



## Chile

### Country Reports on Human Rights Practices - [2000](#)

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Chile is a multiparty democracy with a constitution that provides for a strong executive, a bicameral legislature, and a separate judiciary. Approved by referendum in 1980 and amended in 1989, the Constitution was written under the former military government and establishes institutional limits on popular rule. President Ricardo Lagos, of the Socialist Party, won a close runoff election on January 16 against center-right candidate Joaquin Lavín of the Alliance for Chile coalition. Lagos took office on March 11, succeeding Christian Democrat Eduardo Frei. International and domestic observers found both the 1999 election and the subsequent runoff to be free and fair. Both the current and former presidents are members of the "Concertación" coalition of political parties. The National Congress consists of 120 deputies and 49 senators; this includes nine designated senators plus two former presidents who are senators-for-life. The government coalition of four major parties controls the lower house and, following the suspension of two conservative senators including former president Augusto Pinochet, counts a slim majority in the Senate. Continued turnover in the court system has reduced the number and influence of military-era appointees over the constitutionally independent judicial branch to the point that there was very little influence in the administration of justice.

The armed forces are constitutionally subordinate to the President through an appointed civilian Minister of Defense but enjoy a large degree of legal autonomy. Most notably, the President must have the concurrence of the National Security Council, which comprises military and civilian officials, to remove service chiefs. The Carabineros (the uniformed national police) have primary responsibility for public order, safety and border security. The civilian Investigations Police are responsible for criminal investigations and immigration control. Both organizations--although formally under the jurisdiction of the Ministry of Defense, which prepares their budgets--are under operational control of the Ministry of Interior. Some members of the police committed human rights abuses.

The export-led free-market economy experienced its first recession after 15 consecutive years of expansion in 1999, when the economy experienced a decline of 1.1 percent in real terms with inflation at 2.3 percent. Economic growth for the year was 5.4 percent with inflation of 4.75 percent. Copper remained the most important export; salmon, forest products, fresh fruit, fishmeal, other minerals, and manufactured goods also were significant sources of foreign exchange. Unemployment stood at 8.3 percent at the end of the year. From 1987 to 1998, the percentage of the population living below the poverty line decreased from 45 to 21.7 percent. Annual per capita gross domestic product was approximately \$4,700.

The Government generally respected its citizens' human rights; however, problems remained in some areas. The most serious involved a death in police custody, police mistreatment, use of excessive force, and physical abuse in jails and prisons. The due process rights of detainees were not always respected. Discrimination and violence against women and children continue to be problems. Indigenous people remain marginalized. Despite ongoing attempts to change the labor code, limitations on fundamental worker rights persisted. Child labor is a problem in the informal economy.

During the year, the Government, primarily the judiciary, took significant steps to allow for the investigation of human rights abuses committed during the former military government, and to bring those accountable in certain cases to justice. The bulk of the human rights abuses under the military regime occurred between 1973 and 1978, although a number took place after this period. In its August 1999 ruling to uphold the removal of former President Augusto Pinochet's congressional immunity, the Supreme Court ruled that Chile's Amnesty Law could only be applied after a crime had been investigated and prosecuted. At year's end, the Defense Ministry-sponsored Human Rights Roundtable Dialog, comprising members of the armed services, religious groups, human rights groups, and NGO's, was preparing to make public information on the fate of some of the persons who were killed or who disappeared while in official custody during the Pinochet regime; however,

military authorities continued during the year to resist a full accounting of the fate of those who were killed and disappeared. Unlike in previous years, the judiciary appeared not to interfere in or stifle cases against alleged human rights abusers.

In October 1998, the United Kingdom detained Pinochet pending resolution of a Spanish extradition request on charges of genocide and murder. On March 2, after considerable legal action and a series of court rulings, Home Secretary Jack Straw denied Spain's request on the basis of medical exams indicating that Pinochet was unfit mentally and physically to defend himself against the charges. On March 3, the British authorities freed Pinochet and he returned to Chile. He faces charges in over 200 cases, including charges of aggravated homicide, in Chilean courts. The investigation of the most prominent of these cases, known as the "Caravan of Death" case, led to the petition to remove Pinochet's immunity and the subsequent effort to indict him.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of political killings or other extrajudicial killings during the year; however, one person died under yet to be explained circumstances while in police custody.

On January 5, Carlos Antonio Millaman Munoz was detained on charges of aggravated robbery. According to the Corporation for the Promotion and Defense of Human Rights (CODEPU), on January 6, the authorities permitted family members and a friend a visit at the headquarters of the Investigative Police in the Santiago suburb of La Florida. Millaman was reportedly in bad physical condition and feared for his life. The same day he was transferred to the El Salvador hospital where he died later in the day. At the end of the year, the case was still being investigated.

A number of cases from previous years in which the police were accused of extrajudicial killings due to excessive use of force or mistreatment of prisoners while in custody remained under investigation or pending resolution of appeals. These include the case of University of Tarapaca student Daniel Menco Prieto, who police shot and killed during a May 1999 student demonstration.

No information was available regarding the case of Jonathan Moya Jara, whose partially clothed body was found with its head buried in the sand in August 1999. In September 1999 the authorities arrested two Carabineros who had allegedly detained the victim.

No information was available in the case of Raul Palma Salgado, who died in police custody in 1998 after police allegedly tortured him. In 1999 a court sentenced four police officers to 10 years in prison for his death, and their appeal was pending at the end of 1999.

The case of Claudia Alejandra Lopez, who was shot under unclear circumstances during a 1998 demonstration in Santiago, also was inactive. No new information was available on the case of the September 1989 murder of leftist leader Jecar Nehgme, which was reopened in November 1998 when new evidence was discovered.

While former President Pinochet was in the United Kingdom, family members of victims filed numerous charges in Chile against him for deaths and disappearances during the period of military rule. Of these, one concerned the 1973 disappearance of 19 persons in a case known as the Caravan of Death. On August 8, the Supreme Court confirmed a Court of Appeals ruling lifting Pinochet's parliamentary immunity in this case. The Supreme Court's decision stated that "the true purpose of an immunity proceeding is to decide whether there is probable cause against a congressman charged with a crime" and, according to the Code of Criminal Procedure "there is probable cause when evidence is discovered against a congressman that would warrant his arrest." Subsequently, the prosecuting judge ordered psychiatric exams as required by law for defendants over age 70. Pinochet's lawyers appealed the decision, arguing that general physical exams also should be required. At year's end, the prosecuting judge had ordered psychiatric and neurological exams and set a date to take Pinochet's deposition, both steps required by law, which would ultimately pave the way for an indictment and arrest order. At year's end, over 200 cases concerning human rights violations had been filed in the courts against Pinochet.

