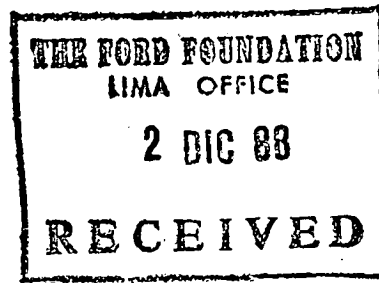


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EVALUATION OF THE CHILEAN COMMISSION OF HUMAN RIGHTS AND THE  
VICARIATE OF SOLIDARITY

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## I. INTRODUCTION

While human rights violations in Chile continue to abound and pressures on human rights organizations and activists have not abated, there are signs of optimism\*. Chief among these is the development of a stronger commitment to human rights as a fundamental basis for a democratic society among a broad cross section of Chilean society, together with a more sophisticated definition of human rights that emphasizes the interrelationships between civil, political, social economic, religious and cultural rights. As a result, there is in Chile today a remarkably high level of recognition of the need to focus on basic education for the general public not only to assist them in securing their own rights, but also to cultivate support for long-term structural reforms that will reduce the possibility of gross violations of human rights in the future. As one human rights lawyer commented "fifteen years of Pinochet has probably done more to raise consciousness concerning what a society must do to secure its rights than the fifty years of liberal democracy that preceded him."

Chile has, to a greater extent than other Latin American countries, gone beyond formalized response to individual violations to promote

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\*The victory of the No on October 5, 1988 testifies to the growing consensus among the Chilean people that respect for human rights is a prime criterion for the legitimacy of government. Hence, while the Pinochet government could point to some advances, particularly in terms of economic growth rates and diversification of the economy, a broad cross section of the population, including some who benefitted from the government's economic policies, voted against it. (Seminar on preliminary analysis of returns by FLACSO staff - 10/6/88).

respect for rights as a basic principle for maintaining order within society and hence facilitate political, economic and social progress. The growing degree of consensus on the role of rights is demonstrated by the coming together of fourteen political parties, plus other groups, with widely differing political bases ranging from right to left to sign a "Declaración y Compromiso Nacional con los Derechos

Humanos" on December 10, 1987. While this document is not a guarantee of complete political agreement either among the parties or human rights organizations, it does reflect substantial progress in terms of building consensus concerning the role of human rights in democratic societies. This places Chileans in a better position to introduce into societal structures greater human rights content than has been the case in Argentina, Brazil and Uruguay since their return to civilian government.

The prime task facing human rights organizations and activists in Chile, as well as their supporters elsewhere (including the Ford Foundation), is to take advantage of the progress to date in order to reinforce that consciousness and consensus, so that it can serve as a base for advances once the dictatorship is ended. To do this more emphasis should be placed on expanding basic educational programs, particularly outside of Santiago, and substantially increasing the availability of teaching materials for all levels. The focus on education should be coordinated with greater efforts to deal with the psychological trauma suffered by the general population, caused not only by governmental repression, but also by the growing incidence of common delinquency and violence, resulting, in part, from the impoverishment of a substantial sector of the population. The upsurge of street and intrafamilial violence

in Chilean society is one of the most unfortunate consequences of state terror, generalized trauma and economic dislocation. It is a phenomenon that has been noted in other countries where there have been long-term gross violations of rights and it poses a serious threat to any attempts to reconstruct such societies on a basis of respect for human rights. Indeed, failure to take substantial steps to counteract this development would contribute to the destabilization of any democratic government that might emerge in Chile.

These recommendations are made with the following caveat--support for existing programs in response to current human rights violations must continue at the same time that additional resources are made available for programs aimed at consolidating the inroads already made by human rights groups into the civic consciousness. The latter can be used to support reform of existing societal structures in order to assure greater protection for human rights in the post-Pinochet period. The nature of the present regime has clearly limited the translation of the increasing consensus concerning human rights into specific programs for democratization. That should not, however, dissuade human rights organizations and their funders from taking steps to ensure that once the dictatorship has ended such groups will be able to move rapidly to capitalize on the existing consciousness. Only in that fashion will the costly gains made over the past fifteen years be consolidated and translated into normative and structural defenses of human rights.

## II. BACKGROUND FACTORS INFLUENCING THE CURRENT SITUATION OF HUMAN RIGHTS IN CHILE

The nature of the present regime in Chile has quite clearly impeded the translation of increasing consensus on the role of human rights in stabilizing, democratic societies into societal and governmental reforms. This flows, in large measure, from the belief among upper echelon Chilean officials, including Pinochet himself (e.g. in his book Geopolítica), that freedom and human rights derive from the state and are bestowed by it as privileges. Rights, Pinochet has argued, must be restricted for the common good as defined by the governing elite rather than by the citizenry, as well as in order to combat terrorism or because of the requirements of certain economic models. Challenges to the latter are seen as contrary to the government's efforts to fulfill social and economic rights (which are deemed government conferred privileges), and hence cannot be opposed as a legitimate exercise of the rights of political protest. Such thinking has contributed to violations of freedom of opinion and expression, of peaceful assembly and association, and of the right to participate in government either directly or through representatives.

Concentration of executive and legislative power in Pinochet's hands, and the weakness of the judiciary, have undercut mechanisms for the defense of rights derived from the balance of powers. The identification of the state and the armed forces casts the latter in the role of the enforcer of the political, economic, social and cultural objectives of the government. Opposition to or criticism of state programs has led the armed forces to take steps to suppress even

nonviolent dissent, resulting in widespread violations of civil and political rights. In some cases it has resulted, as is well known, in deprivation of life, liberty and physical integrity. Peacetime restrictions on governmental authority were suspended via the repeated extension of states of siege and emergency until shortly before the October plebiscite. This resulted in chronic disregard for habeas corpus, as well as the sanctioning of torture, assassinations and generalized repression in order to eliminate perceived threats to Chilean national security. The enemy is defined not simply as those who are actively seeking to overthrow the government by violence, but as anyone whom the government leadership decides is subverting the state. This has had an exceptionally negative impact on the rule of law in Chile, as well as undercut the civil judiciary which is frequently disregarded in favor of military courts. It has also resulted in guerrillas being deprived of those rights recognized by the Geneva Conventions, as well as Chilean law. Purges of the ranks of judges, arrests or expulsions from the country of human rights lawyers and advocates, secret trials and other violations of the right to a fair trial have been encouraged by Pinochet's concept of executive power, as well as several articles of the 1980 Constitution.

Dominated by a definition of dissent as subversion, the army and the carabineros, in particular, have often ignored the right to privacy through unauthorized searches, surveillance, censorship of the mails, and related activities. Frequently, such actions are directed against human rights activists who are generally the most well-known and credible critics of the government. It should be noted that since 1986 the carabineros have modified somewhat their extralegal behaviour.

Those who have taken up arms to overthrow the Pinochet

government are accorded no rights whatsoever. The rationale is that such individuals do not deserve the privileges (i.e., rights) of citizenry, because they have acted contrary to the common good of society and are consequently worse than common criminals. According to the present Chilean government to allow them legal protections would be for the Chilean government to violate natural law by acting contrary to the fundamental rights of a nation, which supercede individual rights. This helps explain the continuance of violations of the physical integrity of the person and the hostility of the Chilean government towards human rights organizations acting in defense of political prisoners. A mentality of giving no quarter exists, justifying extralegal actions by the government and particularly by the CNI and the armed forces. Under these conditions the state does not recognize the rights of political prisoners or prisoners of conscience. Hence, while periodically political space may be expanded for strategic purposes such as in preparation for the October 5, 1988 plebiscite, this does not guarantee increased respect for rights. Therefore, although there has been a diminution of gross violations since the early 1970s, as well as since 1981-85, the ideology and structure of the Pinochet government militates against the expansion of structural guarantees of rights, leaving open the possibility of a sudden return to extreme repression. In the aftermath of the October defeat of Pinochet there is considerable preoccupation over the possibility of serious human rights violations in the near future given the pressures that the government will be experiencing and disaffection among some extreme right wing organizations, as well as the intelligence services. This will create substantial stress within the Chilean population, particularly among human rights activists, politicians and civic leaders.

