



**SCHEMATIC MID-TERM REPORT ON
RECOMMENDATIONS MADE TO CHILE WITHIN
THE FRAMEWORK OF ITS UNIVERSAL
PERIODIC REVIEW (MAY 2009)**

March 2012

**19th Session
Human Rights Council**



The Chilean Government, committed with the promotion and protection of human rights, as well as with a culture of respect and non-discrimination, has decided to present a mid-term report on the progress made as regards the recommendations to its first Universal Periodic Review submitted in May 2009.

This commitment is reflected in the high percentage of recommendations fulfilled, several public policies under implementation and 20 laws already enacted and published. Fifteen bills are presently being discussed at the National Congress on matters connected with recommendations, and others are being studied by the Government.

The most significant advances during the last years include the establishment of the National Institute for Human Rights in accordance with the Paris Principles; the ratification of the Rome Statute; the ratification of ILO Convention No. 169 and the presentation of the first annual report on fulfillment, as well as the ratification of the International Convention for the Protection of all Persons from Enforced Disappearance. Domestically, several laws were enacted, particularly a law on the protection of refugees; a law codifying the illicit traffic in migrants and human beings; a law codifying the traffic in children and adults; and the law punishing sexual harassment and child pornography; the reforms to the military justice system and the Anti-Terrorism Act; and the preparation of policies and laws to fight women discrimination, to further equality between man and woman and violence against women.

It must be noted that this report, according to the participation principles governing the preparation of such documents, was submitted to the civil society last January 11. On said opportunity, comments and observations to this initiative were received.

This mid-term report has generally grouped the different recommendations made to Chile in 2009, under the International Human Rights Treaties ratified by Chile, including ILO Convention No. 169 on the Indigenous and Tribal Peoples in Independent Countries. As regards each Convention, recommendations and progress made are stated in bold characters.



RECOMMENDATION	PROGRESS AND FOLLOW-UP
The following recommendations have been accepted by Chile	
1. ESTABLISHMENT OF THE NATIONAL INSTITUTE FOR HUMAN RIGHTS AND RATIFICATION OF THE ROME STATUTE	
Rome Statute (Recommendation No.1)	Law No. 20,352, published on May 30, 2009, authorized the Chilean State to approve the Statute. On June 29, 2009, the ratification instrument was deposited. On July 18, 2009, Law No. 20,357 was published, which allows for domestic laws to be brought into line with the conducts punished by the Court under such Statute.
National Institute for Human Rights (Recommendations No. 7, 10 and 11)	On December 10, 2009, the National Institute for Human Rights was established in accordance with the Paris Principles contained in Resolution 48/134 of the UN General Assembly. The Institute began operating on July 20, 2010.
2. INTERNATIONAL CONVENANT ON CIVIL AND POLITICAL RIGHTS	
Voluntary objectives in human rights according to Resolution 9/12 of the Human Rights Council (Recommendation No. 4)	Information on the fulfillment thereof is provided in this report.
Harmonization of domestic laws, particularly the Criminal Code, with ratified instruments (Recommendations No. 6 and 8)	The Bill “constructing and bringing Chilean criminal laws into line with international treaties on human rights” is being discussed at the Parliament (Bulletin No. 6422-07).
Reform of the system of elections (Recommendation No. 7)	<p>* A bill on automatic enrollment and voluntary voting has been passed (Law No. 20,568, published in Official Gazette dated January 31, 2012), the most significant reform to our elections system in decades.</p> <p>In discussion in Parliament:</p> <p>* Bill regulating the direct election of Regional Councilors (Bulletin 7963-06).</p>