The Supreme Court decision on Pinochet also contained guidelines calling for full investigation of cases of deaths and disappearances that are likely to fall under provisions of the Amnesty Law or that potentially are subject to the statute of limitations. The Court stated that amnesty is not applied to crimes in the abstract, but

rather to individuals found guilty of a crime. Likewise, the statute of limitations should be applied only after the guilty party has been identified and the courts determine that no impeding factors, such as subsequent crimes by the accused are relevant. Previously, investigations into human rights abuses during the 1973-78 period had been impeded because the cases were thought to fall automatically under the Amnesty Law and the statute of limitations. By 1989 this interpretation already had begun to erode in the courts. The new guidelines make it possible to open investigations into all types of crimes committed during the 1973-78 period. Following these guidelines, the judge investigating the Caravan of Death case expanded the charges against Pinochet to include aggravated homicide.

In January a military tribunal changed the charges in the case of Operation Albania--the June 1987 killings of 12 Manuel Rodriguez Patriotic Front (FPMR) members--against former National Intelligence Center (CNI) Director Hugo Salas Wenzel from being an author of the crime to concealing it. The military court dropped indictments against former CNI Sub-directors retired General Humberto Leiva Gutierrez and Brigadier Marcos Derpich Miranda, Air Force Captain Hernan Miguel Carmona, and Inspector Jose Morales Morales of the Investigations Police and changed the charges against the 15 other individuals accused in the case from kidnaping to illegal detention. The court ratified the thesis of the investigating judge that the crime under investigation is homicide, thereby affirming that there was never an armed confrontation as the CNI had alleged. At year's end, the investigation and legal proceedings continued.

Acting on a petition by the Council for the Defense of the State (the official entity charged with the defense of the State's legal interests), the Criminal Chamber of the Supreme Court on June 1 transferred the Operation Albania case from the military tribunal to the Court of Appeals. Investigating Judge Milton Juica, who had been handling the case under the military tribunal, was reappointed as investigating judge.

No new information was available regarding the trial of eight CNI agents who authorities charged in November 1999 in the case of journalist Jose Carrasco, who died in 1986. Several of the officers charged in 1999 were also under investigation regarding Operation Albania.

There was little progress in the investigation of Operation Condor, an undercover operation in which several military governments in Latin America cooperated to kill leftist opponents. In 1999 Spanish Judge Baltazar Garzon and a colleague collected evidence and took testimony regarding human rights violations in Chile and Argentina during the military dictatorships. The Social Aid Foundation of Christian Churches (FASIC) reported that on July 2, Argentine judge Maria Servini de Cubria (the same judge in charge of the Prats case) handed over "extrajudicially" numerous antecedents regarding Operation Condor to Chilean Judge Juan Guzman in connection with the 126 (at that time) cases against Pinochet pending before Guzman's court.

In 1999 an appeals court reopened the case of the 1982 killing of labor leader Tucapel Jimenez. In 1998 investigating judge Sergio Valenzuela Pinto had closed the case, ruling that there was insufficient evidence to bring anyone to trial. Acting on a petition by the Council for the Defense of the State, in April 1999 the Supreme Court replaced Valenzuela Pinto, who had been criticized for his handling of the case, with judge Sergio Munoz Gajardo.

Judge Munoz led the Appeals Court to order the detention of 12 persons for the crimes, including retired army general and former head of Army Intelligence (DINE) Ramses Arturo Alvarez Scoglia. Munoz subsequently charged several others, including retired army general and former DINE director Hernan Ramirez Rurange, who is accused of helping one of the suspects flee the country. He also indicted former Auditor General of the Army, retired General Genera Gernando Torres Silva. Another prominent official among the accused, former CNI director and retired general Humberto Gordon died of a heart attack in June. Munoz dropped charges against several other suspects. In November an investigative judge indicted active duty Brigadier General Hernan Ramirez Hald in the Tucapel Jimenez case; the indictment was the first ever of an active duty general. At year's end, of the 17 persons charged, the authorities had released 2 on bail, detained 14, and were still seeking 1 person.

The family of Carmelo Soria, a Spanish citizen working for the United Nations killed in Santiago on July 14, 1976, continues to seek compensation from the Government in the amount of approximately \$50 million (2.7 billion pesos) and has asked the Audencia Nacional de Madrid to issue an arrest warrant for Pinochet, retired General Manuel Contreras, and others.

In November an Argentine court found Chilean intelligence agent Enrique Arancibia Clavel guilty and sentenced him to life in prison for his role in the 1974 car bombing in Buenos Aires that killed former Chilean army chief Carlos Prats and his wife Sofia Cuthbert. Arancibia Clavel had filed an appeal, which was pending at year's end. The case had been reopened in 1992 as a result of a petition filed by the Prats family. An Argentine appeals court had ruled in October that the Prats killing was a "crime against humanity" and, as such, was not subject to the statute of limitations. The judge also requested the extradition of Pinochet and

other former military officers and one civilian in connection with the Prats case. At year's end, the Chilean Supreme Court was considering the extradition request.

On December 7, the family of Charles Horman, whom security forces killed in Santiago in 1973, filed a criminal complaint requesting that Judge Juan Guzman open a criminal investigation into his death. The family also filed a petition requesting that the Supreme Court appoint a special prosecutor to hear the case. At year's end, the Supreme Court had not ruled on the petition and the case remained before Judge Guzman.

On July 20, the Seventh Chamber of the Court of Appeals of Santiago sentence two former CNI officials and a DINE official to life imprisonment in the related Juan Alegria Mundaca case. The Supreme Court upheld that decision on appeal.

