



Economic and Social
Council

Distr.
GENERAL

E/C.12/1988/SR.12
22 February 1988

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second session

SUMMARY RECORD OF THE 12TH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 February 1988, at 10 a.m.

Chairman: Mr. BADAWI EL SHEIKH

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session will be consolidated in a single corrigendum, to be issued shortly
after the end of the session.

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS (agenda item 6)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Byelorussian Soviet Socialist Republic (continued) (E/1986/4/Add.19)

1. At the invitation of the Chairman, Mr. Pechkov (Byelorussian Soviet Socialist Republic) took a place at the Commission table.

2. Mr. PECHKOV (Byelorussian Soviet Socialist Republic), replying to the questions and observations of members of the Committee concerning the implementation of article 10 of the Covenant, said that under article 51 of the Constitution of the Byelorussian SSR marriage was based on the free consent of the spouses, who enjoyed equality of rights within the family. Article 4 of the Marriage and Family Code stated that that equality was not affected by the origin, social situation, nationality, language or religion of the spouses.

3. In Byelorussia the birth rate was 16.1 per thousand and the mortality rate was 9.7 per thousand. Almost one marriage in three was dissolved and the interests of the children had to be protected. Article 64 provided that divorced parents had equal rights vis-à-vis the children. The Code conferred the same rights and duties on children born in wedlock as on children born out of wedlock. Furthermore, if, for example, the father refused to recognize a child, the paternity could be established by a court. To assist young couples in setting up their household or improving their dwelling, enterprises, collective farms and organizations could grant them interest-free loans. The principal causes of divorce were differences of character or culture, alcoholism and difficult living conditions.

4. The concept of free union did not exist in the Byelorussian SSR and cohabitation could have no legal effect if there was no child. Marriages with foreign nationals were valid if they took place in the territory of the Republic.

5. In the Byelorussian SSR there were 39 physicians per 10,000 inhabitants. However, medical care in the rural areas was of a lower level than in the cities.

6. Under the system of partial paid leave a young mother could receive an allowance of some 35 roubles per month for a period of one year. Thereafter, she could again be employed on a part-time basis. The 14 days of leave to care for a sick child could be granted to the father or to the mother but, traditionally, it was the mother who availed herself of such leave. A single father enjoyed the same benefits as a single mother.

7. The system of allowances and social benefits enabled mothers to continue their careers. It was worth noting that 53 per cent of all high-level specialists were women. The Byelorussian SSR had one woman minister and 48 per cent of the deputies in the local soviets were women. Thirty-six per cent of the deputies in the Supreme Soviet were women.

8. After the birth of their third child families received a monthly allowance. Large families enjoyed certain social benefits and poor families received an allowance of about 12 roubles per month per child. Single mothers who received no alimony from the father of their children received Government assistance in the amount of 20 roubles per month and per child under the age of 16.

9. Referring to the measures which had been taken to implement article 11 of the Covenant, he said that the current reforms in the USSR had already had two major effects, namely the adoption of the law on State enterprises and the development of strong public support for reform. However, there were obstacles in the way of reform, the main one perhaps being a misconception of social justice, reflected, *inter alia*, by an excessive levelling of wages. Article 3 of the new enterprise law specified that the wages should be distributed among the workers of an enterprise according to their contribution to its functioning. Under article 13 workers' needs for social benefits would be satisfied according to the operating results of the enterprise. In that connection, he pointed out that the construction of workers' housing was a cost item for the enterprise and not a source of income.

10. A law regulating individual labour activity had been adopted in May 1987 and 500 co-operatives had recently been established. There were some co-operatives in the building sector, but they were still few in number. With regard to housing standards, the national norm was 12 square metres of habitable area per inhabitant and the average in the Byelorussian SSR was 16.9 square metres per inhabitant. That did not mean that the area was well distributed, however, and in early 1988 600,000 persons had been seeking better housing conditions.

