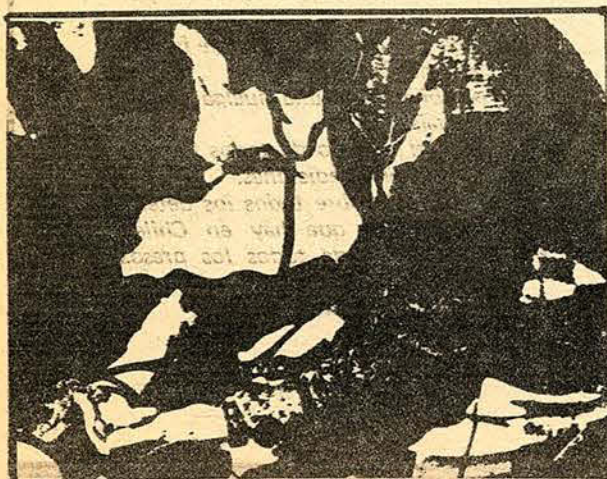
Conference workshops discussed the changes in the Constitution and their effect on civil liberties, the new labour plan that spells out massive restrictions on trade unionism, the work of the mother's centres, agrarian reform and education.

Arrangements for international delegates were made hastily before the conference, partly so that the government would have little opportunity to make counter arrangements. Despite the distance and the difficulties, women representatives from trade union organizations came from Mexico, Denmark, Cyprus, Italy and Canada.

The Women's Co-ordinadora, the National Co-ordinating Committee will be taking the motions from the conference and welding them into the platform for the Women's Movement.

Presently, many political possibilities hang in uncertain balance in Chile. Every petition, every protest, every strike may open a door to a new freedom, or may provoke a swift counter attack by the police and army. In this relatively fluid political context, the women's conference is particularly significant. It was a milestone, in current Chilean to be able to bring together hundreds of women who would risk police harassment and possibly retaliation in their employment to attend such a conference.

It is important that Canada extend what help and encouragement it can to the people of Chile, while maintaining pressure on the Pinochet regime to increase civil liberties, and to lift restrictions of political freedoms and trade unions.



## ENTREVIST LAKE SEGARIS

I visited the following university campuses: University of Chile in Santiago, Valparaiso and Concepción, Catholic University in Santiago and Tacalhuán, Technical University in Santiago. For a list of the various groups I spoke with see the end of this report.

The atmosphere on campus was similar everywhere, although in some places it was more severe. Students have been hardhit by the arbitrary suspension and expulsion, arrests, disappearances after arrest, torture and physical harassment decimated, through the closing of courses like Journalism and Social Work (these are 'too political') and the arrests, expulsion etc. of many many students.

At the University of Valparaiso (and the others, but V. was the worst) there are DINA agents studying on campus in order to watch students and profs. and make sure they don't say anything 'illegal' in class. Many books, films and other materials are censored, including the work of Chile's Nobel Prize winner and poet, Pablo Neruda. Students speak in undertones and when approached by strangers conversations abruptly end and there is an uncomfortable silence.

All deans and administrative personnel are military appointees, who don't need any academic qualifications. There is no discussion allowed in the classroom and programs are unusually heavy, preventing participation in after class activities.

## Trends in education

Surprisingly enough, there are mild similarities between what is happening to education in Chile and Canada. A major, difference (aside from the government of course) is that students are not allowed to form democratic organizations to ensure they have some input into government decisions.

Chile is moving from a policy of tuition scaled according to income, to a very high level of tuition which has significantly changed the makeup of the student population. There is very little student assistance, all in the form of loans with very high interest rates. Courses, according to students from the Catholic University and others, are all designed to produce technocrats and not the well rounded person Chile needs to deal with its problems as an underdeveloped country. Chilean culture has been made virtually illegal, through high taxes on events like folk singing in the cafeteria at lunch time, and through other restrictive regulations. For the first year after the coup, for example, guitars were not allowed in public. Even now, any cultural event must be approved by the military police, and it is impossible for students not associated formally with the Junta to book facilities within the universities.