	* Bill establishing a framework for primary elections (Bulletin 7911-06).
Modernization of the justice system (Recommendation No. 12)	On May 18, 2009, a bill was introduced on the new civil procedural code. It is now being reviewed by an Inter-ministerial Committee. The President of the Justice System announced that it will be submitted to the consideration of the National Congress within the first half of 2012.
Measures to fight against discrimination on the grounds of sexual orientation and gender identity (Recommendations No. 19, 20, 27 and 28)	On this matter, two salient bills are under discussion: * One “establishing measures against discrimination” (Bulletin No. 3815-07) * One “establishing an agreement on civil union” (Bulletin No. 7873-07). During 2011, several initiatives, seminars, workshops and round tables were carried out on diversity and non-discrimination matters.
Initiatives on education to prevent discrimination (Recommendations No. 19, 20 and 27)	Law No. 20,501 on “Education quality and equity”, enacted early in 2011, guarantees education professionals’ rights to work in an environment characterized by tolerance and mutual respect.
Review of article 373 of the Criminal Code (Recommendation No. 29)	This rule refers to penalties for crimes against decency or morality in case of serious scandals or events. When implemented – on rare occasions – no bias exists as regards sexual orientation.
Human rights education and training to Carabineros, Policía de Investigaciones and Gendarmería (Recommendations No. 24, 42, 43 and 44)	These law enforcement officers are given a basic course and continuous training on human rights associated to police work. Also: * Policía de Investigaciones has a Human Rights Squad responsible for educating detectives through the Human Rights Education and Dissemination Department * Gendarmería has a training manual on human rights * Carabineros created a Human Rights Division in November 2011
Office of the Ombudsman (Recommendation No. 11)	A bill on a “constitutional reform establishing the Office of the Ombudsman” is under discussion (Bulletin No. 6232-07)



<p>National Human Rights Plan (Recommendations No. 11 and 15)</p>	<p>The preparation thereof was entrusted to the Human Rights Undersecretariat. The bill establishing said Undersecretariat was signed by the Executive on January 30, 2012.</p>
<p>Total elimination of the death penalty (Recommendation No. 30)</p>	<p>A bill is under discussion to “amend the Military Code of Justice by eliminating the death penalty” (Bulletin No. 6168).</p>
<p>Reform and upgrade of the detention system (Recommendations No. 13 and 35)</p>	<p>The Chilean Government has decided to carry out a comprehensive reform of the detention system, which reform has been active since May 2011.</p> <p>Initiatives like the strengthening of measures alternative to incarceration and the implementation of an integrated remote monitoring system using electronic bracelets (Bulletin 5838-07; a bill on general pardon (which is presently at the final stage of its processing within the Senate (Bulletin 7533-07)) and amendments to the conditional release system and non-payment of fines (Bulletin 7534-07) are under discussion.</p>
<p>Fight against human trafficking (Recommendation No. 36)</p>	<p>On April 1, 2012, Law No. 20,507, which “codifies the illicit traffic in migrants and in human beings and sets regulations for its prevention and a more effective criminal prosecution”, was enacted.</p>
<p>Search for truth and justice and investigation and accountability for human rights violations perpetrated within the 1973-1990 period (Recommendations No. 9, 13, 37 and 44)</p>	<p>In this regard, Law No. 20,405 of December 10, 2009 provides:</p> <ul style="list-style-type: none"> * The reopening of the Truth Commissions on serious human rights violations perpetrated in Chile during said period. * The establishment of a Consulting Committee for the Assessment of Disappeared Detainees, Political Executed Prisoners and Victims of Political Imprisonment and Torture, which became effective on February 17, 2010. * The extension of powers vested in the Law No. 19,213 Continuation Program, Ministry of the Interior and Public Security (known as Human Rights Program).
<p>Legal amendments to address the issue of amnesties for perpetrators of human rights violations</p>	<p>At present, a bill “constructing article 93 of the Criminal Code on statute of limitations of criminal actions in case of crimes especially punished under the International Law (Bulletin 3959-07), is at the second constitutional processing stage at the</p>