Families of persons who suffered, died, or disappeared while in government custody continue to file new claims for compensation. In June the Group of Former Political Prisoners of the Region of Valparaiso filed a claim with the regional appeals court seeking damages for illegal detention and deprivation of liberty. In April a Santiago court decreed that the Government should pay about \$222,000 (125 million pesos) to two children of Doctor Enrique Paris for damages resulting from the 1973 death and disappearance of their father. Another Santiago court ordered the Government to pay approximately \$180,000 (100 million pesos) to the family of Arsenio Poupin Ossiel. A court also ordered a payment of approximately \$430,000 (240 million pesos) to the family of Eduardo Paredes. All three disappeared after being taken into custody by the military following the September 11, 1973, assault on the presidential palace. In August the courts awarded approximately \$500,000 (300 million pesos) to the widow and three children of Luis Anibal Manriquez, detained and killed in November of 1973. In October the courts awarded \$400 million (225 million pesos) to Carmen Gloria Quintana, who received burns on her body after being detained by a military patrol in 1986. The Council for the Defense of the State was considering whether to appeal some of these awards at year's end.

In October 1999, Italy requested the extradition of retired General Manuel Contreras and another DINA (the army intelligence branch during the military regime) official to serve prison sentences for their role in the attempted murder of Christian Democrat Party leader Bernardo Leighton, which occurred in Italy in 1975. Chile has no extradition treaty with Italy. In October Supreme Court President Hernan Alvarez rejected the recommendation of the investigating judge that the Government either extradite the two former officials or try them in country for the crime. At the end of the year, the Supreme Court denied the extradition request principally on the grounds of insufficient evidence and lack of due process because the two persons had been tried and convicted in Italy in absentia.

#### b. Disappearance

There were no reports of politically motivated disappearances.

On June 13, a "Dialog Table" of military officers and human rights attorneys signed an agreement that established a mechanism for gathering new information on persons who had disappeared during the military regime. Under a law approved in June, specific military officers and community leaders were designated to receive information on the whereabouts of those who "disappeared" during the military regime. Information was received in the strictest confidence during a 6-month period. At year's end the armed forces and the Carabineros were preparing to turn over information on the fate of 200 persons executed during the Pinochet regime. The courts have taken steps to try to locate bodies identified by the Dialog Table process and are deciding what legal actions should be taken next. The FASIC, the CODEPU, and other human rights organizations have several denial-of-justice cases pending before the Inter-American Commission on Human Rights (IACHR) regarding previously closed disappearance and execution cases (see Section 1.a.). Denial of justice cases based on application of the amnesty law also have been filed with the U.N. Commission on Human Rights (UNCHR).

Investigations of military-era detentions and disappearances of persons at Colonia Dignidad (now called "Villa Bavaria"), a secretive German-speaking settlement 240 miles south of Santiago, intensified during the year. Paul Schaefer, who immigrated from Germany in 1961 with 300 followers, founded the 34,000-acre enclave. In April 1999, investigating judge Juan Guzman issued a detention order against the 79-year-old Schaefer for the kidnaping and disappearance in 1974 of Alvaro Vallejos in the vicinity of Colonia Dignidad. Schaefer, also wanted by the authorities on other charges, remained a fugitive at year's end. During the year the enclave was searched several times. In October the authorities confiscated files and arrested Schaefer's deputy Gerhard Muecke in connection with Vallejos' disappearance. The Government issued an order to expel Muecke and two other German citizens whose residency permits expired. Muecke would stand trial before being expelled.

In January 1985, Boris Weisfeiler disappeared near the Colonia Dignidad under circumstances that have yet to be fully clarified. The case was reopened at the beginning of the year and is among those being investigated

by Judge Guzman.

On August 16, the Penal Chamber of the Supreme Court ruled that the Fourth Criminal Court of Santiago had jurisdiction over the case of the disappearance of Jose Manual Ramirez Rosales, arrested by agents of the DINA in 1974. In May 1999, the authorities indicted former Army Sargent Major and DINA agent Basclay Humberto Zapata Reyes ("El Troglo") in this case.

Of the 1,156 persons who disappeared under the military regime, the remains of 985 have yet to be found. The government agency in charge of the compensation program for the families of those executed or disappeared under the military regime recognizes 3,197 victims of the Pinochet era. These include 2,095 victims in which circumstances of death have been established and 1,102 cases in which the persons disappeared. During the year, monthly pension benefits, distributed to an average 3,441 eligible survivors (spouse, mother or father, and children), were approximately \$11.3 million (6.3 billion pesos). Since 1992, the program has distributed well over \$100 million (57.8 billion pesos). Survivors receive pensions, educational benefits and other assistance.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids the use of illegal pressure on detainees; however, the CODEPU has received reports of abuse and mistreatment by both the National Police and the Investigations Police. When requested by other human rights organizations or family members, CODEPU lawyers visit detainees during the interrogation (see Section 1.d.) and represent some suspected terrorists in court. The CODEPU continues to investigate alleged use of excessive force against detainees. The Minister of Interior asks the courts to conduct independent investigations of credible complaints of police abuse, but such investigations often do not result in arrests, due in part to the reluctance of judges to pursue the issue vigorously.

The Human Rights Office of the Metropolitan Legal Aid Office, an arm of the Justice Ministry, released a report in March 1999 noting it had assisted 815 persons in 1998, twice the number as in the previous year. The report further stated the Legal Aid Office presented 70 cases to civilian or military courts in 1998; 42 cases were filed in 1997. Of the more recent cases, 48 were lodged against national police officers, while 7 cases involved the Investigations Police and 6, military personnel; the remainder involved various civilian government authorities and private security guards.

In 1998 a law entered into effect that clarified the illegality of any use of force against persons detained by the police. The law provides that if a member of the police force uses "torture or unlawful coercion," either physical or mental, or orders them to be applied, or commits them against a person under arrest or detention, the officer would be sentenced to imprisonment. Officers who know about the abuse and have the "necessary power and authority" to prevent or stop it also would be considered accessories to the crime if they fail to do so. The CODEPU has found that this law had an important impact on the conduct of the Judicial Police, but little impact so far on Carabineros. Beginning in 2001, courses in human rights are expected to be part of the core curriculum in the Carabinero police academies for both rank and file as well as officers.

Human rights groups continue to claim that military recruits sometimes are mistreated. The Commission on Juvenile Rights (CODEJU), a nongovernmental organization (NGO), claimed in November 1999 that it had received 380 complaints of recruit mistreatment in the previous 5 years. This statement followed claims of mistreatment by recruits, lawsuits, and an investigation by the army that affirmed recruits' claims of mistreatment. There were three suicides among recent recruits in 1999 and one in 1998.