Subsidies to food services and other services are no longer allowed, and prices are becoming prohibitively high. The universities are being forced to follow a policy of 'self-financing' which means they receive little financial assistance from the government and are forced to look at means of making money.

Many courses and schools have been shut down for political reasons and/or due to this policy of self-financing.

## Student organizations

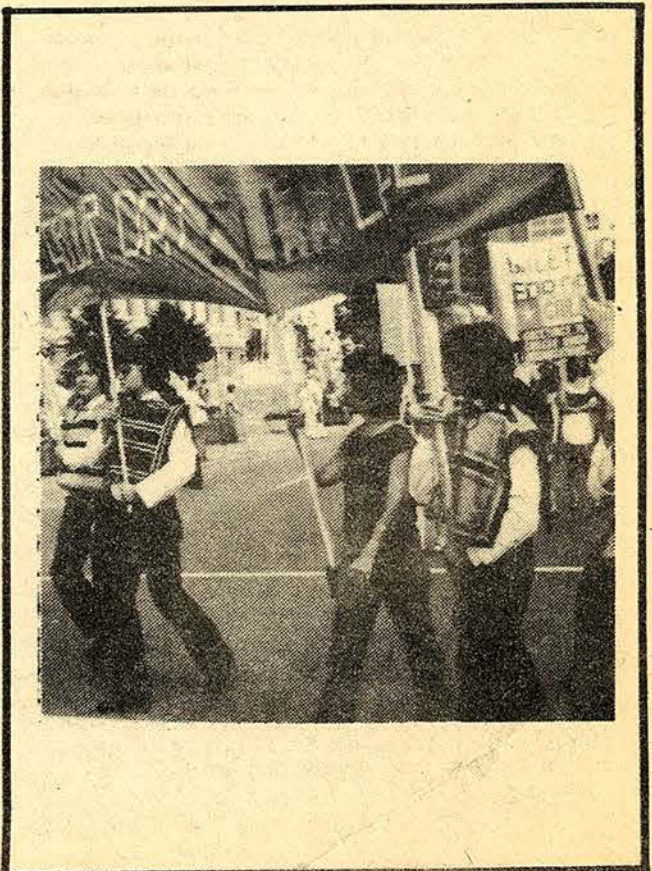
Democratic student organizations are basically illegal, although there has been some breakthrough in this area at the UCh and the Catholic University in

Santiago. The legal student organizations are made up of people appointed by the Junta. In spite of this, the Agrupacion Cultural Universitaria (ACU) or Cultural Assn. of the University has succeeded in organizing 'workshops' in most of the major schools and faculties within the universities of a number of Chilean cities. There is a council of democratically elected student reps opposed to the Junta, at the UCh and the CU in Santiago. These are the only two campuses where students have been successful in their attempts to rebuild some kind of representative student organization.

ACU's importance to the students of Chile cannot be stressed enough. It has served as a focus for the organizing of democratic students opposed to the Junta, regardless of their political perspective. Through art displays, theatre festivals and music festivals it has provided the few opportunities that the students of Chile have to get together as young people and have a good time, as well as express some of their concerns about their society.

While I was in Chile I attended the third national song festival organized by ACU, along with 5,000 other students from all over Chile. The fact that the festival even took place, was a major victory over the main regulations designed to present such activity and maintain the Junta intact.

Another organization I met with is illegal: its name, the Committee for Youth Rights (CODEJU) and it is part of a larger committee for human rights. The people I spoke with from CODEJU were members of the Christian Democratic Party (more or less at the centre in Chile's political spectrum) and I was assured that political views of all shapes and sizes were represented in their committee. CODEJU is in the process of organizing a series of days of youth rights, which are referred to in one of the motions.