11. The amount of workers' wages was determined by governmental organs following consultation of the trade unions. The resources for wage payments came from the social consumption fund and their amount therefore depended on the national income. The cost of living was taken into account in determining wages, which also varied according to occupational sectors, skills and working conditions. It was necessary to distinguish between the basic wage and the various bonuses, which could constitute 30 to 50 per cent of the total pay. If productivity declined so did the bonuses, but the basic wage remained unchanged. In order to avoid disparities, it was the practice for thriving enterprises to come to the assistance of enterprises in financial difficulty. However, the economic reform discouraged that practice and there was an increasing tendency to close down unprofitable enterprises, which accounted for approximately 7 per cent of all enterprises in Byelorussia.

12. Replying to Mr. Neneman's question concerning the payment of subsidies for children's clothing, he said that the only other option would be to increase wages. The Byelorussian SSR had chosen the first solution for historical reasons. The income of collective farm workers depended on the income of the collective farm concerned and the criteria for determining wage differentials in agriculture were roughly the same as in industry.

13. The right of individuals to participate in decision-making was exercised at the enterprise level through the trade unions and, at the national level, through the election of deputies to local soviets and to the Supreme Soviet. In June 1987, 33,000 of the local soviet deputies had been workers and 23,000 had been members of collective farms. The law provided that in State

enterprises the workers should be associated with decision-making on important matters. In the first half of 1987, for example, 200 heads of enterprises and 2,000 supervisors had been elected by the workers. The trade unions saw to it that the agreements concluded with the management were observed, particularly in connection with safety and health in workplaces. Finally, the rights of individuals were protected by the office of the Public Procurator.

14. Referring to the question of the laying off of workers, he said that in the past two years almost 13,000 railway workers had been made redundant and transferred to other sectors. That had not proved difficult as they were mainly workers employed in small stations situated close to well-established enterprises. In all, only 26 complaints of improper dismissal had been lodged and 19 of them had been rejected. In the public sector, some enterprises had had to be eliminated in order to lighten the State's bureaucratic machinery and the redeployment of the staff thus made redundant had proved more difficult. However, grants had been made and training had been provided in some cases in order to attenuate the effects of the measures taken and sometimes the personnel concerned had been able to take early retirement benefits. Under legislation which had come into force on 1 January 1988, any person who considered himself the victim of a violation of his rights, of abuse of power by his superiors or of improper dismissal could appeal to a court. Furthermore, the population was fully informed of all measures taken, in order to ensure the transparency and democratic character of the country's institutions.

15. Replying to the question asked by Mr. Texier, he said that under article 31 of the Constitution of the Byelorussian SSR, aliens residing in the country enjoyed the same rights as Byelorussian nationals in the areas of education, health, family, work, retirement and all economic, social and cultural rights. They too could appeal to the courts if they considered that their rights had been infringed. Furthermore, both the Family Code and the Labour Code provided that in cases not covered by domestic legislation the standards to be applied were those of the international instruments to which the Byelorussian SSR was a party.

16. On the question of the balance between workers' wages and the social benefits granted to families, both negative and positive aspects had to be taken into account. For example, in the case of a family whose income was low and whose housing was inadequate, the children, through the social assistance scheme, could receive study grants and be housed in student hostels during their university studies. However, an imbalance might sometimes occur where a worker with whom his employer was dissatisfied received the same grants and the same benefits as other workers in whom he was more satisfied. Regarding maternity leave, some practical difficulties could arise in enterprises when many leaves of this type had to be granted. However, the management generally arranged for the composition of the staff to be balanced and it respected fully its legal and moral obligations.

17. Replying to Mr. Muterahejuru's question concerning the implementation of the last five-year plan, he said that the plan's results showed that the national income had increased by 32 per cent, or more than had been anticipated, but that the increase was more in monetary terms than in terms of capital goods and consumption. Agricultural production had increased by only 2.8 per cent in 1987, compared to the 3.3 per cent forecast, and the social

consumption funds had increased by 6.4 per cent although the average income per inhabitant had increased by only 3.8 per cent, compared to the forecast 6.8 per cent. There therefore seemed to be some imbalance to be rectified.