No new information is available regarding the case of 14 military conscripts who military officers reportedly beat during a military exercise in 1998. As of 1999, one corporal was awaiting trial in the case.

At year's end, the court of appeals had not yet ruled on the August 1997 filing by attorneys for Carmen Gloria Quintana that appealed efforts by the Government to set aside an award of approximately \$600,000 in compensation that the IACHR had recommended for Quintana in 1988. Army Captain Pedro Fernandez Dittus set fire to Quintana and her companion Rodrigo Rojas Denegri while they participated in a protest against the military regime in 1986. Rojas died 4 days later, while Quintana survived with severe and disfiguring injuries

During the year, there were instances of violent confrontations between radical Mapuche groups and local landowners and representatives of logging companies in the southern part of the country (see Section 5). Most of the protests involved rock-throwing.

A Marxist-Leninist group claimed responsibility for a bomb that exploded on November 26 in front of the Colombian embassy in Santiago. The bombing resulted in damage to property, but no injuries.

Prisons are often overcrowded and antiquated. A fight among prison gangs that led to a fire and the death of seven prisoners caused a national debate on the overcrowding of prisons, which are unable to cope with a rapidly growing inmate population. At year's end, the number of prisoners averaged 163 percent of designed capacity. According to press reports, there were over 30,000 prisoners housed in 104 locations. Food meets minimal nutritional needs, and prisoners may supplement the diet by buying food. Those with sufficient funds often can rent space in a better wing of the prison. Although most reports state that the guards generally behave responsibly and do not mistreat prisoners, prisoners have complained to CODEPU about beatings.

Pretrial detainees are not generally held with convicted prisoners.

In 1999 a Santiago appeals court ruled that prison guards had used excessive force when moving maximum security prisoners in February of that year. Prison authorities appealed the finding, and the courts absolved the guards, ruling that the force used was not excessive.

Prison guards have been accused of using excessive force to stop attempted prison breaks. Although most reports state that the guards generally behave responsibly and do not mistreat prisoners, the CODEPU reported several instances of alleged mistreatment of prisoners and believes that many others go unreported. CODEPU is particularly concerned about the treatment of prisoners in maximum security prisons and prisoners with HIV/AIDS and mental deficiencies who often do not receive adequate medical attention. The Government announced plans to build 5 new prisons in 2001 capable of housing 8,000 prisoners.

Women are generally housed in separate facilities, which tend to be less crowded and with somewhat better conditions than men's prisons.

By law, juvenile offenders (those under the age of 18) are segregated from adult prisoners. According to the latest available figures, there were 6,630 minors in adult prisons in 1992 and 346 by the end of 1997 although this number increased to 422 by the end of 1998. The Government announced plans to build three juvenile detention centers in 2001.

The Government permits prison visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The authorities generally respect constitutional provisions for arrest and detention; however, detainees are not always advised promptly of charges against them nor granted a timely hearing before a judge. The Constitution allows civilian and military courts to order detention for up to 5 days without arraignment and to extend the detention of alleged terrorists for up to 10 days. The law affords detainees 30 minutes of immediate and subsequent daily access to a lawyer (in the presence of a prison guard) and to a doctor to verify their physical condition. The law does not permit a judge to deny such access; police authorities generally observe these requirements.

In practice, many detainees are not promptly advised of charges against them, and they are not granted a timely hearing before a judge. At the end of 1999, 8 percent of the general prison population of 24,791 was under investigation but not charged with a crime; 45 percent were charged with an offense and were awaiting trial or had been convicted and were awaiting sentencing; and 48 percent were serving sentences.

A 1998 law requires police to inform those detained of their rights, to expedite notification of the detention to family members, and eliminated the ability of police to demand identification from or stop persons bases solely on suspicion. The law also deals with physical abuse by police against detained persons.

The Constitution provides for the right to legal counsel, but this is a reality only for those who can afford to pay. The Constitution allows judges to set bail.

There were no cases of forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for a judicial system independent of the other branches of government; continued turnover in the court system has reduced the number of military-era appointees over the constitutionally independent judicial branch to the point that there they had very little influence over the administration of justice.

Cases decided in the lower courts can be referred to appeals courts and ultimately to the Supreme Court. Criminal court judges are appointed for life. In 1997 constitutional reforms set 75 as the age limit for Supreme Court justices, gave the Senate the right to approve or disapprove presidential nominations to the Court, and increased court membership from 17 to 21. Of the 21 justices on the Supreme Court, 3 were appointed under the military regime. The Supreme Court prepares lists of nominees for the Supreme Court and appeals courts, from which the President makes nominations. The Supreme Court continues to work with the other branches of government on broad judicial reform.

If formal charges are filed in civilian courts against a member of the military, including the National Police, the military prosecutor asks for jurisdiction, which the Supreme Court has sometimes granted, although less often than in previous years. This is of particular consequence in the human rights cases from the period covered by the 1978 Amnesty Law. In addition, military courts have the authority to charge and try civilians for terrorist acts, defamation of military personnel, and sedition. Rulings by military tribunals can be appealed to the Supreme Court. Persons accused of terrorist acts and students arrested during demonstrations for damaging property or assaulting a police officer, are brought before military tribunals. On July 19 the Inter-American Court of Human Rights received a submission on behalf of 32 civilians convicted in military tribunals for violations of the Law on Terrorist Actions, Arms Control, and State Security. The plaintiffs argued that applying military criminal law to civilians violates the American Convention on Human Rights.

A 1997 judicial reform law created the post of Attorney General, with a 10-year term, and a related office that is expected to be in full operation by 2002. Congress passed enabling legislation for the Ministry in September 1999. The judicial reform law, which applies to criminal cases, provides that national and regional prosecutors investigate crimes and formulate charges, leaving judges and magistrates the narrower function of judging the merits of evidence presented to them. Training and administrative setup began in 1999, and implementation began in December with oral trials in 2 of the 13 political regions.