# que pasa en Chile?\_

A pesar de todos los esfuerzos realizados por la Junta Fascista en Chile de mantener en silencio y sin mayor difusión todo lo relacionado con la nueva Constitución que quieren implantar en el país, la presión que emana de los diferentes grupos democráticos, ha hecho insostenible la posición de la Junta sobre esta materia y el debate público, aunque con dificultades se ha estado abriendo paso en el interior. A la publicación in-extenso del Anteproyecto Ortúzar por parte de la revista Ercilla, siguió en Hoy la publicación del Informe del Grupo de los 24, donde juristas democráticos de todas las tendencias dan a conocer los principales acuerdos a que han llegado, sobre la nueva institucionalidad que debe regir en Chile. Los partidos políticos a pesar de la ilegalidad y de la represión que se ejerce contra ellos, han dejado estampado su pensamiento al respecto y, en el exterior se han difundido numerosos documentos sobre esta materia.

Difundir al máximo opiniones, comentarios y documentos sobre lo que se plantea que debe ser la nueva Constitución que ha de regir a todos los chilenos, es una de las tareas de "Venceremos", como lo es además, el hacer consenso sobre lo que significa el proyecto fascista de Ortúzar y agrupar las fuerzas del exterior para contribuir a la lucha que se libra en el seno de la Patria, contra las pretensiones de Pinochet y su camarilla.

Pinochet pretende que el proyecto Ortúzar sea refrendado por la Junta Militar para terminar imponiéndolo en un pseudo plebiscito al estilo del que ya protagonizara dos años atrás.

El proyecto Ortúzar envuelto en un engañoso ropaje jurídico y que comienza enunciando los derechos de todo tipo, constituye realmente un código de negaciones de todos los derechos humanos, políticos, sociales y económicos de la ciudadanía. Establece un régimen de proscripción para todos los chilenos que hayan propagado doctrinas que, a juicio de la tiranía, "atentan contra la familia, proponen la violencia o una concepción de sociedad, del Estado o del orden jurídico de carácter totalitario o fundado en la lucha de clases o contraria a la dignidad y a los derechos de la naturaleza humana".

Establece por otro lado, una indefinida y prácticamente ilimitada categoría de delitos que denominan "conductas terroristas", juzgados por tribunales militares al margen de garantías procesales y "no procederá respecto de ellas la libertad provisional, la amnistía ni el indulto, ni podrá invocarse respecto de ellos el derecho de asilo".



Ortúzar como buen representante de las clases oligárquicas al servicio además de las multinacionales, borra las disposiciones constitucionales sobre nacionalización del cobre, reforma agraria y reserva al Estado de actividades fundamentales, suprimiendo incluso las normas de nacionalización de expropiación, reemplazándolas por otras leoninas y antipatriotas. El proyecto fascista de Ortúzar pretende el desconocimiento de derechos elementales de los trabajadores y del pueblo de Chile. Elimina, prácticamente, el derecho de huelga, imponiéndoles fórmulas de "negociación obligatoria y de arbitraje que tendrán pleno imperio".

Sergio Inzunza, quien fuera Ministro de Justicia del Gobierno Constitucional de Salvador Allende, define de fascista el proyecto de Ortúzar porque esta indicando el propósito de Pinochet de institucionalizar la dictadura, imponiendo en Chile una "Constitución fascista, elaborada para él por un conjunto de individuos designados a su antojo".

Es fascista—continúa Inzunza—" porque es represiva y clasista y entrega el poder político a las Fuerzas Armadas. Fascista porque despoja de la soberanía a grandes sectores del pueblo, porque deja las riquezas y recursos naturales a merced de la voracidad de las empresas transnacionales y concentra el poder económico en manos de la oligarquía nacional aliada al capital monopolista internacional".

Ortúzar en su proyecto niega los miembros de las Fuerzas Armadas el derecho de sufragio, pero al mismo tiempo, declara sometidas todas las autoridades y la suma de la vida del país a una tución permanente de sus altos mandos, con lo cual se pretende cavar un abismo definitivo de separación entre ejército y pueblo.

El proyecto que suplanta la voluntad popular y erige un sistema autoritario impuesto a la nación contra su voluntad, es un desafío al pueblo de Chile.

De allí que se requiere concordar esfuerzos para crear una situación en que el pueblo pueda decidir sobre su futuro. Ningún elemento popular puede quedar excluido de este debate que debe transformarse en un verdadero movimiento nacional para derrotar al engendro constitucional fascista.