(Recommendations No. 38 and 39)	Congress.
Reforms to military justice (Recommendations No. 46, 47, 48 and 49)	Law No. 20,477 of December 10, 2010, which “amends the jurisdiction of military courts”, restricts jurisdiction of military courts to the Armed Forces, to the exclusion of civilians and underage children. It also derogates the offense of contempt of public authority.
Situation of refugees (Recommendation No. 71)	On April 12, 2010, Law No. 20,430, which “sets provisions on the protection of refugees” and establishes the “Commission for the Recognition of the Refugee Status”, was enacted.
Adhesion to principles and values which make up the identity of a country to promote the right to life and the family (Recommendation No. 52)	On this matter, see progress made as regards recommendations No. 22 and 23.
3. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS	
Integration of human rights promotion into school curriculums and prevention of discrimination (Recommendations No. 17 and 27)	On July 2, 2010, the General Law on Education (No. 20,370) was published. Said law is a huge progress in building a more equitable, democratic educational system (See Recommendation 55 on budget allocation). According to law, a curricular change process is being undertaken which involves new programs for the several educational levels and courses.
Bilingual Inter-cultural Education Program (Recommendation No. 56)	Within the framework of the General Education Law a Bilingual Inter-cultural Education Program is being undertaken, i.e. an educational approach aimed at rescuing and valuing differences existing between culturally diverse groups, seeking mutual recognition by both. The programs are designed to be implemented by “Traditional Educators or Wise Trainers”.
Budgetary allocation (Recommendation No. 55)	A chart showing the allocation of funds by the Ministry of Education during the last four years is enclosed. An increase by 1,870,731,892 Chilean pesos (US\$3,897,358) is observed in the



	gross budget of the Ministry of Education between 2009 and 2012.																									
	<table border="1"> <thead> <tr> <th>Year</th> <th>Gross budget Min. Educ. (CLP thousands)</th> <th>Bilingual Inter-cultural Program (CLP thousands)</th> <th>School Preferential Subsidy (CLP thousands)</th> <th>Rural School Transportation (CLP thousands)</th> </tr> </thead> <tbody> <tr> <td>2009</td> <td>4,120,942,931</td> <td>1,237,377</td> <td>111,196,196</td> <td>1,377,168</td> </tr> <tr> <td>2010</td> <td>4,758,913,821</td> <td>1,616,072</td> <td>144,281,364</td> <td>1,363,145</td> </tr> <tr> <td>2011</td> <td>5,082,471,000</td> <td>1,585,932</td> <td>238,496,894</td> <td>2,067,173</td> </tr> <tr> <td>2012</td> <td>5,991,674,823</td> <td>1,630,338</td> <td>253,191,567</td> <td>2,125,054</td> </tr> </tbody> </table>	Year	Gross budget Min. Educ. (CLP thousands)	Bilingual Inter-cultural Program (CLP thousands)	School Preferential Subsidy (CLP thousands)	Rural School Transportation (CLP thousands)	2009	4,120,942,931	1,237,377	111,196,196	1,377,168	2010	4,758,913,821	1,616,072	144,281,364	1,363,145	2011	5,082,471,000	1,585,932	238,496,894	2,067,173	2012	5,991,674,823	1,630,338	253,191,567	2,125,054
Year	Gross budget Min. Educ. (CLP thousands)	Bilingual Inter-cultural Program (CLP thousands)	School Preferential Subsidy (CLP thousands)	Rural School Transportation (CLP thousands)																						
2009	4,120,942,931	1,237,377	111,196,196	1,377,168																						
2010	4,758,913,821	1,616,072	144,281,364	1,363,145																						
2011	5,082,471,000	1,585,932	238,496,894	2,067,173																						
2012	5,991,674,823	1,630,338	253,191,567	2,125,054																						
4. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT																										
National Preventive Mechanism against Torture (Recommendations No. 14, 32 and 33)	The National Preventive Mechanism against Torture will be incorporated into the National Institute for Human Rights. At present, the Executive is analyzing its implementation.																									
Definition of Torture (Recommendations No. 32 and 33)	The Bill “amending the Criminal Code as regards the crime of torture and bringing it into line with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment” is pending at Parliament (Bulletin No. 6702-07).																									
Investigation of torture allegations (Recommendations No. 33 and 34)	On August 19, 2009, Administrative Prosecuting Offices were created at a national level to keep and enhance independence and transparency in investigations against Carabineros for alleged torture, mistreatment and excessive use of force against citizens.																									
5. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN																										
Measures to combat discrimination against women and further gender	Several legal amendments have been adopted to improve women’s working conditions and incorporation into the labor market, to wit:																									