18. Replying to Mr. Texier's question concerning AIDS, he quoted Ministry of Health figures and indicated that by the end of 1987 six cases of AIDS had been reported in the Byelorussian SSR, five of the victims being foreigners and the sixth having contracted the disease outside the country. No judicial procedure existed as yet in that regard, but legislation was being prepared and the authorities considered screening essential in order to combat the propagation of the disease. The future outlook was uncertain. He pointed out that, in the case of venereal diseases, any person knowing themselves to be affected or having knowingly transmitted the disease was liable, under the Criminal Code, to incur a penalty of up to two years of imprisonment.

19. Replying to questions from members of the Committee concerning psychiatric hospitals, he said that a recently adopted law on general psychiatric services established detailed criteria and specific principles regarding the rights of persons receiving psychiatric treatment. All persons suffering from a psychiatric illness were entitled to appropriate health care and to the benefit of social services appropriate to their needs. Furthermore, any patient who challenged the appropriateness of the treatment proposed by a psychiatrist could obtain the services of a lawyer and bring his case before a court. Moreover, anyone who had a person hospitalized against his will was liable to a penalty of up to two years of imprisonment. Patients in psychiatric hospitals could in no case be deprived of their legitimate rights, including the right to ownership of property, and their family rights of such patients were fully respected. Regular checks were made to ensure that such patients were protected against any abuse or medical error. In January 1988 only a single complaint had been reported in the six hospitals of the six districts, the patient concerned having challenged the decision of a psychiatrist.

20. Referring to the question of environmental protection and health, he said that measures were being taken to limit the use of tobacco and to combat alcoholism, the incidence of which had doubled in recent years. It was worth noting, however, that the average life expectancy had recently increased by a year and a half. The powers of the state committee responsible for the protection of health and of the environment had been expanded at the beginning of 1988.

21. In conclusion he thanked the members of the Committee for having drawn attention to various matters, of which due account would be taken in the preparation of the next periodic report of the Byelorussian SSR.

22. Mr. KONATE said that he would like to know how the system of health care operated in the Byelorussian SSR. He was surprised that the judicial system could intervene and in certain circumstances sentence persons suffering from AIDS or venereal diseases to sentences of up to two years' imprisonment. He would like some explanation of any measures which might be taken to cure, instead of punishing, such patients.

23. He would also like to know why the number of psychiatric hospitals was increasing and why mental illness was so prevalent. Were people dissatisfied with their conditions? He would also like to know why people who challenged the decision of a psychiatrist had to appeal to the courts. He wondered whether it would not be preferable to seek the opinion of a second doctor.

24. Comparing the Byelorussian SSR's initial report with its second periodic report, he had been glad to note that the Government had taken account of some of the criticisms which had been addressed to it. The dialogue should be continued in order to eliminate as far as possible any misunderstandings on the part of the representatives of the Byelorussian SSR and of the members of the Committee.

25. Mr. SPARSIS said that he would welcome a more detailed answer to the question he had asked concerning labour productivity. A worker's productivity determined his income and also affected his level of living. However, productivity often depended on factors such as the plant and facilities at the work place, the equipment used, the form of management of the enterprise and the organization of the work, for which the workers themselves were not always responsible. How then could the latter manage to increase their productivity?

26. The representative of the Byelorussian SSR had mentioned that the income of workers on collective farms depended on the profitability of operation of the farm concerned, which could not be compared with that of other farms for the purposes of any payment of subsidies to the more disadvantaged workers. He therefore wished to know whether farm workers could choose the farm on which they wished to work, whether they could travel elsewhere without difficulty and whether they were free to seek better living conditions. He would also like to know whether any action was envisaged to reduce income differentials and to influence the factors causing those differentials. If that was the case, what would be the effect of that action and would any assistance be sought in the matter, through the International Labour Organisation, for example?

27. Mr. ALSTON said that he had been gratified by all the efforts made by the Government of the Byelorussian SSR to restructure the country's economy and to promote the exercise of economic, social and cultural rights. He would, however, like to see the texts of the legislation whose adoption was envisaged for the purpose of introducing reforms in psychiatric establishments and he would like to know that the results announced were achieved in practice.