Los chilenos en el exterior podemos aportar nuestro esfuerzo sobre la materia. La próxima Conferencia Canadiense por la Justicia en Chile a realizarse el 19 de Enero, contiene entre los puntos de análisis y discusión, el relacionado con el "proyecto Ortúzar" y la nueva Constitución. Nuestro deber nos indica que por allí hay un camino en la lucha, que debe recorrerse para lograr el apoyo solidario de la Conferencia sobre la materia en cuestión.

Aportemos todos, para que ello ocurra.

## international support

The importance of international support for the people of Chile cannot be overemphasized. What few 'rights' they have at present, are largely the result of their own attempts to secure those rights, and the uniform outrage on the part of countries and organizations from all over the world at the Junta's wholesale disregard for human rights. While it may not be the place for the students of Canada and Alberta in particular, to speak out on some of the problems Chileans face in their own country and in exile, it is imperative that we not sit idly by while our fellow students are brutally murdered, or tortured, or forced to disappear, while being denied even the right to speak out for students and for education and democracy.

For this reason I am hoping this plenary will consider and adopt the following motions.

### 1. CODEJU Days of Youth Rights

Whereas CODEJU (Committee for Youth and Human Rights) is a broadbased organization of Chilean students and young people, working for the restoration of youth and human rights in Chile;

And whereas, they are attempting to organize to regain the right to know the whereabouts of friends and relatives arrested by the secret police and later declared 'disappeared' or even non-existence; the right to live in a democratic country, free of the fear of torture and illegal imprisonment or even death; the right to autonomous, democratic student and youth organizations to provide input into major social processes affecting students and young people; and the right to their own culture;

And whereas, CODEJU is organizing a series of Days for Youth and Human Rights in the first week of December;

And whereas these days have been endorsed by a number of organizations, among them the International Union of Christian Democratic Youth, the Catholic Church, the youth organization of UNESCO (which will be sending a representative), and many other groups;

And whereas, the support of people all over the world is essential to help CODEJU in its efforts to regain basic human rights;

Therefore be it resolved that the Federation of Alberta Students express its strong support and deep sympathy for the students and young people of Chile, in their efforts to regain these basic rights;

Further be it resolved that we send a telegram of our support for the Days of Human and Youth Rights being organized by CODEJU.

### 2. The disappeared

Whereas there are about 2500 documented cases of disappeared people in the country of Chile;

And whereas many of these people were students active on the campuses of Chile's universities;

And whereas these people disappeared after witnessed arrest by the secret police and the Junta has consistently denied any information on their whereabouts, state of health, or reason for detention;

Therefore be it resolved that we send a letter to the Junta, calling for it to release information on the following students whereabouts and state of health, and for their immediate release:

Santiago Eduardo Avalos Villablanca, third year philosophy student and member of the Council of Delegates of the University of Chile in Santiago; arrested the morning of November 8, 1979;

Ana Maria Navarrete, 23 years old when arrested in August 1974;

Alfonso Chomfreau, 23 years old when arrested in July 1974;

Jorge Elias and Juan Carlos Andronicos Anteguera, arrested October 1974, both students; one of the Technical University of Antofagasta, the other of the University of the North;

Jacqueline Binfa Contreras, student at the University of Chile, arrested and disappeared in August of 1974. 3. Cultural Assn. of the Universities

Whereas, the Cultural Assn. of the University of Chile (ACU) is a pluralist and democratic student organization working at most campuses of the universities throughout Chile to preserve Chilean culture, provide an outlet for the creative abilities of all students;

And whereas the ACU is a broadbased student organization encompassing students of all different political beliefs as well as students within most university faculties (engineering, agriculture, economics/commerce, humanities, law, medicine, education, sociology and so on);

And whereas the ACU faces great difficulties due to the repressive military regime currently running Chile;

Therefore be it resolved that FAS recognizes ACU as a pluralist, democratic student organization;

Further, that we support their efforts to improve the culture and quality of student and young people's lives;

Further, that we sign an agreement with ACU in indication of our support, that would embody these principles affirmed above and help facilitate an exchange of information between FAS and ACU.