Based on the Napoleonic Code, the criminal justice system does not provide for trial by jury, nor does it presume innocence until proven otherwise. However, recent changes to the trial system, including the gradual adoption of oral trials, have moved the system away from its Napoleonic roots. Criminal proceedings are inquisitorial rather than adversarial. The Constitution provides for the right to legal counsel, but indigent defendants do not always receive effective legal representation. Indigent defendants, who account for the majority of cases, may be represented by law students doing practical training, on occasion by a court-appointed lawyer, or by a lawyer from the Government's legal assistance corporation.

There were no reports of political prisoners, although inmates in Santiago's maximum-security prison who have been convicted of terrorist acts routinely claim to be political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanctions. A 1995 privacy law bars obtaining information by undisclosed taping, telephone intercepts, and other surreptitious means, as well as the dissemination of such information, except by judicial order in narcotics-related cases.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respect these rights in practice. However, human rights groups have criticized the existence and application of laws that allow government officials to prosecute journalists who insult or criticize them.

The press maintains its independence, criticizes the Government, and covers issues sensitive to the military, including human rights cases. Investigative journalism is infrequently practiced for both financial and political reasons, but recently on-line dailies are including such stories more frequently.

Two major media groups control most of the print media, which are largely independent of the Government. The State is majority owner of La Nacion newspaper, but it is not under direct government control. Electronic newspapers are emerging with distribution over the Internet.

The broadcast media also are largely independent of government control. The Television Nacional network is state-owned but not under direct government control. It receives no government subsidy and is self-financing through commercial advertising. It is editorially independent and is governed by a board of directors appointed

by the President and approved by the Senate. Members reflect various political viewpoints, and the board encourages the expression of varied opinions over the network.

Under the State Security Law of 1958, it is a criminal offense to besmirch the honor of state institutions and their members and symbols, such as the Congress, the Supreme Court, the military services, the flag, and the President. Military courts have the authority to charge and try civilians for defamation of military personnel and for sedition, but their rulings can be appealed to the Supreme Court. Human Rights Watch (HRW) and the Inter-American Press Association have criticized these restrictions on freedom of expression and information, as has the Organization of American States Special Rapporteur for Freedom of Expression, who visited the country in June 1999 and called for changes in the law.

Several cases have been brought against journalists under provisions of the State Security Law. In February the Supreme Court sentenced Jose Ale Aravena to a suspended prison sentence under the law for insulting former Chief Justice Servando Jordán in an article in *La Tercera* newspaper. HRW noted that the judge who issued the sentence also insulted and threatened Ale in public before releasing the verdict. In July President Lagos pardoned Ale.

In April 1999, "The Black Book of Chilean Justice" by journalist Alejandra Matus, went on sale in Santiago. Former Supreme Court President Jordán, who was mentioned negatively in the book, immediately filed charges against Matus under the State Security Law, and an appeals court judge ordered all copies of the book seized from the publisher and book stores. The newspaper *La Tercera* and the Editorial Planeta publishing house subsequently placed the prohibited text on the Internet, using foreign servers, and the book was published in Argentina. It remains banned.

After becoming aware of the Jordán lawsuit, Matus left the country and sought and obtained political asylum abroad. The charges against her and seizure of the book were widely repudiated, including by the President and members of Congress. The IACHR adopted a resolution in October declaring that, if the alleged facts of the case are certain, they would constitute a violation of the freedom of expression. Nevertheless, the State Security Law has yet to be modified and, without a conviction, the President is unable to grant Matus a pardon, as he did in the case involving the journalist Jose Ale.

HRW reported that authorities charged journalist Paula Afani Saud with breaching the secrecy of a criminal investigation when she wrote articles in 1998 about an investigation by authorities into narcotics trafficking and money laundering. HRW noted that Afani refused to identify her sources for information contained in the articles and claimed that the subsequent charges brought against her violated the public's right of access to information and counteracted a Government initiative to protect the confidentiality of journalist's sources.

A 1996 privacy law set penalties for those who infringe on the private and public life of individuals and their families. At the time of the law's passage, journalists argued vigorously that applying it to media reporting would have a chilling effect on freedom of the press. To date, this privacy law has not been applied to the media.

The 1980 Constitution established a Film Classification Council (CCC) with the power of prior censorship. The Council has banned over 50 films and approximately 700 videos, mostly for violence and pornography. Local and foreign film distributors regard the CCC's screening process as insufficiently transparent. The Constitution permits the State to censure films. The Lawyers Association for Public Liberties petitioned the IACHR to object to the Supreme Court's banning of the film "The Last Temptation of Christ;" the case was before the Inter-American Court at year's end.

The National Television Council (CNT), created by legislation in 1989 and supported with government funding, is charged with assuring that television programming "respects the moral and cultural values of the nation." The CNT's principal role is to regulate violence and sexual explicitness in both broadcast and cable television programming content. Films and other programs judged by the CNT to be excessively violent or to have obscene language or sexually explicit scenes can be shown only after 10 p.m. when "family viewing hours" end. In practice, the ever-increasing volume of programming makes the CNT's job all but impossible. The CNT issues occasional warnings to networks and cable providers and sometimes obliges them to postpone the showing of certain films until after 10 p.m. It also occasionally levies fines. Debate continues over the CNT's role.

The courts can prohibit media coverage of legal cases in progress but do so rarely. The press has begun using foreign Internet web sites to publish articles when gag orders are issued.

The Government does not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assemble peacefully, and the Government respects this right in practice. However, early in the year an international group of neo-Nazis were prohibited from holding a meeting. The Government enacted legislation to prevent the meeting from being held and specifically used immigration laws to prohibit foreign citizens from entering the country to attend the meeting.

The Constitution provides for the right of association, and the Government respects this right in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. Church and state are officially separate; however, the Roman Catholic Church continues to receive some preferential treatment. All denominations practice their faiths without restriction.

A 1999 law on religion, designed to bring other religious entities closer to the legal status enjoyed by the Catholic Church, went into effect in March. The new law bestows the same legal status that the Catholic Church previously enjoyed upon all other faiths. However, their status still can be challenged in court. Reflecting its historical position, the legal status of the Catholic Church cannot be challenged at all. The new religion law removed the ability of the State to dissolve religious entities by decree. Instead, this only can occur after a judicial review begun by a complaint filed by the semiautonomous council for the Defense of the State.

