

**WILPF REPORT ON ITEM 6:
UPR REPORT CHILE**
(12th HRC Session - 24 September 2009)



Summary:

Mr. Portales, the Ambassador for Chile to the UN in Geneva, focused on the ratification of international human rights instruments in following up on their UPR review. In short, he expected the ratification of the following instruments in the near future:

- Rome Statute of the International Criminal Court;
- International Convention for the Protection of all Persons against Enforced Disappearances;
- Establishment of a regional office of the Office of the High Commissioner for Human Rights in Chile;
- Optional Protocol of the International Covenant on Economic, Social and Cultural Rights;
- National mechanism to fight torture and inhuman treatment;
- National action plan to comply with the Vienna Declaration.

Only a few States made usage of the interactive dialogue. Algeria recalled the principle of equal pay for equal work and pushed for the inclusion of this in Chilean domestic law. Furthermore he urged the Chilean to ensure access to education for children from the weaker social groups. Mexico requested Chile to improve its efforts to ensure protection of the human rights for their Indigenous population. Hungary focused on the potential updating of domestic law against human trafficking and the protection of refugees.

Multiple NGOs regretted that Chile did not take on recommendations to provide safe abortions, especially after cases of rape or when the life of the mother is at risk. In light of a wave of violence in the south of Chile, Amnesty focused on the possible discriminatory use of the anti-terrorism law against Mapuche Indigenous. Multiple NGOs added that the lands of indigenous populations are threatened by hydroelectric installations from multinational corporations. The anti-terrorist law was applied solely to members of the indigenous community, resulting in loss of guarantees for safe trials and making usage of preventative imprisonment. The Society for Threatened People said that these developments were not in line with the recent signing of the Declaration on the Rights of Indigenous Peoples. The Organisation for Defending Victims of Violence raised issues concerning landownership and the establishment of a National Human Rights Issue. Connectas Direitos Humanos called on the Government to create a follow-up mechanism for the UPR recommendations.

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1. CHILE

[Ambassador Carlos Portales]

The Ambassador said that the Universal Periodic Review of Chile was used to renew their commitments to take up remaining challenges. He expressed his appreciation for the 76 recommendations which were made during the UPR. He described progress against impunity and the deposited ratification for the Rome Statute, making the Chilean accession to the International Criminal Court official. He announced the ratification of the International Convention for the Protection of all Persons against Enforced Disappearances would be deposited soon. Two other important instruments were announced to be signed the week after the UPR report review: (1) an agreement for the establishment of a regional office of the Office of the High Commissioner for Human Rights in Chile and (2) the Optional Protocol of the International Covenant on Economic, Social and Cultural Rights.

Mr. Portales further noted that that there had been an agreement for the reopening of the Chilean Truth and Reconciliation Commission for a period of six months in order to register new complaints. Last August, a seminar had been held in Chile with the aim of seeking the most practical way to create a national mechanism to fight torture and inhuman treatment. They would also soon codify the offence of torture. To comply with the Vienna Declaration, the Government was working on a national human rights plan with a view of protecting and promoting all human rights. Nine days ago, the International Labour Organization Convention 169 had also come into force.

2. STATES

Algeria:

Congratulated Chile on steps taken against discrimination against women. The principle of equal pay for equal work should be included in domestic law and adhered to. Access to education for children, especially from the weaker social groups, should be ensured by the Government.

Morocco:

Thanked Chile for favourably taken on board the recommendations made by the OIC and Morocco, especially those in keeping to the Paris Principles. Expressed surprise with the news that Chile will establish a NHRI.

Colombia:

Colombia thanked Chile for the diligence they had given to the various recommendations and and noted its determination to draw up a national human rights plan. The voluntary commitments to the special procedures for the council were welcomed.

Mexico:

Mexico congratulated Chile on the recent adoption of the Rome Statute, the approval of the bill on forced disappearances by the Congress, the recent acceptance of the Optional Protocol, a national mechanism for the follow-up to the Optional Protocol on the Convention against Torture was positive, and the adoption of the National Human Rights Plan. Chile was encouraged to protect the human rights of Indigenous populations and expressed the wish to improve its human rights situation and face up to the challenges.

Nicaragua:

Nicaragua encouraged Chile to comply with the various legislative initiatives that had been submitted to its parliament for consideration.

Hungary:

Hungary would welcome an update to the drafting of domestic law on combating of all forms of human trafficking and on measures the Government intended to take in order to improve the situation of refugees and to guarantee the full realization of their rights.