### III. CURRENT SITUATION

The political scene in Chile up to the October 5, 1988 plebiscite was dominated by the future of the Pinochet regime. None of the fifty-seven individuals I interviewed in March 1988, including former members of the military and Pinochet's cabinet, would predict the outcome of the vote. Most agreed that the plebiscite could go either way. Favoring the sí were economic advances since 1985, the state's dominance of the media, particularly television, as well as pressures on public officials, the military, teachers and others to vote sí and organize others to do so. Since mid-1987 the government had initiated a number of public works programs, together with economic development projects, to reduce unemployment, particularly in the provinces. Atacama, Iquiquí and Puerto Montt all experienced sectoral economic prosperity as a result. Educational and medical facilities, together with public housing have been expanding. In March 1988 the government announced a program to reduce mortgage payments aimed primarily at increasing middle class support for the sí. The government was assisted in these efforts by the recent doubling of the international price of copper and an upsurge in exports, particularly fruit, seafood/fish and forest products.

Economic growth for 1987 was 5.6% and for 1988 is projected to be about 5%. Inflation in 1987 was 17% and is expected to be 15% in 1988, which compares very favorably to skyrocketing rates in Argentina, Bolivia, Brazil and Peru. The balance of payments for 1987 was positive, as it is expected to be for 1988. New investment increased in 1987 with 60% flowing from the Chilean private sector. This year it is not quite as strong due, in part, to uncertainties generated by the plebiscite. Agricultural employment, as well as female absorption into the work



force is up. The 1987 national budget was balanced with 56% of it flowing from private sector taxes. In terms of economic growth, diversification and infrastructural development, Chile has experienced considerable improvement since the early 1980s.

All of the fifty-seven individuals I interviewed, including a former Pinochet cabinet minister agreed that these advances were made at considerable social cost. In addition all, including a leader of Renovación Nacional, believed steps had to be taken to ameliorate those costs, especially urban unemployment and impoverishment. Most sources estimated that the percentage of absolute poor had increased from 10% to 20% between 1973 and 1988. Income distribution has worsened and there has been a decrease in real wages for approximately 30% of the population according to a 1987 report of the Catholic Church's National Commission on Justice and Peace. Unemployment among youths in the poblaciones of Santiago is estimated by church sources at about 48% contributing to an increase in assaults, robberies and child prostitution. Conditions in Santiago have been somewhat ameliorated by the existence (as of 1986) of 2,500 church-linked social welfare programs. These involve, however, less than one-fifth of the population identified as in need. In rural areas such resources are less available. Among the most serious consequences of such conditions have been the increase of common delinquency, alcoholism, drugs, school drop-outs, male and female child prostitution, and battered women. Such problems are growing primarily in poor communities, as well as some middle class ones.

Most analysts ascribed these problems not only to socioeconomic conditions, but also to the sanctioning of gross violations of human rights:

by public officials. The internalization of a culture of fear, frustration and humiliation over one's declining socioeconomic status, and a sense of powerlessness in the face of state terror have been identified as factors stimulating the increase of common delinquency and violence within families. It is even having substantial impact on human rights and social welfare workers, who reside in poorer communities.

Representatives of the Fundación de Ayuda Social de las Iglesias Cristianas (FASIC) and Instituto Latinoamericano de Salud Mental y Derechos Humanos (ILAS) report growing numbers of such individuals showing signs of stress as they felt increasingly pressured by the demands of their work in a context of escalating violence.

Recognition of the seriousness of the problem extends into the business community with a former president of the Chilean Chamber of Commerce informing me that a first priority of the government after the plebiscite should be to work with the private sector and political parties to devise programs to deal with the social costs of the government's economic policies. Underlying this position was this individual's belief that the Chilean political and economic models need to be somewhat reformed and that this could be best accomplished if Pinochet agreed not to run. A good number of political leaders on the left indicated a willingness to consider the possibility of a centrist candidate if Pinochet did not run or if the no won.

Human rights organizations and activists generally favored this option and, as is well known, were heavily involved in promoting voter registration and implicitly or explicitly the no. The largest of the voter registration projects was the Cruzada por la Participación Ciudadana to

which the United States government gave approximately one million dollars. It is notable that the sharpest criticism of this project came from the Pinochet government and the far right. The Cruzada succeeded in mobilizing approximately 10,000 volunteers nationwide. Early analyses indicate it may have had more impact on civic participation in the plebiscite in some areas than political parties or labor groups. This suggests a potential role for it in helping reduce fear of civic participation during the transitional period, particularly in the rural areas.

Initially questions were also raised by individuals on the left concerning La Cruzada. Prime among these was the role of the Italian priest Baldo Santi who allegedly has an interest in incorporating Chilean youth into religious organizations with links to rightist groups in Italy. In spite of these criticisms there was a broad base of support for La Cruzada as well as other voter registration efforts. All have some identification with the Catholic Church, human rights organizations or political parties. As a consequence, such efforts were attacked or pressured by the government for alleged partisanship. Official criticism of La Cruzada has continued since the plebiscite, in part, because of fear that its efforts will assist the opposition in the forthcoming mandated presidential and congressional elections. Such criticism has been rejected not only by the organizations involved, but also by international rights groups, foreign governments, the Catholic Church and others.

In the spring of 1988 the Chilean Catholic bishops' conference issued a strong statement that the Pinochet government was exerting undue pressure in favor of the sí. Church leaders noted that promotion of voter registration had a precedent in Mary and Joseph's journey to Bethlehem.

about the same time an evangelical Protestant group, the Confraternity of Chilean Christian Churches, objected to the plebiscite and called for a competitive election instead. In late May seven leading human rights organizations including the Vicaría and the CCDH, denounced what they characterized as a worsening climate of aggression and violence in the country as a result of the upcoming plebiscite and urged full respect for the rights of freedom of opinion, expression, information, assembly and association. While both the Catholic Church and the human rights organizations regarded support for voter registration and electoral monitoring as logical outgrowths of their rights work, such involvement raised the possibility of further politicizing them and exacerbating tensions with the government. In the aftermath of the plebiscite the Catholic Church has begun to attempt to position itself to facilitate dialogue between the government and the opposition. While some elements within the government welcome this, Pinochet apparently does not.

Even prior to the plebiscite the Pinochet regime's discomfit with the Catholic Church's activities particularly with respect to rights resulted in an increase of verbal and physical attacks on church people and institutions. Admiral José Merino, a member of the National Security Council, characterized the Bishop of Linares, Carlos Camus, as insolent for saying the episcopacy would evaluate the moral legitimacy of the plebiscite. The offices of the head of the bishop's conference Monsignor Carlos Gonzalez of Talca were attacked, as well as Catholic radio stations and other facilities. Such acts would appear to have had limited impact on Chilean public opinion which according to surveys in 1986 and 1987 ranked the Catholic Church, together with the Vicaría, as the most prestigious

institutions in the country. In addition, Chileans were more inclined to believe the statements of the bishops than those of government or political party leaders. The 1987 survey also indicated that the majority of Chileans preferred to vote for a consensus candidate rather than Pinochet in the plebiscite, a position which the Catholic Church implicitly supported.

While the Catholic Church is highly esteemed by the Chilean public, this is not sufficient to preserve the Vicaría from substantial external and internal pressures. External ones include the assassination, detention and harrassment of Vicaría employees by the government, as well as attempts to subpoena legal and financial records. In addition, there is some preoccupation over the level of church support for the Vicaría when the present Cardinal of Santiago, Fresno, retires in 1989. Some analysis insist that there is an emerging pattern of conservative episcopal appointments in Chile which may decrease support for the Vicaría. It should, however, be remembered that Fresno's replacement of the more liberal Cardinal Silva did not result in any substantial decrease in support for the Vicaría. Rather, the consequences are more likely to be reflected in the manner in which the Church inserts itself into any negotiations which may occur between the government and the opposition during the transitional period. Past experience indicates that under Fresno there was increased emphasis on the church as a mediator and reconciler, rather than as a strong critic of the government. The failure of Fresno's attempts to secure an Acuerdo Nacional in 1985 seems to have helped the church leadership realize that the reemergence of democracy in Chile requires considerably more painstaking cultivation of opinions and basic education

at all levels of society than it had earlier presumed. Hence, there is more emphasis on the part of the conference of bishops and the Vicaría on basic education to promote the observance of rights and increased civic participation.

The Catholic Church, as well as the hierarchy, in Chile reflects sufficient consensus to sustain the Vicaría, as well as other human rights projects. The auxiliary bishop of Santiago Sergio Valech, who is specifically charged with supervising the Vicaría, projects the expansion of the Vicaría's work into the post-Pinochet period. Under present conditions in Chile, in spite of ideological, theological and strategic differences as to how best to discharge the Church's commitment to human rights, there are no clear signs of substantial diminution of the Church's support for the Vicaría. Rather, in the aftermath of the plebiscite, the initial reaction appears to be a sense that the human rights organizations particularly the Vicaría and the CCDH, can play an important role in facilitating the transition and dealing with such issues as constitutional and judicial reform, free and peaceful elections, monitoring current rights violations and pursuing reasonable redress for past ones.