28. Mr. NENEMAN said that the representative of the Byelorussian SSR was to be thanked for having submitted a very comprehensive report and having answered frankly and in detail the questions asked by members of the Committee. He would like, however, some more information on the restructuring measures which had been taken and on any change in attitudes which might have led to some alteration of the country's economic life. It nevertheless seemed that the institutional and legislative framework established in the Byelorussian SSR gave full practical support to the exercise by the population of its economic, social and cultural rights.

29. Mrs. JIMENEZ BUTRAGUEÑO said she felt that the Byelorussian Government should, before its next periodic report, submit to the Committee a supplementary report providing detailed answers to all the questions asked by

members of the Committee. Mr. Pechkov had not answered Mr. Konate's request for information concerning psychiatric hospitals, nor her own questions concerning the decision of the Council of Ministers of 7 December 1962 on measures to strengthen conjugal and family relations and concerning activities of individual enterprises set up as a result of the reforms.

30. Mr. PECHKOV (Byelorussian Soviet Socialist Republic), replying to Mr. Konate, said that AIDS patients in his country had full enjoyment of their rights, in particular the right to work, and they even benefited from special attention. They were not subject to any penalty. The only persons liable to penalty were those who, knowing themselves to be ill, deliberately contaminated another person. That naturally applied also to persons with venereal diseases. Referring to the question of psychiatric hospitals, he said that there was one in each district. Byelorussia having six districts, each of which had a territory corresponding in size to Switzerland, there were therefore six psychiatric hospitals for 2 million inhabitants, which was a small number of such establishments. Complaints of improper detention of a patient were generally first considered by the doctors concerned. It was only as a last resort, in fact, that disputes were brought before the courts. It was true that psychiatric hospital staff had formerly not had adequate training for such work. That had been the reason for some of the complaints. However, the psychiatric hospitals now had very highly skilled personnel of the highest professional calibre.

31. Referring to the point raised by Mr. Sparsis, he acknowledged that in certain cases a worker's remuneration was in fact governed by his productivity. It should be borne in mind, however, that all workers were members of a collective or association of workers and thus participated directly in all decisions concerning the enterprise and its management, so that they fully understood the production mechanism. The collective farms were set up as co-operatives. The administration of a collective farm could let a worker go, but it could not refuse to admit anyone or arbitrarily impose a new member. Regarding levels of remuneration, there was no limitation on the base rate. For the higher rates, new criteria were currently being applied, with the result that in certain co-operatives and large enterprises wages had in some cases tripled. Only the future could tell how a balance would be achieved between the various enterprises. Wages were generally determined on the basis of special local consideration. Account was taken, for example, of the fact that housing and clothing were inexpensive.

32. Replying to Mrs. Jimenez Butragueño's question concerning means of strengthening family and conjugal ties, he said that the Government provided practical assistance of a material nature to families. It was naturally more difficult to help in solving the personal problems of couples.

33. The relatively small number of individual labour enterprises was due to the difference between the income they could provide and that provided by the State enterprises. Workers obviously preferred to work in enterprises where they received a higher wage.

34. The CHAIRMAN thanked Mr. Pechkov for his constructive answers to the questions asked by members of the Committee. He hoped that the dialogue between the Byelorussian Government and the Committee would continue.

35. Mr. PECHKOV (Byelorussian Soviet Socialist Republic) withdrew.

Chile (E/1986/4/Add.18 and E/1982/3/Add.40)

36. At the invitation of the Chairman, Mr. Caldéron (Chile) took a place at the Committee table

37. The CHAIRMAN noted that the Committee's task would be to consider the way in which Chile was implementing the provisions of articles 10 to 12 and 13 to 15 of the International Covenant on Economic, Social and Cultural Rights, and not the general human-rights situation in Chile. He expressed the hope that the dialogue with the Government of Chile would proceed in a spirit of co-operation with a view to the attainment of what was a common objective, namely the implementation of the Covenant.