3. NGOs

Canada HIV/AIDS Legal Network:

Chile's positive adoption of recommendations 27, 28 and 29 were welcomed by the NGO representative. The NGO regretted that Chile did not take on recommendations of the provision of safe abortions, especially after cases of rape or when the life of the mother is at risk.

Amnesty International:

AI called on Chile to ensure that it is independent in its decisions and powers. Amnesty welcomed the focus on the enhancement of the right of Indigenous peoples. In light of a wave of violence in the south of Chile, Amnesty focused on the possible discriminatory use of the anti-terrorism law against Mapuche indigenous. The representative expressed regret that abortion law recommendations from Sweden and Finland were not taken on, as it contributes to the right of health for mothers

France Libertés, Fondation Danielle Mitterand:

Anti-terrorist law has led to the discriminatory measures against Mapuche and blockades for journalists trying to cover these. The lands of indigenous populations are threatened by hydroelectric installations from multinational corporations. At the same time, the Chilean State has forced very cruel repression on the indigenous people. The anti-terrorist law was applied solely to members of the

indigenous community, resulting in loss of guarantees for safe trials and making usage of preventative imprisonment.

Society for Threatened Peoples:

SCP recalled the recommendation from Slovenia for bilingual schooling possibilities. The NGO representative referred to the Chilean Unitarian State system as colonialism. The ancestral lands are not given to the Mapuche and redress is not ensured. The Indigenous peoples are rarely consulted on matters important to them. Chile does still criminalize the Mapuche leaders, which is not in line with the recent ratified Declaration on the Rights of Indigenous Peoples.

Connectas Direitos Humanos:

CDH called on the Government to create a follow-up mechanism for the UPR recommendations.

International Association Against Torture:

Chile should follow up on recommendations made on the investigation of alleged cases of torture. The Chilean police have inflicted cruel and inhumane treatment of prisoners, even when perpetrators are identified there are not. Czech republic should be followed up, public authority officers, including police forces should be educated in human rights law. The Government does not identify the Mapuche authority.

Juridical Commission for Auto-Development of First Andean Peoples (CAPAJ):

CAPAJ recalled recommendation 16, which states that the Chilean government has to adopt new measures to fight trafficking of humans. The Chilean government penetrated into the area of Peru. In 1921 new peace treaty came into effect between Chile and Peru. In this there was a split up of an Indigenous Peoples, families were split up. For many Peruvians it was highly difficult to create a sustainable livelihood in Chile. A high percentage of sex trafficking is noted at this border area.

Organisation for Defending Victims of Violence:

ODVV congratulated Chile on its determination to work on its human rights, but noted the following recurring issues: the rights of indigenous people, the area of land ownership and the establishment of a NHRI.

Indian Council of South America:

There are historical treaties signed by Chile with Spain, which are the root cause for violations of the human rights of indigenous peoples. Anti-terrorism legislation should not have a discriminatory impact on indigenous peoples.

International Commission of Jurists:

Military tribunals should not be used for civil trials. Impartiality and the right to a fair trial need to be guaranteed.

Conscience and Peace Tax International:

Objection of conscience is available to relatives of victims of human rights violations. This is not a question to conscientious objection though to military service. Until now Chile has been able to only attract voluntary military, but in case that this would not work out there should be a legal framework for conscientious objection.

Federation for Women and Family Planning:

FWFP greatly regret recommendations 24b and 34a, because they believe its paramount that women and girls need to have access to safe abortion. In addition they urged the Chilean government to provide protection of transvestites and women engaged in sex work. State officers need to be trained on gender identity issues. Gender Identity law should be included in domestic law. Voluntary testing, treatment and surgery must be guaranteed to transsexuals.

4. RESPONSE CHILE

In the sixties Chile made huge progress in sexual and reproductive health for women. The maternal mortality rate dropped from 40 to 17 percent. Death by abortion is lowered down to 17 per year. Chile is reaching the MDG for maternal mortality. Public assistance for pregnant women and reaching out to children are successful measures. Indigenous peoples are more and more accepting modern hospital care in child birth.

Chile is promoting the rights of children via children health care and a family planning programme which provides free contraceptives. Emergency contraceptives are available under the direction of the Ministry of Health. Sterilisation is available for women without the need for consent of the husband. Induced abortion is part of the ongoing electoral discussion and the idea of reintroducing therapeutic abortion is part of the governmental policy.

Chile is said to be working towards increasing the involvement of the indigenous civil society.