#### IV. VICARIATE OF SOLIDARITY

1. To what extent has the Vicaría been able to carry out its objectives effectively and efficiently? What have been some of the principal obstacles in achieving its explicit institutional aims? To what extent is the Vicaría duplicating the CCDH's efforts?

The Vicaría defines its central objective as the defense and promotion of human rights with a preferential option for the poor (Vicaría 1986). In discharging this objective it provides legal, medical and material assistance to those who have been denied their political, civil, social or economic rights. In addition, it documents such violations according to international evidentiary principles for dissemination both within Chile and abroad. It also sponsors a wide variety of social welfare activities at the grassroots level including communal kitchens, food coops, workshops, housing, health care, alcohol and drug rehabilitation programs, together with programs for the elderly, children and youths (Martínez Nogueira, 1985).

The core of its work is built around its legal department which since 1973, together with its predecessor the Comité de Paz, has prepared thousands of legal cases. The vast majority of these involved requests for habeas corpus and defense of political prisoners, as well as prisoners of conscience. The one exception are those individuals who have been involved in acts of violence, who are generally assisted by the Comité de Defensa de los Derechos del Pueblo (CODEPU).

Recently, the Vicaría computerized over 10,000 cases in preparation to initiate further legal action in the post Pinochet period in order to establish the fate of the disappeared, reduce unjust sentences, overturn

illegal convictions or seek redress in some cases for those subjected to individual violations. The Vicaría's legal department is widely regarded, both within and without Chile, as a highly professional and effective human rights operation. Since 1973 it has developed techniques of legal defense and documentation that have been very usefully disseminated among human rights organizations in other countries. The Vicaría has also been active in providing technical assistance to other human rights organizations such as those in El Salvador.

While the judicial department essentially dominates the work of the Vicaría, it is important to note that the organization recognizes the need to provide medical, psychological and material assistance to its clients. Working on a case by case basis the staff of the Vicaría generally sees over five thousand individuals per year in its central offices in downtown Santiago, while reaching tens of thousands through its social welfare and education programs in the poblaciones and in the provinces. It should be noted that the effectiveness of the Vicaría outside of Santiago is influenced, to a degree, by the level of support from local church officials. Some dioceses give the work of the Vicaría priority, while others accord it less attention. With the initiation in the fall of 1987 of a nationwide program of basic education and promotion of human rights, the Vicaría will have greater impact outside of Santiago. This will be largely the result of a built-in multiplier effect in the program which provides training for animadores, who in turn train, approximately fifteen individuals each at periodic intervals. From the latter group are selected additional animadores for training and so on.



One of the most important recent accomplishments of the Vicaría is the computerization of documentation relating to over ten thousand cases, some of which the Vicaría has stated it plans on taking to court once there is a return to civilian government. Linked to this are efforts via the Departamento de Análisis to prepare an overview that will serve as the basis for something akin to the Sobato Report in Argentina and Nunca Mais in Brazil. Cooperation in legal formation and studies with the Academia de Humanismo Cristiano, Colegio de Abogados, and Asociación de Magistrados has increased. The Vicaría, together with these groups, has already begun discussing constitutional, judicial and legislative reforms that should be initiated in the post-Pinochet period.

The Vicaría has also begun contemplating the difficult question of justice for those individuals deprived of their rights since 1973. The current position of the Vicaría is that violators should be brought to trial rather than amnestied, but that pardons should be possible under some conditions. The Vicaría recognizes the likelihood that the military will be quite unwilling to relinquish power unless some agreement is reached limiting legal liability. Any such agreement the Vicaría argues will be destabilizing unless there is some recognition of the rule of law and reaffirmation that gross violations of human rights are not acceptable even under states of emergency or siege.

Chile today is witnessing greater concern and activity by judges and lawyers concerning human rights. This has flowed, in part, from the work of the Vicaría. For example, each year at the time of the inauguration of the judicial year, the Vicaría has presented an analysis of judicial negligence in the face of human rights violations to the Supreme Court. The Vicaría has also published studies concerning specific legal issues that are being more widely circulated in legal circles.

While in the early years of the Pinochet regime the Vicaría was unique in documenting and publishing data and analyses concerning human rights violations, it is not alone in the field today. Recently, it initiated a revamping of its periodical Solidaridad in order to reflect the new circumstances. While virtually all the human rights organizations in Chile document violations, the Vicaría's publications continue to be regarded as the most accurate by international human rights organizations. One problem is the chronic delays between documentation of violations and the actual publication of its periodic reports concerning them. Delays of two to three months after typescript is sent to the printers are not uncommon. This impedes the work of international human rights monitors.

Finally, the Vicaría continues to play the role of a principal critic of the legitimacy of the Pinochet rule. It provides an institutional base for dissent and the generation and expression of positions contrary to those of the government. As such it has contributed to the maintenance of political space in Chile. This has earned it the enmity of the government, as well as some right wing sectors including a few within the church. At the same time, it has also caused the general public to accord it high esteem. Given this, the survival of the Vicaría into the post-Pinochet period with its moral leadership and institutional weight intact suggest that it will continue to play a significant role. The process of transition and reconciliation will be extraordinarily difficult and will require the mediating capacity of the Catholic Church, as well as the expertise of the Vicaría.

A principal obstacle to the Vicaría's achieving its institutional aims is the inadequacy of the judicial system. This results not only from pressures by the government leaders on the judges and courts, but also the heritage of inefficiency, limited resources, and lack of training of the

magistrates, among other factors. It should be noted that the judges themselves are increasingly attempting to seek resources to deal with the lack of systematization of laws, inadequate archives and files, nonexistent reference libraries and limited knowledge of relevant international instruments. Such conditions hamper the progress of cases through the courts. In addition, the government has repeatedly denied legal precedents established in human rights cases. The Vicaría, CCDH, and Academia de Humanismo Cristiano are all working together with international organizations to increase knowledge of human rights issues.

Another limitation felt by the Vicaría is its limited access to the media, especially television. While the Vicaría uses the church's diocesan and parochial structures to disseminate information, it realizes that there is a substantial proportion of the population that it is not reaching. This is one of the reasons for the Vicaría's increased emphasis on popular education programs with a built-in multiplier effect. The Vicaría could also make its press releases and press conferences more effective by focusing on specific issues, rather than presenting general overviews. The Vicaría needs a clear vision of how to use press releases and conferences more effectively. To accomplish this the Vicaría requires some technical advice.

The Vicaría has also been hampered by government attacks and pressures from the right. The most notorious example is the efforts of the fiscal Torres. The Vicaría continues to be criticized in the establishment press (e.g., El Mercurio, 3/6/88), as well as by right wing publications (Blanco y Negro). Businessmen's groups have also been known to criticize it as a partisan tool of the left. A minority within the Catholic Church shares this opinion.

The Vicaría could counteract some of these attacks by engaging in

some focused public relations efforts to increase the general public's knowledge of the nature of its work, its legal legitimacy, the degree of international support it has, and the value of its work in promoting a return to democracy. The present transitional period is an opportune moment to undertake such efforts. In particular, the public's fears concerning the charges that the Vicaría is linked to subversives need to be addressed directly, strongly and repeatedly. Furthermore, the Vicaría should encourage ordinary citizens and particularly youths to familiarize themselves with its day-to-day work. This could be done via parishes and youth groups, together with inviting opinion molders with whom the Vicaría has had little contact to visit the headquarters for explanations of the specifics of each department's work. Given the high level of mobilization of youths prior to the plebiscite, special outreach efforts to inform them concerning the Vicaría's work would be appropriate at this time. The greater incorporation of young people would have the advantage of helping the Vicaría conscientize future generations.

The increased activity since 1986 of the Frente <sup>Patriónico</sup> Popular Manuel Rodríguez (FPMR) has caused complications for the Vicaría. The judicial department feels that it was easier in the past to secure legal relief for political prisoners, especially labor leaders. This results from the fact that a good number of detainees since 1986 have been falsely accused of membership in the FPMR and of acts of terrorism and thus fall under the jurisdiction of the military courts. Defense of such individuals has caused the Vicaría itself to be charged by the government with supporting terrorism. Since Pinochet styled the plebiscite as a competition between freedom and chaos, accusations of terrorism had serious consequences not only for the Vicaría, but also for the general political climate, probably increasing the vote for the sí.