38. Mr. CALDERON (Chile), introducing Chile's second periodic report concerning the implementation of articles 10 to 12 of the Covenant (E/1986/4/Add.18), said that the Government of Chile accorded the greatest importance to the Covenant in view of the role it was called upon to play in the progressive improvement of the situation of those it protected. The enriching dialogue established between the Committee and the States submitting reports helped better to identify the problems that arose - a necessary condition for finding an appropriate solution to them. It should also be stressed that those problems were common to all developing countries; education and protection of the family were basic aspects of the standard of living, whose improvement was the ultimate objective of the Covenant. The Government of Chile was prepared, for its part, to provide members of the Committee with all the information they might desire on what was being done in Chile in that field, but it was necessary in that connection to describe the country's general economic situation, since it had important implications for the exercise of the rights set forth in the Covenant.

39. After a period of recession in 1982-1983, the Chilean economy had entered a period of growth, reflected in a 5 per cent annual increase in GNP, which was expected to continue in 1988. That improvement was also reflected in a reduction of unemployment, which had declined to an average rate of slightly less than 8 per cent. In addition, the inflation rate had averaged 20 per cent annually for the preceding five years, owing to effective monetary and fiscal policies. It should be stressed in that regard that the deficit of the non-financial public sector had considerably declined from its 1986 and 1984 levels and that the decline had been accompanied by a high rate of public investment resulting from strong growth in public saving despite a higher consumption rate of 4.7 per cent in 1987. At the same time, the Government of Chile had striven for equilibrium in its balance of payments and for the expansion of exports, in particular of products other than copper, and the annual growth rate of exports had been 13 per cent during the four preceding years.

40. All of those results were the fruit of necessary firm and effective economic policies in view of the size of Chile's external debt, which was almost equal to its GNP, but in that sector also important progress had been achieved. The external debt/exports ratio had considerably declined and should continue to do so in 1988.

41. In the matter of its external debt, Chile had applied a policy consistent with the rules in force and applicable in the present context of international relations. It was necessary and urgent, however, to seek and find ways of relieving the debt burden of developing countries in order to promote the growth and stability of those countries as well as international trade. Such ways existed but the political will to use them was lacking. For its part, Chile reaffirmed its desire to continue to participate in the dialogue under way to settle that problem and expressed the hope that the strongest creditor countries would finally face up to their responsibilities in order to make possible harmonious development of the economy and of international relations.

42. The CHAIRMAN informed the Committee that one of its members, Mr. Wimer Zambrano, had chosen to make his observations on Chile's periodic report in writing. The text of his observations had been distributed to the members of the Committee and the Chilean delegation.

43. Mrs. TAYA said that to promote economic, social and cultural rights it was necessary to publicize the Covenant and to publish the periodic reports of States as well as the results of their examination by the Committee. She would therefore like to know who had prepared Chile's report and whether Chileans had been able to consult it, and whether they would be informed of the results of its examination. She also asked whether the report had been submitted to the Chilean parliament.

44. With regard to the situation of families in which one of the parents, the father or mother, had been expelled from Chile, she wished to know whether such families could receive assistance from the Government. Lastly, it seemed that married women were not entitled to engage in business and she wished to know whether there were social reasons justifying such discriminatory treatment.

45. Mr. TEXIER said that in view of what was known about the situation in Chile through the international press, other United Nations bodies and non-governmental organizations, one would be tempted to say that Chile's second periodic report did not reflect reality. Without going that far, one could nevertheless consider the report unsatisfactory for, although Chile might have ratified the Covenant, the ratification had never been published in the Official Gazette. Consequently, Chile's Supreme Court of Justice could declare that the Covenant was not binding. Obviously, to be bound by the Covenant, Chile had to announce its ratification.

46. In connection with article 10 of the Covenant, it might be asked how all the Chileans who had to leave their country to seek refuge abroad and who were not able to return could participate in the life of the nation. To protect the family in accordance with the provisions of the Covenant, it was first necessary to see that families were not separated.

47. He would also like Chile to supply information that would make it possible to compare the share of the national budget devoted, in particular, to education and health and the share which was devoted to the army and the police, since the report contained no figures or other concrete facts concerning developments in that area over the preceding 15 years. He noted that Mrs. Taya had asked whether the report had been submitted to the Chilean parliament. The reply was obviously that it had not, since there had been no parliament in Chile for 14 years and a military junta was in power.