<p>equality (Recommendations No. 19, 20, 21, 23, 25 and 26)</p>	<p>* Law No. 20,348 which “protects the right to equal compensation”, thus complying with the principle of equal compensation for equal work.</p> <p>* Law No. 20,535 which “authorizes the fathers of disabled children to leave the working place”</p> <p>* Law No. 20,399 which “grants male workers the right to a day care center”, thus extending the right to day care to fathers holding the legal custody of children under the age of 2.</p> <p>* Law No. 20,545 “amending the regulations on protection of motherhood and incorporating a parental leave (“Law on Parental Leave”)</p> <p>Concurrently with the foregoing, programs like “Working mother and head of household” and “Good working practices with gender equity” have been developed.</p> <p>In April, 2010, the “Presidential Consulting Commission on Women, Work and Maternity” was created and a 2010-2020 Third Plan for Equality between Women and Men for the Bicentennial Chile was designed.</p>
<p>Women Political Participation (Recommendations No. 21 and 25)</p>	<p>It must be noted that at the past elections (December 2009), women’s votes outnumbered that of men (by 500,000 votes). Female representation at the Senate increased from 5.3% to 13.1%. At the Lower Chamber, it stayed at 14.2%</p> <p>Additionally, a bill “establishing a balanced policy for men/women access to and exercise of popular election positions (Bulletin 5553-06) is currently under discussion.</p>
<p>Violence against women (Recommendations No. 22 and 23)</p>	<p>The entry into force of Law No. 20,480 or “Femicide Law” was a major progress on the matter. It amends the Criminal Code and the Domestic violence Law by punishing femicide, increasing penalties applicable to said offense, amending regulations on parricide and codifying sexual offenses. Additionally, programs like “Chile Acoge”, women’s centers and centers to attend to victims of violent crimes were created.</p> <p>Law No. 20,427 of March 2010, which “amends Law No. 20,066 on Domestic violence and other legal bodies and codifies</p>



	abuse of senior male and female adults, was enacted.
Sexual and reproductive rights (Recommendation No. 22)	In January 2010, Law No. 20,418 was enacted, which sets “regulations on information, orientation and benefits on fertility regulation”. According to said law, any person is entitled to receive clear, understandable, full and, if appropriate, confidential information and counseling on fertility regulation.
Reform to marital partnership (Recommendations No. 21, 26 and 51)	At present, a bill “amending the Civil Code and other laws, and regulating marital partnership” is under discussion (Bulletin 7567-07). The purpose of said law is to acknowledge women’s full capacity to discharge their duties and have the same rights and opportunities of the other spouse. Also, a bill “amending the Civil Code on the personal care of children” is under discussion (Bulletin 7007-18).
6. CONVENTION ON THE RIGHTS OF THE CHILD	
Indigenous children (Recommendations No. 19 and 53)	In this field, a strong dissemination campaign on the rights of indigenous children has been launched by means of programs to raise awareness of indigenous cultures, banners in the Children’s National Service website displaying children’s rights in the main Chilean indigenous languages (Mapudungun, Aymara and Rapa Nui), training of Service officers on indigenous matters, seminars and investigations on the matter and development of the “Intercultural Kindergartens” program.
Specialized Juvenile Justice System (Recommendation No. 50)	Law No. 20,084, which became effective in 2007, created a specialized juvenile justice system for teenagers between 14 and 18 years old. Also, a number of Guarantee Courts throughout the country Special Divisions in Juvenile Criminal Liability have been established.
Reintegration of juvenile offenders into society and deprivation of liberty as a last resort (Recommendation No. 50)	Law No. 20,084 provides that deprivation of liberty must be considered as a last resort measure, adopted under exceptional circumstances, and that it can only be applied to cases expressly set forth in the Law and always as a last resort.
Measures against the worst forms of child labour	The agenda on the matter is aimed at preventing these violations and attending victims under the aegis of the “action plan for the