The Vicaría does not regard itself as having any major problems regarding material resources or personnel since 1986. In general, the staffs of the different departments have been with the institution for some time, although there is a constant flow of new people applying to work at the Vicaría. The tendency has been, particularly in the judicial department, to depend on a core of long-term staffers. The justification offered is that this reduces the amount of time needed for training, capitalizes on the expertise already garnered and allows for the high degree of trust necessary for such work. The tendency has been to limit the actual courtroom work of newly-hired lawyers, even though they may have had such experience prior to coming to the Vicaría. This has caused some degree of frustration and suggests the utility of providing them with more challenging work. One possibility is to have younger lawyers work to organize teams of law students to provide more legal assistance in the poblaciones where violations are high and continuing. The non-legal staff could also shoulder more responsibility in the preparation of habeas corpus and other legal instruments which it has demonstrated it can do in times of crisis.

The Vicaría should perhaps be more sensitive to providing opportunities for newer staff to participate in administrative decision making. There is a certain degree of hierarchy at the Vicaría which, given its institutional base and the nature of the human rights work, is useful. However, more energy could be profitably expended on being more consultative both internally and externally. This would allow for greater innovation, as well as hopefully, less burn-out and internal friction and tensions.

To date there have been only limited attempts to deal with staff burnout. It should be noted that the individuals attracted to such work are

generally somewhat resistant to taking vacations, sabbaticals, et. ai. Given the context in which the Vicaría operates, especially the recurrence of crises, it would be very difficult to find a solution to this problem. In addition, salaries are relatively low, particularly for those who have to support families. There is a definite need to upgrade salaries across the board to better reflect the cost of living.

The expectations imposed by the nature of the work and by the individuals on themselves are sometimes excessive. The relatively long tenure of core workers at the Vicaría has helped build up a certain degree of consensus that facilitates the work and sometimes leads the Vicaría to assume the initiative within the Chilean human rights community. This has been resented at times, but overall other human rights organizations esteem the Vicaría. The prestige of the Vicaría, for example, has assisted in building of links to the Colegio de Abogados, Asociación de Magistrados, and other groups of professionals.

The credibility of the Vicaría and the prestige of the Catholic Church together with its national presence via its diocesan and parish structure gives it a much more national presence than any other human rights organization including the CCDH. The Vicaría also has a more non-partisan image than the CCDH. Nevertheless, it is necessary that the Vicaría make the Chilean public more aware of the services it offers. A "publicity" campaign, particularly in the provinces, would be useful. In addition, the Vicaría should look for more opportunities to combat its critics, responding more directly to the government's charges that it is a tool of the left. A joint campaign to inform the Chilean public more extensively of its services and its positions is in order.

The Catholic Church's insertion into the international church has provided both positive and negative benefits. It has meant increased

foreign funds, as well as instant networks. At the same time it has also subjected it to pressures arising out of the church's attempts to incorporate widely differing political and ideological positions within it. Political conservatism at the Vatican among some sectors, and the preoccupations of the papal nuncio Solano appear to have caused the Vicaría to modify some of its stances, but not substantially. Suggestions that the Vicaría has swung one way or the other are most frequent among those with the least knowledge of its work.

While the Vicaría and the CCDH both denounce human rights violations and take judicial action in response, the Vicaría emphasizes individual suits, while the CCDH focuses more on establishing general legal principles. Some individual cases which the Vicaría has not taken up have been pursued by the CCDH or CODEPU. The Vicaría generally only disseminates information about cases it is handling, while the CCDH compiles and disseminates data on cases drawn from a wide variety of sources. While there is some duplication in terms of documentation and denunciation, overall the two institutions have carved out complementary spheres of activity for themselves and there is no substantial duplication.

Frequent consultation with other human rights groups via a coordinating commission has increased the effectiveness of all and decreased duplication of efforts. Some additional attention will have to be paid to coordinating local efforts as the Vicaría, the CCDH, and the Servicio de Paz y Justicia (SERPAJ) increase such efforts, particularly in terms of popular education. All the human rights groups could usefully participate in a review of how to better coordinate and integrate their work with each other. While it would be ideal to eliminate duplication entirely, the realities and dynamics of the Chilean situation militate against it.

2. To what extent can the Vicaría be described as a "movement"? To what extent is the Vicaría connected to base groups, both within Santiago and the provinces as well? To what extent has the Vicaría succeeded in establishing strong links with other sectors of society? Has the Vicaría effectively reached out and sought to incorporate new groups in human rights activities? Have there been opportunities to do so? In general how is the Vicaría perceived by other social groups in Chile? To what extent does the Vicaría coordinate with other human rights groups in Chile? To what extent are human rights groups talking principally among themselves?

Neither the Vicaría nor the CCDH constitute a movement. Rather the Chilean "human rights movement" is comprised of a wide range of human rights organizations (principally the Vicaría, CCDH, CODEPU, FASIC, ILAS, SERPAJ, Academia, Amnesty International [AI], etc.), as well as elements of groups which have broader concerns (e.g. Colegio de Abogados, Asociación de Magistrados, students, labor, etc.). Also included are those who participate sporadically in activities in defense of human rights organized by these and other groups, including political parties.

By itself the Vicaría serves more as a symbol and focus for the human rights movement, particularly given the moral authority it derives from its church connection as well as its work since 1976. Both the Vicaría and the CCDH encourage the general public to organize within their communities, work places, schools and elsewhere in order to build a stronger human rights movement. This is a principal rationale behind their increasing emphasis on education for human rights. To encourage this they are willing to provide resources, technical assistance, and stimulation. The Vicaría, in particular, prefers to withdraw once a group or coalition has gotten on its feet. This was the case with the Comando Nacional de



Obreros and the Comando Nacional de Campesinos. This strategy recognizes the differences in objectives between the Vicaría and other groups, particularly those with more specific political agendas.

Within Santiago, the Vicaría maintains contact with approximately 2,200 base groups and outside of the capital with some 8,000 more. The links range from direct sponsorship to occasional assistance. Many of these groups emphasize socioeconomic rights. The Vicaría also maintains contact with the following political parties: the Christian Democratic, Socialist-Almeyda, Christian Left, MAPU, Socialist-Nuñez, Radical-Silva Cimma, Historical Socialist, Radical-Lüengo, Popular Socialist Union, Social Democrat, Republican, Humanist and National. In addition it is in communication with the Youth Movement for Democracy and Elections, university student groups and the workers and peasant comandos. Contact is also maintained with some leaders of the Communist Party.

Up until relatively recently, the Vicaría emphasized defense and denunciation, rather than the incorporation of new groups into human rights activities. Since 1986, however, there has been greater emphasis on promotion particularly at the grass roots level, as the Vicaría looked ahead to the post-Pinochet period. Implicit in this is the desire on the part of Vicaría to eliminate the need for defense of rights in favor of greater respect throughout Chilean society of rights as the basis of societal concord.

The stimulation of grass roots human rights organizations has generally been regarded favorably by working class communities where the principal efforts have been undertaken. The resources available have not permitted a blanket approach, but the last four years have witnessed a

broadening of the human rights community in Chile and the earlier tendency to focus overwhelmingly on Santiago has been slightly reduced. There are also increasing efforts to open up the inner core of the human rights community. Such efforts need to be intensified.

As grass roots activities grow there will be increasing feedback from local communities that will, in all likelihood, modify the thinking of some of the current leadership of the Vicaría and the CCDH. It may also change somewhat their composition opening them up to more popular participation. Given the energy released by the plebiscite, there is a certain logic in the Vicaría and CCDH intensifying their popular education and mobilization efforts in order to take advantage of the current dynamism to make sure human rights remain high on the political agenda.

3. To what extent has the Vicaría contributed to the wider political momentum in Chile? To what extent has the Vicaría's church identity affected institutional behavior in this regard? To what extent has this association been a limitation or asset in effectively carrying out human rights work? To what extent has the Vicaría been able to adhere to the principle of non-partisanship?

The Vicaría has been essential to the maintenance of political space and political momentum in Chile. While Fresno's 1983-86 efforts to speed up democratization were not immediately successful they generated pressure on the regime and encouraged political parties, labor, students, professionals and other political actors to define a common agenda and work together more cooperatively. Fresno was led to such efforts, in part, as a result of the impact the Vicaría has had on the thinking of the Chilean episcopacy. The presence within the Vicaría of individuals with varying

political identifications has made the Catholic Church in Chile more ecumenical ideologically and more flexible in its relationships to political actors. Anti-Marxism within the church, as well as disapproval of terrorism, has led the church to continue to exclude contacts with some elements of the left.