48. Paragraph 24 of the report mentioned workers. Everyone knew, however, that in Chile most trade-union leaders were regularly arrested and prevented from exercising their trade-union activities. One of the principal trade-union leaders had just been assassinated. That was the real situation.

49. With reference to the part of the report dealing with article 11, entitled "The right to an adequate standard of living", Mr. Texier observed that the international community in fact contributed to the satisfaction of that right by receiving Chilean refugees, to whom it tried to give an adequate income, simply because they could not return to their country. After mentioning data reported by the Chilean Human Rights Commission, namely that 20 per cent of Chile's economically active population was unemployed, that the country's specific programmes had failed to correct the employment situation, that nearly one third of the population of working age had been under-employed in 1984 and that the coverage of the national educational system had fallen from 54.8 per cent to 49.9 per cent, Mr. Texier asked the representative of Chile what he thought of those figures.

50. With regard to housing and poverty, Mr. Texier cited personal observations which bore out the assertion that "Santiago is a city of apartheid". Thus, there was a well-to-do central district in the Chilean capital but farther out there were areas where poverty and malnutrition prevailed. In those outlying districts, the people installed themselves by the system of "tomas", i.e. by occupying land on which they built makeshift structures. The report, however, did not mention that aspect of poverty in Chile, and the Government confined itself to stating that "one of the basic objectives [of the Ministry of Housing and Town Planning] is to generate possibilities of house ownership" (para. 88 of the report).

51. In conclusion, he said that the report submitted by Chile, which contained no figures, was not satisfactory and the Committee should ask the Government of Chile to submit either a supplementary report or a new report.

52. Mr. MARCHAN ROMERO, recalling that in document E/1981/WG.1/SR.7 dated 10 September 1981, which summarized the consideration, by the Sessional Working Group which had anteceded the present Committee, of the report submitted by Chile in 1981, the Government of Chile had been asked to supply more information concerning the implementation of articles 10 to 12 of the Covenant in its next report. He found that the report currently before the Committee contained much more information than the earlier report and took note of the effort made by the Government of Chile. Moreover, the Committee should not underestimate the introductory statement, which in any case applied to most if not all third-world countries, namely that "This work [in the field of economic, social and cultural rights] ... has been seriously hampered by ... the world economic recession". Nevertheless, that argument, along with the burden of the external debt, must not serve as a pretext for evading the commitments entered into under the Covenant. Nor could the Committee overlook the fact that it had before it many communications reporting violations of certain rights covered by the Covenant. That was also mentioned in the note submitted by Mr. Wimer Zambrano, reporting the sharp reduction in government low-cost-housing construction programmes thus confirming what had already been pointed out in the previous report, namely that the government seemed to leave it entirely to the private sector to find the resources and means for solving

the problems of housing. It was a deeply disturbing situation and one that required explanation - explanation, he stressed, in a spirit of constructive dialogue. The speaker also wondered about the implications of paragraph 93 (d) of the report (E/1986/4/Add.18) and asked for details in particular about the meaning of "adopting an impartial and non-discriminatory approach to housing construction".

53. The Committee had before it another document, prepared by the Chilean Human Rights Commission, which mentioned a reduction in the legal minimum wage, and he would like to have additional information on that score.

54. Mr. NENEMAN regretted that the two reports submitted by Chile concealed rather than clarified the real situation in Chile, for they contained hardly any information concerning the implementation of the Covenant in national legislation or concerning the access of the Chilean population to the text of the Covenant itself. Thus, although the Government of Chile ratified the instrument, it apparently did not feel itself bound by its provisions, and that made the Committee's examination rather pointless.

55. Actually, very little concrete data emerged from a reading of the report. For example, regarding the right to adequate food, nothing was said concerning the calorie level or other aspects of the diet of the Chilean people. According to United Nations statistics, however, the calorie level had fallen by about 3.6 per cent in Chile in recent years. Another United Nations document, containing data on the causes of death in various countries, showed that 5.8 per cent of the deaths recorded in Chile were due to acts of violence. Such phenomena, which were disturbing, called for explanations by the representative of Chile.