Many of the approximately two million Protestants, who represent about 12 percent of the population, assert the Government has discriminated against them. They cite the absence of Protestant armed forces chaplains, difficulties for pastors to visit military hospitals, and the predominantly Catholic religious education in public schools.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. For minor children to leave the country, either alone or with only one of their parents, they must have notarized permission from nonaccompanying parent(s).

The law includes provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum has not arisen.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government through periodic elections. There is universal suffrage for citizens 18 years of age and over. Free and fair presidential elections were held in December 1999, with a runoff in January. In the second round of elections, Ricardo Lagos narrowly defeated Joaquin Lavin with 52 percent of the vote to Lavin's 48 percent. Lagos led the center-left Concertacion coalition that included his Socialist Party, the Christian Democratic Party, the Party for Democracy, and the Radical Social Democrat Party. Lavin was supported by the center-right Alliance for Chile coalition consisting of the Independent Democratic Union and the National Renewal party. The legislative branch, with the exception of 11 nonelected senators among its 49 members, is elected freely and is independent from the executive branch.

The Government still operates under some political restraints that the military regime imposed. Under the 1980 Constitution, various national institutions--including the President, the Supreme Court, and the National Security Council (the latter acting on nominations by the armed forces)--appoint an additional nine Senators (beyond those elected) to 8-year terms. In addition, former presidents Pinochet and Frei exercised their option to become senators-for-life.

The former military government wrote the 1980 Constitution, and amended it slightly in 1989 after losing a referendum on whether General Pinochet should stay in office as president. The Constitution provides for a strong presidency and a legislative branch with limited powers. It includes provisions designed to protect the interests of the military and the minority political opposition (currently the center-right coalition). These

provisions include limitations on the President's right to remove the commanders in chief of the three armed services and the national police; an electoral system that gives the second-place party (or coalition) in each district disproportionate representation in Congress; and the provision for non-elected senators. In January the IACHR issued a resolution criticizing the existence of designated senators and senators-for-life and urged the Government to end the practice. In October a Senate Commission (including two designated Senators) unanimously approved a proposal that would abolish these positions starting in 2006, but at year's end Congress had not passed legislation codifying this proposal.

Women have the right to vote and are active in all levels of political life, including grassroots movements. Women are a majority of registered voters and of those who actually cast ballots; however, they are underrepresented in government and politics. There are 13 women among the 120 deputies, 2 women in the 49-seat Senate, and 5 women among the 16 cabinet ministers. No women currently serve as Supreme Court justices.

The approximately 1.2 million indigenous people have the legal right to participate freely in the political process, although relatively few are active politically. One member of Congress is of indigenous descent.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several human rights NGO's are active. The Chilean Human Rights Commission, an NGO, is affiliated with the International League of Human Rights. The FASIC is active on the full range of human rights issues. The CODEPU provides legal counsel to those accused of politically related crimes and to victims of human rights abuses. The Government cooperates with domestic NGO's efforts to investigate current accusations of human rights violations. Many international NGO's also follow human rights issues closely.

There were no confirmed reports of threats made against human rights activists during the year. An investigation into the burglary of the CODEPU offices in 1999 was inconclusive. No information was available regarding unconfirmed threats reportedly made against Rafael Castillo, who had been involved in investigations of human rights abuses associated with Operation Albania and other killings.

In May 1998, then-President Frei advocated the creation of a "national defender of citizens," a state body that would receive complaints about abuse of authority by government officials and agencies. The Lagos administration forwarded legislation to Congress in October to create this entity, but Congress had not passed the legislation by year's end.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equality before the law and the Government generally respects these provisions. In 1999 Congress amended the Constitution to emphasize the principle of equality between men and women and now states that "persons are born free and equal in their dignity and rights." There are no laws that specifically prohibit discrimination based on race, sex, religion, or social status.

#### Women

The most serious violations of women's rights involved sexual and domestic violence. The public is becoming increasingly aware of the extent of physical abuse of women. The National Women's Service (SERNAM), created in 1991 to combat discrimination against women, conducted courses on the legal, medical, and psychological aspects of domestic violence for police officers and judicial and municipal authorities. In a 1996 study conducted by SERNAM, the most recent that it has conducted, results showed that of 12,000 reports of domestic violence since the Law of Intrafamily Violence went into effect, only 1 in 5 accusations resulted in judicial action. The study also found that in nearly three-quarters of those cases, the accusation led to a positive change in the domestic situation regardless of the judicial outcome.

The courts may order counseling for those involved in intrafamily violence. In 1997 there were approximately 61,000 reports of domestic violence. The Citizens' Peace Foundation indicated that there were 1,052 cases of rape reported to the police in 1998, and 993 in 1997. Experts believe that a majority of rape cases go unreported. In July 1999, a new law took effect increasing the penalties for sexual abuse. The legislation includes clauses to facilitate proof of the crime and to protect the privacy and safety of the person making the charge. The new law also overturned 100-year-old legislation that permitted a man charged with rape to be released if he asked the victim to marry him and she accepted.

Legal distinctions between the sexes still exist. The law permits legal separation but not divorce, so those who

wish to remarry must seek annulments. Since annulment implies that a marriage never existed under the law, former spouses are left with little recourse for financial support. A 1994 law created conjugal property as an option in a marriage, but some women saw this as a disadvantage, since the law on separate property (which still exists) gives women the right to one-half their husbands' assets but gives husbands no rights to assets of the wife. In the face of heavy opposition from the Catholic Church, the Chamber of Deputies approved a divorce bill in September 1997; the bill faces Senate opposition but was still on the legislative agenda at year's end.

A SERNAM study in 1997 found that the average earnings of female heads of household are 71 percent of those of male heads of household. Women with no schooling averaged a salary that was 87 percent of their male counterparts. The minimum wage for domestic helpers (who are thought to number 300,000 in what is probably the largest single category of working women) is only 75 percent of the standard minimum wage. Female heads of household with university training averaged 57 percent as much as their male counterparts. The Labor Code provides specific benefits for pregnant workers and recent mothers. Employers do not have the right to ask women to take pregnancy tests prior to hiring them. Legislation extending these benefits to domestic employees took effect in November 1998.

#### Children

The Government provides free education through high school; education is compulsory from first through eighth grade.