The Catholic Church in Chile has historically had close ties with the Christian Democrats and that continues to be true. This has not made the Vicaría a Christian Democratic operation. Throughout, it has assisted individuals of all political and ideological persuasions, so long as they had not engaged in armed attacks. In terms of its work the Vicaría is clearly non-partisan. Recognition of this is indicated by the fact that a dinner organized by the colegios de profesionales in 1987 in honor of the Vicaría was attended by some 1500 people including some from the right.

Allegations of partisanship generally emanate from extremist groups. In addition, staff members of the Vicaría, as well as returned exiles, have reported increasing overtures from politicians on the right. This suggests that the general ideological atmosphere in Chile is opening up somewhat, although the possibility of regression remains. The Vicaría could serve over the next year and a half to help maintain the air of civility that prevailed on October 5, 1988.

4. To what extent has the ideology and structure of the Vicaría changed over the past decade? Has the Vicaría proven itself adaptable and flexible in dealing with evolving circumstances? What are some new strategies that suggest themselves in the current context?

The ideological orientation of the Vicaría has changed slightly over the past ten years. The replacement of Cardinal Silva by Cardinal Fresno

was interpreted by some as indicating a political and ideological shift within the archbishopric of Santiago that would negatively affect the Vicaría. In fact, there were no major changes in the work of the Vicaría. The politics of the archbishopric vis-a-vis the government were modified somewhat, but overall the Chilean episcopacy continued to be strongly supportive of the Vicaría. This suggests that speculation that the appointment of a "conservative" prelate to replace Fresno when he retires in 1989, might damage the Vicaría is premature.

The Vicaría regards itself as not possessing a specific ideology, but rather claims to be guided by general principles. What is perhaps a more accurate characterization is that the Vicaría reflects the general ideological orientation of the center, center right and center left in Chile which gives it a considerable amount of flexibility. In terms of the actions of the Vicaría, the prime factors determining its positions over the past decade have been the demands of its work, pressures from the government, and the gradual increase in cooperation within the democratic sector. It is unlikely that the Catholic Church will modify its position on the Communist Party, but that will not prevent the Vicaría from defending Communists not involved in armed violence.

The Vicaría does request that its staff members not hold any major offices in political organizations and act prudently in terms of their militancy. It should be noted that when the Movimiento de Izquierda Revolucionario (MIR) split causing CODEPU to divide, the Vicaría continued to maintain contact with both sectors and assisted them in coordinating their activities. This suggests that the Vicaría has somewhat more flexibility than the more ideological human rights organizations.

The positions of the Vicaría in the last ten years have affected political discourse within Chile with a good number of political parties adopting its arguments about the 1980 constitution, as well as the Vicaría's reasoning with respect to participating in the plebiscite. The Vicaría feels that the language it uses in enunciating its positions has to be appropriate for a religious institution emphasizing inclusion, reconciliation and non-violence. This opens up the Vicaría to criticism for being too cautious at times. However, the leadership of the Vicaría feels that careful language may increase its capacity to act in a post-Pinochet transition. Since the plebiscite it has, in fact, attempted to serve as a stimulus for reconciliation.

In general, the Vicaría has shown considerable flexibility in responding to actual rights needs. During the massive detentions of the early 1980s, everyone who could be was shifted to the legal department. Such crises cause non-legal work to be periodically ignored and cuts into the time allowed for reflection, analysis, promotion, and long-range planning. With the reduction in repression since 1985, however, the Vicaría has turned its attention to internal restructuring to increase efficiency and has downplayed its studies department in favor of the Academia. It is also redesigning its publication Solidaridad and increasing emphasis on civic action. More work needs to be done to reduce bureaucracy within the Vicaría. Reforms such as using staff more flexibly by allowing them to be transferred from one task to another could be usefully introduced. Furthermore, non-professional staff members have acquired expertise over the years (e.g. preparing writs of habeas corpus) that could be exploited to a greater degree. There is perhaps too much

caution in challenging staff with more sophisticated work.

The principal concerns of the Vicaría at present are the legal defense of human rights with an increasing focus on the formation of lawyers and judges, encouragement of democracy through the promotion of a national consensus on rights, planning for legal action against violators of human rights in the post-Pinochet period, and promotion of greater fulfillment of socioeconomic rights. These are general emphases rather than specific strategies. The latter will continue to be primarily legal defense, documentation, denunciation, social welfare assistance and popular education.

5. To what extent does the Vicaría perhaps suffer from some measure of exhaustion? Has the Vicaría been able to sustain energy levels? To what extent are issues of energy renewal pertinent in this context? Has the Vicaría been able to incorporate new participants? Is there an interesting generational phenomenon in this context? To what extent have gender concerns figured in the development and consolidation of the organization?

While there have been ongoing problems of burn-out among Vicaría staffers, the present political ferment in Chile appears to have energized them. Efforts at renewal have been aimed largely at departmental staff rather than the leadership. Staff members admit the psychological drain they suffer as a result of dealing with the pain of their clients. This has prompted some to quit, but there has been no scarcity of applicants to replace them. Reflection on rejuvenating the leadership should be undertaken contemplating a number of alternatives including sabbaticals, expansion of the administrative core, and review by management

specialists. Long-term planning to deal with the issues raised by the transitional period and thereafter needs to be emphasized so that the Vicaría will be able to better serve changing needs.

The volume of cases has been less since 1985, but frequently the cases are more complex. Hence the professionals on the staff are aware that any mistakes they make will be likely to have grave consequences. As a result, there is a tendency on the part of the Vicaría's leadership to entrust such cases to the "old timers." As one administrator phrased it--"It's not enough for staff members to know the law, they must also know the experience of the last fifteen years." Younger staff members tend to recognize some validity in this, while at the same time chafing at it. They would like to see more exploitation of their talents. The administration also recognizes that there are more opportunities for some of the Vicaría's younger professionals elsewhere and accepts a certain drainage of the people they train. On the other hand, they view the formation the Vicaría provides as having a potential multiplier effect when individuals leave to work elsewhere. On balance, while there are some frustrations there continues to be a high level of commitment.

It is expected that as the transitional phase advances and if there is a transfer to civilian government that a fair number of Vicaría professionals and staff will leave. This will also happen at the other human rights organizations. Neither the Vicaría nor the CCDH expects "to go out of business" however. Rather, they contemplate reducing their legal defense activities in favor of those aimed at reinforcing structural and societal defenses of human rights. This will involve more emphasis on popular education and promotion of civic participation. It also suggests

the possibility of scaling down and coordinating the existing organizations to make them more efficient over the long-term.

With respect to the representation of women at the Vicaría, the statistics are approximately the same as in the 1986 Manitzas report. Of note is the fact that while the judicial department is almost equally divided between men and women, there are no women among the top five administrators. This is, in part, the result of the Vicaría's link to the Catholic Church. At present there is no specific plan to deal with gender issues.

6. To what extent has the Vicaría been able to balance and manage qualities of commitment and enthusiasm on the one hand, and professionalism and institutional development on the other? To what extent have they been able to achieve an appropriate and effective mix?

The hallmark of the Vicaría, since its inception in the mid 1970s has been its professionalism. This is especially true with respect to its judicial and medical work. It has been quite cautious in denouncing alleged cases of rights violations moving only when there is sufficient well-founded documentation. It has, as a consequence, maintained a high level of accuracy, and hence credibility.

The Vicaría is probably the most bureaucratized of the Chilean human rights organizations and this occasionally gives rise to frustrations both within and without the organization. This results in lags in the dissemination of data concerning violations, as well as "dead time" for some staff people. Attention could be usefully paid to decentralizing decision making to a greater extent, using staff in more varied roles according to current demands, and reducing paperwork for routine tasks.



There is no evidence that the bureaucracy has been a major impediment to the effective defense of rights. Given the high level of professionalism in the Vicaría, the atmosphere is most accurately described as committed and determined, rather than enthusiastic. Enthusiasts tend to go elsewhere and the Vicaría is not necessarily unhappy over that. The staff freely admits that at times the activities of other rights organizations are "where it's at." Since the Vicaría promotes the expansion of the human rights community, they appear to welcome such diversity.

Since 1986 the Vicaría has been the object of serious charges by the government of cooperation with terrorists. This has increased preoccupations within the Vicaría, as has the arrest and detention of some staff members. Such allegations have, however, generated strong support for the Vicaría from the episcopacy, as well as from other human rights organizations within and without Chile. Given the level of commitment of the staff, that appears to help maintain their morale.