56. As concerned housing, the government, while encouraging home ownership, seemed to favour the rich while, as Mr. Texier had pointed out, the poor lived in slums. That situation was not reflected in the report, so that support for the right to decent housing claimed by the Government was ridiculous. On the morrow of the International Year of Shelter for the Homeless, it could be asked whether housing was accessible to the needy strata of the Chilean population and it would be useful to know how many million persons had built themselves a home in recent years.

57. The report did not make clear whether health care, which seemed to be available to the well-to-do, was accessible to the Chilean population as a whole. According to other sources, the health sector was largely privatized in Chile. What was more, it emerged from United Nations statistics that only 5 per cent of the gross national product was allocated to social security. Such a small proportion was certainly insufficient to meet the health needs of the poor population.

58. Chile's report, which was full of generalities, quotations of decrees and laws, and referrals to works which happened to be unavailable, was a hoax, which should be rejected by the Committee.

59. Mr. MUTERAHEJURU, noting that the family was described as "the fundamental unit of society", asked what was meant by the family in Chile. Did that concept, which varied from country to country, comprise the husband and wife, the spouses and their children, or others?

60. As to the conditions of marriage, he observed that there was no mention of the sex of the spouses. Did that mean that persons of the same sex were permitted to marry in Chile? Among those who could not contract marriage, the report cited "persons who cannot express their wishes clearly" - and one might wonder about the case of the illiterate deaf and dumb - as well as "persons suffering from permanent and incurable impotence", which led him to ask whether there was a compulsory medical examination prior to marriage to determine such impotence. Did that phrase relate to a precondition for contracting marriage or to grounds for annulment? In that connection, he asked whether divorce was legally possible in Chile and, if so, on what grounds? Further, with regard to the law concerning marriage, no mention was made of the period of widowhood. Could a widow remarry before a certain time had elapsed in Chile? Lastly, was only the woman prohibited from contracting marriage with her guilty partner in the offence of adultery? And for that prohibition to be applied, was presumption sufficient or did guilt have to be proved?

61. As to health, the report stated that Chile was in a transitional phase between underdevelopment and development. Did Chile have criteria for determining its situation in other fields, such as the family and the standard of living?

62. Mr. SPARSIS expressed surprise that all the economic indicators pointed to rapid economic growth in Chile whereas some of the Committee's experts, including Mr. Texier and Mr. Neneman, had drawn a tragic picture of the poverty prevailing in that country. It therefore seemed that in Chile statistics prospered while people died.

63. It was absolutely essential for the Committee to have statistical data and precise information both on the distribution of national income and national wealth and on their redistribution in Chile in the preceding five years. Had the gap between rich and poor widened or narrowed? No expert of the Committee could be satisfied with mere declarations of intent. It was repeatedly stated in the report that the remuneration of work was an essential means for attaining a decent standard of living. There was nothing in the report, however, to indicate whether their work enabled Chileans to enjoy an adequate standard of living. In that connection, it would be appropriate to indicate, in particular, whether Chileans enjoyed the freedom to organize provided for in ILO Convention No. 87 and the right to collective bargaining provided for in ILO Convention No. 98 and whether Chile had ratified Convention No. 122 on employment policy. Moreover, what was the situation in Chile as concerned implementation of Convention No. 111 on discrimination in employment, Convention Nos. 35, 36, 37 and 38 on compulsory old-age insurance and health insurance as well as Conventions Nos. 1, 2 and 3 on working hours, unemployment and the employment of women, respectively? He also asked what machinery, institutions and procedures governed labour relations in Chile.

Was there a free and democratic dialogue between employers and trade unions, and between employers and trade unions on the one hand and the Government on the other? Were employers or trade unions free to apply to a juridical authority (labour tribunal or ordinary court) when they felt that their economic, social and cultural rights were being flouted? Did an individual have the same right?

64. Lastly, he, too, stressed the need to have concrete and detailed data for determining whether Chileans did in fact enjoy an adequate economic, social and cultural life.

The meeting rose at 1 p.m.