Violence against children is a problem, albeit a declining one. A survey of eighth grade students by UNICEF comparing the incidence of mistreatment in the years 1994 and 2000 showed that in 1994, 34 percent of children had been subject to some form of serious physical violence. That number had declined to 25 percent this year. During the same period, those having suffered some sort of serious physical violence from their parents had fallen from 21.3 percent to 11.9 percent. Violence by the mother (21.3 percent) was almost twice as frequent as violence by the father (11.9 percent), and violence in low-income households (31 percent) almost double that in high-income households (16.3 percent).

A 1999 report by the National Minors Service (SENAME) noted that it had handled the cases of 5,453 maltreated children for the first 6 months of that year; 583 of these cases were judged severe enough to be presented to legal authorities. The SENAME reported that cases of abuse brought to its attention totaled 9,723 in 1998 and 7,676 in 1997. From the middle of 1998 to December of 1999, the SENAME brought to the courts 713 cases for child abuse, 314 for rape, 292 for sexual abuse, 79 for grave harm done to children, and 28 cases of homicide. Of the cases, 70 percent came to trial, of which 80 percent resulted in convictions. Beginning in 1997, the SENAME lawyers began receiving specialized training in child abuse cases, leading to a higher conviction rate of offenders according to the Director of the organization. A report from the La Morada Corporation for Women released in May 1999 estimated that there are 20,000 cases of sexual abuse of children every year.

A 1996 UNICEF report stated that 34 percent of children under 12 years of age experience serious physical violence, although only 3.2 percent of the victims of intrafamily violence reported to the National Police family affairs unit were below the age of 18. A 1994 law on intrafamily violence was designed in part to deal with this problem. According to UNICEF, some form of corporal punishment is used by one or both parents in 62 percent of households. UNICEF estimated that approximately 107,000 children between the ages of 12 and 19 are in the work force. A study by the Catholic Church estimated that some 50,000 children under age 15 are working (see Section 6.d.).

UNICEF estimated in June 1999 that there were roughly 10,000 child prostitutes between the ages of 6 and 18, up from 4,200 in 1995.

#### People with Disabilities

A 1994 law promotes the integration of the disabled into society; the Government's National Fund for the Handicapped has a small budget to encourage such integration. The 1992 census found that 288,000 citizens said that they had some form of disability. The disabled still suffer some forms of legal discrimination; for example, blind persons cannot become teachers or tutors. Although a 1994 law requires that new public buildings provide access for the disabled, the public transportation system does not make provision for wheelchair access, and subway lines in the Santiago metropolitan area provide facilitated access for the disabled only in some areas.

#### Indigenous People

Approximately 1.2 million persons identify themselves as indigenous. The Mapuches, from the south, constitute about two-thirds of the indigenous population, but there are small Aymara, Atacameño, Huilliche, Rapa Nui, and Kawaskhar populations in other parts of the country. A committee composed of representatives of indigenous groups participated in drafting the 1993 law that recognizes the ethnic diversity of the indigenous population and gives indigenous people a voice in decisions affecting their lands, cultures, and traditions. It provides for eventual bilingual education in schools with indigenous populations, replacing a statute that emphasized assimilation of indigenous people. Of the population that identifies itself as indigenous, about one-half remain separated from the rest of society, largely because of historical, cultural, educational, and geographical factors. In practice, the ability of indigenous people to participate in governmental decisions affecting their lands, cultures, traditions, and the allocation of natural resources is marginal. Indigenous people also experience some societal discrimination.

The National Corporation for Indigenous Development (CONADI) was created in 1994, and indigenous people directly elected representatives to this body in 1995 and 1999. It advises and directs government programs that assist the economic development of indigenous people. In May a commission appointed by the Lagos administration proposed a 16-point program aimed at addressing indigenous concerns. As part of the program, a permanent national commission was created to facilitate the participation of Mapuche and other indigenous populations in the formulation of national policies affecting them.

In October the Chamber of Deputies allowed to lapse a proposed constitutional reform, pending since 1991, that would have recognized explicitly the existence of indigenous persons and the state's responsibility for encouraging development of indigenous culture. Also in October, a group of 200 Mapuches marched from Santiago to the National Congress in Valparaíso demanding land, more political rights, and ratification of International Labor Organization (ILO) Convention No. 169. That convention supports "the aspirations of indigenous people to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, with the framework of the States in which they live." The marchers declared themselves satisfied with the response they received from the legislators.

In the first decision of its kind, a Temuco appeals court ruled in September 1999 that an indigenous employee fired from a municipal job had been discriminated against by her immediate superior. The court based its ruling on the Indigenous Law, which outlaws discrimination on the basis of "origin and culture."

Several Mapuche families continued to object to exchanging traditional lands for other property as part of the Ralco hydroelectric project. The eight families involved continued to object to ENDESA's effort to have them resettled. Land occupations and other violence by isolated Mapuche Indian groups against private forestry companies occurred through much of the year (see Section 1.c.).

The Government had not responded to suggestion from the U.N. Committee for the Elimination of Racial Discrimination made in August 1999. The Committee suggested that the Government apologize to and compensate indigenous people for their historical treatment, and explicitly outlaw racial and ethnic discrimination.

#### National/Racial/Ethnic Minorities

The Country assimilated a major European migration in the 19th century and major Middle Eastern and Croatian migrations in the early part of the 20th century. Smaller racial and ethnic minority groups such as those of Asian descent and African-Chileans also can be found and experience some societal intolerance.

#### Section 6 Worker Rights

##### a. The Right of Association

Workers have the right to form unions without prior authorization and to join existing unions. The work force is estimated at 5.7 million persons, of whom 3.7 million are salaried. Union membership is approximately 655,000, or roughly 12 percent of the work force. Government-employee associations are provided with the same rights as trade unions; however, the law denies government employees the possibility of uniting with other workers or to benefit from joint actions, thus constituting an interference to their freedom of association. Police and military personnel and employees of state-owned companies attached to the Ministry of Defense may not organize collectively. Members of unions are free to withdraw from union membership.

The 1992 Labor Code permits nationwide labor centrals, and the Unified Workers Central (CUT), the largest and most representative of these, legalized its status in April 1992. Labor unions are effectively independent of the Government, but union leaders usually are elected from lists based on party affiliation and sometimes

receive direction from party headquarters. Political activities or affiliations of unions or union officials are not restricted. Registering a union is a simple process.