7. To what extent is the Vicaría engaged in current concerns and to what extent are they projecting towards the future? To what extent has the Vicaría been able to combine pressing immediate tasks with long-term challenges? To what extent does the Vicaría promote an internal process of review and self evaluation? Have any exercises of this sort yielded important results?

The Vicaría continues to attend to new cases of rights violations, while slowly turning its thoughts to the future. In this respect the emphasis has been on preparing data and documentation for legal action in the post-Pinochet period and expanding the role of the Vicaría in popular education. The Vicaría fully expects to be pursuing legal actions for some

years to come in the post-dictatorship period and even envisions itself as being in the somewhat uncomfortable position of defending accused rights violators, if they have no alternative source of legal assistance.

With respect to popular education, the Vicaría after two years of study and reflection, initiated a program of civic action in late 1987. The leadership of the Vicaría is enthusiastic about the program of training animadores for work throughout the country, as well as the dissemination of popular education materials. The latter are quite basic and it would appear advisable for the Vicaría to seek out additional technical assistance to evaluate their impact and regularly revise them. The strength of the Vicaría's initiative is that they can use the Catholic Church's network throughout Chile to disseminate the materials and organize programs.

The Vicaría completed an extensive internal review and self-evaluation in March 1988. This was in addition to weekly reviews, as well as periodic examinations of trends in terms of individual cases. The conclusion of the self-evaluation was that it was necessary to deepen the process of reflection on the role of human rights in a democratic society. To accomplish the latter the Vicaría felt it had to understand better how to communicate with the general public. The Vicaría needs some assistance in this area from technical experts.

With respect to internal matters the Vicaría plans to expand its administrative staff and improve internal communication and the office atmosphere. It also feels the need for more regular analysis of changes in the human rights situation and its impact on the types of cases brought to it. Furthermore, the staff desires more follow-up on legal actions,

particularly cases involving releases from detention. There is some sense that there are currently more possibilities of favorable decisions in the courts than previously. However, the October 1988 sanctioning of a judge in a torture case suggests that substantial limitations will continue.

Internal reviews and self-evaluations generally occur when the demands of the work have diminished. Under crisis conditions such as in 1983-1984 such activities are not possible. The current ferment in the aftermath of the victory of the no will probably restrict such reviews. Hence, what the Vicaría accomplishes with respect to its current agenda will be determined, to a great extent, by the general political and human rights situation over the next couple of years.

8. To what extent does the Vicaría interact with governmental authorities? What can adequately account for its continued operation and prominence on the one hand, and the pattern of governmental repression and harassment on the other? To what extent do human rights activities represent a threat or challenge to the Chilean government?

The Vicaría has no formal contacts with the government, although it does maintain informal ones. This is done primarily via the auxiliary bishop of Santiago, Monsignor Sergio Valech, whose office handles the archbishopric's relations with the government. Since Valech is also the titular head of the Vicaría, he uses the access derived from his other post to communicate the preoccupations of the Vicaría. These contacts are sporadic and generally in reaction to specific problems.

The advisory commission established by the Ministry of the Interior in 1987 to deal with human rights matters has not been particularly useful. Valech occasionally communicates with the carabineros and

branches of the armed forces concerning violations. The Catholic Church in October 1988 offered its good offices to facilitate dialogue between the government and the opposition. To date the government does not appear interested. Furthermore, there is, at present, no formal dialogue between the Vicaría and the government.

The survival of the Vicaría in the face of repression and harrassment by the regime is attributable largely to the outrage generated by the nature and scope of the government's violations of human rights, the credibility and protection of the Catholic Church, and the Vicaría's accomplishments over the years. It is also the result of increased consciousness among the Chilean public of the importance of respect for rights in a democratic society.

The human rights movement in Chile as a whole served to raise questions concerning the legitimacy of the Pinochet government. The Vicaría is the symbol of that movement. It also carries the most moral authority. The defeat of the government in the plebiscite has fortified the influence of the Vicaría. That position can, however, be eroded if the transitional phase becomes highly conflictual.

The Vicaría's staff is highly pragmatic in recognizing that bringing an end to the Pinochet regime will probably require some concessions. Hence, the Vicaría has emphasized preparing for a gradual evolution towards democracy rather than an abrupt change. There is among the Vicaría's leadership a fear of too rapid or extreme change which might destabilize the transitional phase. Some take issue with this, but the majority of major political actors appear to accept it.

9. To what extent has the Vicaría been able to satisfy its objectives in

the international arena? During the course of the past decade how have its international relationships evolved?

Internationally, the Vicaría is highly respected by human rights organizations, as well as governments. Its ecclesiastical base allowed it to insert itself rapidly into a farflung network that provided funding and outlets for denunciations of violations. Given the fact that it is largely funded from abroad there is some preoccupation about its survival if repression is ended. The Vicaría's response is that there will be sufficient resources for legal redress for some years, while popular education programs could be absorbed, to a degree, by local and diocesan churches, as well as by secular institutions. However, the raising of consciousness among international funders about likely future needs should be undertaken now by such human rights organizations. Convincing funders to maintain support in the future should be a priority task.

It is likely that if there is a substantial drop in violations the Vicaría will reduce its activities in favor of civic organizations that currently are limited in their ability to function. It is also likely that the Vicaría will continue to exist in some form well after the end of Pinochet.

The Vicaría's contacts with the Instituto Interamericano de Derechos Humanos (IIDH), United Nations (UN), Comisión Interamericana de Derechos Humanos (CIDH), Americas Watch (AW), Washington Office on Latin America (WOLA) and Amnesty International (AI) have increased over the past ten years. There is a good deal of trust and cooperation among them. The Vicaría has served as one of the principal sources of technocrats for the programs of the IIDH, as well as for local groups in Argentina, Brazil, Colombia, El Salvador, Honduras, Uruguay and elsewhere. It has also

provided some technical assistance for local Chilean groups, including the Asociación de Magistrados.

On the other hand, the Vicaría has underutilized such institutions as the Interamerican Commission of Human Rights, as well as the Interamerican Court. To date they have not asked for specific assistance from international institutions in using international law for redress of violations. This is in part because Chile is not a signatory to a good number of international instruments, and relations between the Pinochet government and the Organization of American States (OAS) are difficult. Nevertheless, some useful assistance could be provided by these, as well as by such organizations as Americas Watch and the International Law Group. The recommendations of John Detzner in the Revista IIDH (No. 6) are a good start.

10. What is the Ford Foundation's comparative advantage in working with the Vicaría? Which activities and concerns ought to be given priority?

Ford's advantage in working with the Vicaría is that it is the most effective and credible organization providing legal recourse for those suffering human rights violations in Chile. As the CERC survey indicated the Catholic Church and the Vicaría are the most esteemed institutions in Chile today. None of the fifty-seven individuals I interviewed in March 1988, including those from the military, Renovación Nacional, or the Partido Nacional argued that the Church should not engage in human rights work. Rather critics argued that the Vicaría should consult more with people on the right and denounce more strongly attacks on the armed forces. The Vicaría hopes to have greater contact with the right during the transitional phase and has always objected to rights' violations

irrespective of their source.

Priorities for Ford in funding the Vicaría should be maintenance of the legal defense work and increased support for programs that lay the basis for dealing with justice issues in the transitional and post-Pinochet periods. The Vicaría should be encouraged to do more brainstorming concerning the types of legal actions that will be initiated and how to conciliate conflicting opinions among victims of violations. It is imperative that working groups begin more specific discussions of the judicial, legislative, and constitutional reforms needed. The Vicaría should be encouraged to assume a greater role in bringing together Chilean and non-Chilean human rights organizations to explore these issues and prepare specific proposals. Otherwise, the types of problems that have arisen in Argentina, Brazil and Uruguay are likely to appear with similar destabilizing consequences. It would be wise for them to solicit memos from human rights organizations and activists in such countries as Argentina, Brazil, and Uruguay concerning specific problems encountered in transitions to civilian government and thereafter. While each country is obviously different, there are lessons to be learned. This would follow-up some of the discussions generated at the October 1987 meeting coordinated by José Zalaquett. Another meeting focusing specifically on this topic is in order for 1989. In addition, the Vicaría should intensify its efforts to reach out to non-human rights actors particularly in the democratic right to inform and encourage them to concern themselves with rights issues in the future.

Secondly, Ford should explore assisting the Vicaría in expanding its promotion and popular education programs, particularly through funding

expanded training for the animadores, the addition of some pedagogical experts, and funds for greater interchange with international programs in human rights education such as CEEAL's, UNESCO's and the IIDH's. The civic action programs could serve as a laboratory for devising methodologies for other countries emerging from periods of intense repression. Such educational efforts have the potential of increasing citizen capacity to defend their rights, as well as reducing the level of fear of civic participation. The plebiscite suggested the importance of such efforts in getting out the vote. In short, popular education could help consolidate the gains of the last fifteen years, as well as help in the healing process.

Third, in pursuing the legal defense of human rights the Vicaría could make a substantial contribution by identifying groups of cases that reflect substantial problems and bring them to the attention of such international actors as the Interamerican Commission on Human Rights and the U.N. In order that the knowledge and expertise gained over the past fifteen years not be dissipated, basic principles and legal strategies need to be inserted into the public mind. This can be done, in part, through maintaining the focus on the Chilean experience even if the repression decreases. Furthermore, given the weakness of the Chilean judiciary outside reinforcement would be prudent.

Fourth, the Vicaría could wisely use the increased political space of the transitional phase to reduce prejudices and misinformation about human rights work among the Chilean public. This would involve making its publications and educational programs more accessible both in terms of distribution and conceptualization. Furthermore, the astute use of



public relations and outreach programs to conscientize influential sectors would also be valuable.

Fifth, obviously, all the above recommendations require substantial continued financial support.

## VI. CONCLUSIONS AND RECOMMENDATIONS

Funders of human rights organizations tend to be highly responsive to crisis situations. The latter are generally defined as periods of extreme repression, rather than when political circumstances open up the possibility of change. In reality, however, the human rights organizations in Chile are today facing as much of a crisis as when there were numerous assassinations, torture and disappearances. In fact given the outcome of the plebiscite, the Vicaría and the CCDH are at critical junctures. The demands on them over the next two years will be extraordinary.

In contrast to the Brazilian military regime (1964-1985) the Chilean one is highly personalistic suggesting that the institutional base for the transition to civilian government is not as secure. Pinochet's statements since the plebiscite suggest the possibility that he will attempt to in some way impede the process and given the continued concentration of power in his hands, as well as the nature of the constitution, he may have some success. This will require responses from the human rights organizations to problems that have not been faced before. In addition, unlike the Argentine military government (1976-1983) the Chilean armed forces have not suffered a military defeat. Nor have the Chilean government's economic policies been largely discredited. The upshot is that the Pinochet regime does not appear to have as great a commitment to withdraw from government as the Brazilian military did. Nor are the armed forces as weakened as the Argentine's were. While the Chilean military has, to date, respected the constitutional process there is no guarantee that disorder, manufactured or not, might not prompt them to change their mind. The next months are therefore going to be highly tense with substantial pressures on the human rights organizations.

The Vicaría and the CCDH will be expected to participate in the negotiations that will determine the nature of the transition and the subsequent government. Controversy concerning the issue of justice for those who have suffered gross violations of their rights will thrust the Vicaría and the CCDH into a maelstrom. Both organizations will be expected to play leading roles in this controversy and will need considerable assistance in helping see that the issue is resolved without major destabilizing consequences. Since the Vicaría, CCDH and the Academia are critical institutions for the devising of possible constitutional, legislative and judicial reforms to promote the redemocratization of Chile, they need to be assisted in preparing themselves as best they can in the time available.

If the transition is aborted by a coup, there will be a reimposition of a high degree of military control with an attendant escalation of rights violations. This will place more traditional demands on the Vicaría and the CCDH after they have been psychologically geared up for change. Frustration, loss of hope, and exhaustion are sure to result. The possibility that rights activists will become targets of repression is good. Such a crisis could close down the Vicaría or the CCDH leaving the general public with virtually no defense against repression.

While the above are not the only scenarios, they do suggest that substantial funding from Ford is more critical now than in the past. As a consequence, I make the following recommendations:

1. Reinforce those programs that will increase human rights consciousness at all levels of Chilean society and encourage civic participation. These include the popular education program of the Vicaría and the work of the Base Committees

and Regional Commissions of the CCDH. Funds for technical assistance for these efforts should be provided in order to improve their educational effectiveness.

2. The Vicaría and the CCDH should be encouraged, together with the Academia, Asociación de Magistrados, Colegio de Abogados, and other relevant organizations, to redouble their efforts to attempt to devise criteria to deal with the justice issue, as well as specific formulas. In addition, more brainstorming needs to be done concerning constitutional, legislative and judicial reforms. Human rights organizations need to meet on a regular basis with politicians, businessmen, judges, labor leaders, women, students and educators, among others, to discuss problems and possibilities. Small working groups of analysts and practitioners should be convoked to study specific constitutional and legislative changes, as well as judicial reforms.
3. The Vicaría and CCDH, together with other human rights organizations, should be encouraged to examine closely the reasons for the increase of generalized violence in Chilean society and means to combat it. To date there has been a dearth of analysis on this problem, although it is widely recognized. ILAS, FASIC and the Fundación para la Protección de la Infancia Dañada por los Estados de Emergencia (PIDEE) should be incorporated into this effort, as they have already begun to study the problem.
4. The Vicaría and CCDH should be encouraged to intensify their international contacts in order to maintain pressure on the

Pinochet government to respect the constitutional process. Furthermore, both organizations need to prepare cases for submission to international agencies that will help translate the Chilean experience into international legal precedents. They also need to prepare themselves to provide greater technical assistance abroad through expanded exchanges.

5. The Vicaría and CCDH should be assisted in devising pragmatic options in case the transition is disrupted and they become the targets of heavy repression.

As noted earlier, such initiatives should be supported without cutting into the core programs of the Vicaría and the CCDH.

## BIBLIOGRAPHY

- Americas Watch. Human Rights Concerns in Chile. New York: Americas Watch, March, 1987.
- Americas Watch. The Vicaría de la Solidaridad in Chile. New York: Americas Watch, 1987.
- Amnesty International. Chile: Persecution of Human Rights Monitors and Members of the Clergy--Recent Cases. New York: AI, February, 1987.
- Baloyra, Enrique, ed. Comparing New Democracies: Transition and Consolidation in Mediterranean Europe and the Southern Cone. Boulder: Westview, 1987.
- Becker, David and Lira, Elizabeth. "Victims of Political Oppression: The Experience of Chilean Women." Symposium: Women and Grief: Cross Cultural and International Perspectives. American Psychological Association, 94th Annual Meeting, Washington, D.C., August, 1986.
- Borzutsky, Silvia T. "The Pinochet Regime: Crisis and Consolidation," Malloy, James M. and Seligson, Mitchell A., eds. Authoritarians and Democrats: Regime Transition in Latin America. Pittsburgh: University of Pittsburgh Press, 1987. pp. 61-89.
- Bruneau, Thomas C. and Mooney, Mary. "A Political Transition in Chile? Problems and Prospects on the Long Road to Democracy." Naval Postgraduate School, Monterey, California, NPS 56-87-012.
- Camus L., Carlos. "La experiencia de la iglesia chilena en la defensa de los derechos humanos," Frühling, Hugo, ed. Represión política y defensa de los Derechos Humanos. Santiago: Academia de Humanismo Cristiano, 1986.

- CED-IFDA. Proyecto CED-IFDA 1987-89 Trabajo y Dignidad para todos: Compromiso de la democracia chilena. 32 pp.
- CERC. Informe preliminar sobre primera encuesta nacional. Santiago, enero de 1988.
- "Chile: Religious Denounce Pinochet's Immorality," LADOC, vol. 18, no. 5 (May/June 1988), p. 9-12.
- Chilean Commission for Human Rights. Memorandum Concerning the Situation of Human Rights in Chile in 1986. Santiago, November 3, 1986.
- "Church: Chile" Latinamerica Press, vol. 20, no. 8 (3/10/88), p. 2.
- "Church: Chile: Latinamerica Press, vol. 20, no. 9 (3/13/88), p. 2.
- "Church: Chile: Latinamerica Press, vol. 20, no. 9 (3/17/88), p. 2.
- Comisión Chilena de Derechos Humanos. Bases para un programa educacional en derechos humanos. Santiago, agosto de 1985.
- Comisión Chilena de Derechos Humanos. La comisión Chilena de Derechos Humanos. Santiago: CCDH, [1986].
- Comisión Chilena de Derechos Humanos. La comisión Chilena de Derechos Humanos, 1987.
- Documento de referencia para discusión del temario. Reunión del 8 al 11 de octubre de 1987, Santiago de Chile, December, 1987.
- Drake, Paul and Eduardo Silva, eds. Elections and Democratization in Latin America 1980-85. San Diego: Center for Iberian and Latin American Studies, 1986.
- Esponda F., Jaime. "Objetivos y criterios estratégicos aplicados por la Vicaría de la Solidaridad de Santiago en su tarea de defensa de los Derechos Humanos." Frühling, Hugo, ed. Represión política y defensa

de los Derechos Humanos. Santiago: Academia de Humanismo Cristiano, 1986.