Employees in the private sector have the right to strike; however, the Government regulates this right, and there are some restrictions on the right to strike. Public employees do not enjoy the right to strike, although government teachers, municipal, and health workers have struck in the past. The law proscribes employees of some 30 companies--largely providers of essential services (e.g., water and electricity)--from striking; it stipulates compulsory arbitration to resolve disputes in these companies. There is no provision for compulsory arbitration in the public sector. Striker replacements are permitted under certain circumstances.

Employers must pay severance benefits to striking workers and must show cause to dismiss workers. Employees who believe they have been dismissed unfairly or dismissed because of their trade union activities file complaints with the Ministry of Labor. However, even if such a claim is found to have merit, the employee does not enjoy the right to reinstatement. In such cases the employer is only required to make additional compensatory payments. The burden of proof rests with the employer in cases in which employees allege illegal antiunion activity.

In October protesting truck owners disrupted movement along parts of the highway system for over two days. The truckers asked for lower diesel fuel prices and a limit on the number of truckers allowed to work in the country. Labor unions did not support the truck owners.

The CUT and many other labor confederations and federations maintain ties to international labor organizations.

#### b. The Right to Organize and Bargain Collectively

Despite legal provisions for collective bargaining, the Labor Code includes provisions that make it difficult for trade unions to organize in many sectors. As a result, the majority of workers work under individual contracts. Employers say that this is due to the workers' preference, distrust of union leaders, and loyalty to companies. Union leaders counter that the Labor Code--which does not allow union shops--prevents successful organization in many sectors. Unions cite the widespread practices of subcontracting and temporary employment as a ways that employers resist unionization.

The Ministry of Labor arbitrates about half of the complaints it receives. Workers may take cases to the courts if they have not been arbitrated. If complainants succeed in proving that they were fired unjustly, the employer must pay discharged employees twice their normal severance payment. There are no statistics available concerning the disposition of complaints of antiunion behavior. There were allegations that employers dismiss workers for union activity and attempt to avoid a complaint by immediately paying them some multiple of the normal severance pay.

Temporary workers--defined in the Labor Code as those in agriculture and construction, as well as port workers and entertainers--may form unions, but their right to collective bargaining is limited, as it is dependent on employers agreeing to negotiate with unions of temporary workers. Likewise, inter-company unions are permitted to bargain collectively only if the employer agrees to negotiate with such a union. Labor Code sanctions against unfair bargaining practices protect workers from dismissal only during the bargaining process. Labor leaders complain that companies invoke the law's needs-of-the-company clause to fire workers after a union has signed a new contract, particularly when negotiations result in a prolonged strike.

Labor laws apply in the duty free zones; there are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code prohibit forced or compulsory labor, and it is not known to occur. While the Labor Code does not specifically prohibit forced and bonded labor by children, there were no reports of such practices.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law allows children between the ages of 16 and 18 to work with the express permission of their parents or guardians. The law allows 15-year-olds to work under certain conditions; their parents must consent they must have finished compulsory schooling, and they may only perform light work not requiring hard physical labor, or constituting a threat to health and childhood development. In July Congress passed a law that raised the

minimum legal age for some types of work from 14 to 15 years of age. Additional provisions in the law protect workers under 18 years of age by restricting the types of work open to them (for example, they may not work in nightclubs), and by establishing special conditions of work (they may not work more than 8 hours in 1 day). Labor inspectors enforce these regulations, and compliance is good in the formal economy; however, many children are employed in the informal economy. In August 1999, Congress passed a law that raised the minimum age to work in an underground mine from 18 to 21 years; special regulations govern the ability of 18- to 21-year-olds to work at such sites.

UNICEF estimated that approximately 107,000 children between the ages of 12 and 19 work. A government study in 1996 estimated that 15,000 children between the ages of 6 and 11 and 35,000 children between the ages of 12 and 14 are in the work force. A 1998 Catholic Church study estimated that 50,000 children under the age of 15 worked. The majority of these were males from single-parent households headed by women; among these were children who worked more than 40 hours per week and did not attend school. The Ministry of Labor convenes regular meetings of a tripartite group (business-labor-government) to monitor progress in eradicating child labor. The Labor Code does not specifically prohibit forced and bonded labor by children, but such practices were not known to occur (see Section 6.c.).

#### e. Acceptable Conditions of Work

The law sets minimum wages, and the minimum wage is adjusted annually. This wage is designed to serve as the starting wage for an unskilled single worker entering the labor force and does not provide a worker and family with a decent standard of living. Approximately 400,000 workers (about 11 percent of the work force) earn the minimum wage. According to the Government, of the workers who earn the minimum wage, approximately 43 percent are between the ages of 15 and 19. A tripartite committee comprising government, employer, and labor representatives normally suggests a minimum wage based on projected inflation and increases in productivity. In May 1998, Congress approved the Government's proposal setting an escalating minimum monthly wage through the year 2000; the minimum wage as of December 31 was approximately \$175 (100,000 pesos).

The law sets hours of work and occupational safety and health standards. The legal workweek is 48 hours, which can be worked in either 5 or 6 days. The maximum workday length is 10 hours, but positions such as caretakers and domestic servants are exempted. All workers enjoy at least one 24-hour rest period during the workweek, except for workers at high altitudes who voluntarily exchange a work-free day each week for several consecutive work-free days every 2 weeks.

Occupational health and safety are protected under the law and administered by both the Ministries of Health and of Labor. The Government has increased resources for inspections by over 60 percent since 1990 and targeted industries guilty of the worst abuses. As a result, enforcement is improving, and voluntary compliance is fairly good. A 1996 law increased the number of annual occupational health and safety inspections and provided that they be carried out by an expanded labor inspection service in the Ministry of Labor. Insurance mutual funds provide workers' compensation and occupational safety training for the private and public sectors. There was a 24-percent decline in reported occupational injuries in 1997, the last available figures, compared with the previous 5 years, although 11 percent of the work force still submitted claims. Workers who remove themselves from situations that endanger their health and safety have their employment protected if a real danger to their health or safety exists.

#### f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, although it may be prosecuted under other laws.

There were occasional reports that persons were trafficked through the country.

If cases of trafficking in persons were to arise, the police, Justice and Interior Ministries, SERNAME (if the cases involved women), or SENAME (if the cases involved children) would respond.

[End.]