Fitch, J. Samuel. "The Armed Forces and Democracy in Latin America." Discussion Paper Prepared for the Plenary Session of the InterAmerican Dialogue, October 16-18, 1987.

Frasa, Tim and Smith, Michael, "Chile: Humanist Party Attracts Youth Turned Off by Old Guard's Stodginess," Latinamerica Press, vol. 20, no. 15 (4/28/88), p 5.

Frühling, Hugo. Autoritarismo y Defensa de los Derechos Humanos: Estudio de la Vicaría de la Solidaridad en Chile. Trabajo preparado para el Seminario, "La cultura del Miedo en los Regimenes Militares del Cono Sur." Cuaderno de Trabajo no. 2, Programa de Derechos Humanos, Academia de Humanismo Cristiano, Septiembre, 1985.

Frühling, Hugo. "Derechos Humanos: Naturaleza, Vigencia y Futuro," Paper presented at the Seminar: Ciencia Política y Derechos Humanos. UNESCO and the Interamerican Institute of Human Rights, Santiago, Chile, 1987.

Frühling, Hugo. "Nonprofit Organizations as Opposition to Authoritarian Rule: The Case of Human Rights Organizations and Private Research Centers in Chile," PONPO Working Paper #96 and ISPS Working Paper #2096. Santiago, Chile: Programa de Derechos Humanos, Academia de Humanismo Cristiano, April, 1985.

Fundación Civitas, Programa de Educación Cívica en Chile. Santiago, Chile 1987.

Garretón, Manuel Antonio. "The Political Evolution of the Chilean Military Regime and Problems in the Transition to Democracy," O'Donnell, Guillermo, Schmitter, Philippe C. and Whitehead, Laurence, eds.



Transitions from Authoritarian Rule: Prospects for Democracy.

Baltimore: The Johns Hopkins University Press, 1986, pp. 95-122.

Human Rights Watch. The Persecution of Human Rights Monitors:

December 1986 to December 1987--A Worldwide Survey. New York:

Human Rights Watch, 1987.

Huneus, Carlos. "From Diarchy to Polyarchy: Prospects for Democracy in

Chile," Baloyra, Enrique A., ed. Comparing New Democracies:

Transition and Consolidation in Mediterranean Europe and the

Southern Cone. Boulder: Westview Press, 1987, pp. 109-150.

"Hurdles Faced by Opposition in Chilean Plebiscite." Human Rights Watch

(March 1988), p. 6.

Instituto Interamericano de Derechos Humanos. Documento Guía del

Seminario Organizaciones de Derechos Humanos en América del Sur.

Reunión del 3 al 5 de Diciembre de 1987, Santiago de Chile.

Instituto Latinoamericano de Salud Mental y Derechos Humanos [ILAS].

Creación de un programa de asesoría y comunicación con

organismos de salud mental y derechos humanos a nivel nacional y

latino americano. Santiago, 1988.

Instituto Latino Americano de Salud Mental y Derechos Humanos, (ILAS).

Estudio de las consecuencias psicosociales de las violaciones de

los derechos humanos en Chile: psicología del terror y conducta

colectiva. Santiago, 1987.

Instituto Latino Americano de Salud Mental y Derechos Humanos, (ILAS).

Proyecto: Creación del Instituto Latino Americano de Salud Mental y

de Derechos Humanos. Santiago, 1988.

Instituto Latino Americano de Salud Mental y Derechos Humanos and

Academy of Christian Humanism. Project: Extreme Traumatic

Experiences: Therapy, Research and Strategies for Health Policy.

Santiago, Chile, January, 1988.

Manitzas, Nita Rous. "Excerpt from Article on Chile and Argentine Human

Rights: Guidelines to Base Human Rights Committees," June 1986.

Manitzas, Nita Rous. Report on the CCDH. June, 1986.

Martínez Nogueira, Roberto. "Informe de Evaluación de la Tarea del

Departamento Zonas de la Vicaría de la Solidaridad y de los Equipos

Zonales de Solidaridad. Proyecto CH-324." Agosto de 1985.

Santiago, Chile.

Mera F., Jorge. "Posibilidades de expansión de los Derechos Humanos en una

futura sociedad democrática en Chile." Frühling, Hugo ed. Represión

política y defensa de los Derechos Humanos. Santiago: Academia de

Humanismo Cristiano, 1986, pp. 295-321.

Montealegre Klenner, Hernán. "Letter to Michael Shifter, Asesor de

Programa, Fundación Ford, Apartado 8025, Lima, Peru." Santiago, 28

de Diciembre de 1987.

Montealegre Klenner, Hernán. Una Sociedad Nueva Fundada en los Derechos

Humanos. December, 1987. Santiago, Chile.

Morales, Francisca, "Nuns show 'church's human face' to Chile's poor,"

Latinamerica Press. vol. 20 no. 17 (5/12/88), p. 3.

Palet, Enrique. "The Church and Human Rights in Chile," Chile: Human

Rights and U.S. Policy. Washington, D.C.: WOLA, 1985.

Sagaris, Lake, "Regime warns against extremist church; church workers

label Pinochet 'Cain,'" Latinamerica Press, vol. 20, no. 14 (April 21,

1988), pp. 5-6.

Stewart-Gambino, Hannah W. "The Catholic Church and Redemocratization

in Chile," Paper presented at the Latin American Studies

Association Meeting, New Orleans, March 17-19, 1988.

Stover, Eric. The Open Secret: Torture and the Medical Profession in Chile. Washington, D.C.: American Association for the Advancement of Science, 1987.

Valenzuela, Arturo. "Memo to Sam Fitch: Reflections on Regime Transition and Civil-Military Relations in Chile." 10/3/87. Washington, D.C.

Vicaría de Solidaridad, Arzobispado de Santiago. Protección de la Libertad Personal. Santiago, 1986.

"The Vicaría in Chile Under Attack." Human Rights Watch, no. 5 (December 1987), p. 3.

Viera-Gallo, José Antonio and Rodríguez, Allendes. "Investigación sobre ideologías, partidos y derechos humanos en Chile." Programa de Derechos Humanos de la Academia de Humanismo Cristiano. Santiago, 1987.

Washington Office on Latin America. Chile: The Multilateral Development Banks and U. S. Human Rights Law: A Delegation Report. Washington. WOLA, 1986.

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**3 enero 1989**

Señor Enrique Palet  
Vicaría de la Solidaridad  
Plaza de Armas 444, 2o. Piso  
Casilla 26-D  
Santiago, Chile

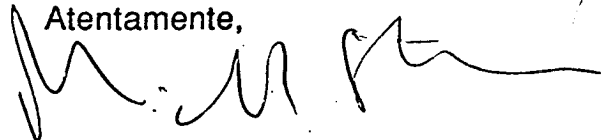
Estimado Enrique:

Tengo el placer de enviarte una copia de la evaluación (la parte relevante a la Vicaría) realizada por la señora Margaret Crahan, una consultora contratada por la Fundación. Como recordarás, la señora Crahan realizó una serie de entrevistas en Chile en marzo pasado. Lamento que la evaluación se haya demorado pero pienso que ésta es bastante actualizada y tal vez aún más útil y valiosa por tomar en cuenta el resultado del plebiscito de octubre pasado.

Te felicito a tí y a todos tus colegas de la Vicaría. Como podrán apreciar es una evaluación sumamente positiva sobre su trabajo y el papel fundamental en el contexto chileno. Como ya te habia dicho antes, nuestro deseo y esperanza es que este documento les sirva en el futuro cuando se encuentren enfrentando nuevas condiciones así como nuevos desafíos programáticos. En un espíritu de colaboración y libre intercambio, nosotros estaríamos interesados en saber cualquier comentario que tengan al respecto.

Aprovecho esta oportunidad para felicitarles nuevamente en su importante labor, y desear a tí y a tus colegas lo mejor para este año.

Atentamente,



Michael Shifter  
Asesor de Programa

Adjuntos