<p>(Recommendation No. 53)</p>	<p>prevention and eradication of child labor”.</p> <p>Rights Protection Offices are available, as well as 16 specialized projects to attend sexually-exploited victims and specialized intervention programs, which in 2011 amounted to 93. They attended 7,730 boys, girls and adolescents, including victims of the worst forms of child labor. As regards the promotion of rights, the “Community Prevention Projects” stand out. At present, 63 such projects exist.</p> <p>In relation to social awareness, campaigns like the World Day against Child Labor (June 12) and the National Day against Commercial Sexual Exploitation of Children (May 18) have been developed.</p> <p>In October 2011, the Labor Code was amended by Law No. 20,539, which forbids children under 18 years old to perform any night work at industrial and commercial facilities. It also sets a period in which a child under 18 years cannot work at nights.</p> <p>On April 8, 2011, Law No. 20,507 became effective, which “codifies the traffic in children and adults and sets regulations for its prevention and a more efficient criminal prosecution of such crime”. On August 11 of that same year, Law No. 20,526 entered into force “which punishes sexual harassment of children, child pornography and possession of child pornographic material”:</p> <p>In 2010, a “National Observatory of Commercial Sexual Exploitation” was initiated, which contributed to the preparation of the “Second Framework for Action on the Commercial Sexual Exploitation of Children”, which is expected to be concluded within the 2012-2014 term.</p>
<p>Street children (Recommendation No. 53)</p>	<p>At present, 6 specialized projects, aimed at redressing damage sustained by street boys, girls and adolescents, are available. 447 children were attended in 2011.</p>
<p>7. INTERNATIONAL CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE</p>	
<p>Ratification of the Convention and acceptance</p>	<p>On December 8, 2009, Chile ratified the said Convention, therefore accepting the competence of its Committee.</p>



<p>of the Committee's competence (Recommendation No. 2)</p>	<p>Additionally, on January 13, 2010, it also ratified the Inter-American Convention on the Forced Disappearance of Persons.</p>
<p>Vindication (Recommendation No. 31)</p>	<p>October 30 was appointed as the Executed Political Prisoners National Day. On January 11, 2010, the Museum of Memory and Human Rights was inaugurated.</p> <p>Between 2009 and 2010, 6 memorials were erected in several localities within Chile, the inauguration of 2 other being still pending.</p> <p>As regards vindication measures, advances have been made in reconstructing the historic truth, prosecuting criminal liability and strengthening collective memory.</p>
<p>8. ILO CONVENTION No. 169 ON INDIGENOUS AND TRIBAL PEOPLES IN INDEPENDENT COUNTRIES</p>	
<p>Implementation of ILO Convention No. 169 and Indigenous Policy (Recommendations No. 16, 18, 40, 57, 59 and 66)</p>	<p>Based on the Convention, Chile has developed an indigenous policy entitled "Historical Reunion", which focuses on dialogue with the nine indigenous peoples inhabiting our country, from five different standpoints: participation and consultation, culture and identity, indigenous institutional framework, land and comprehensive development.</p> <p>On September 1, 2010, Chile submitted the first report on the implementation of the Convention to the competent ILO agencies and in September 2011, the replies to direct questions made by the Committee.</p>
<p>Effective participation and consultation (Recommendations No. 62, 63, 64, 65, 66 and 67)</p>	<p>Within the framework of "Dialogue for a Historical Reunion" 65 round tables have been carried out at a national, regional, provincial and municipal level since 2010.</p> <p>In the last few years, 25 consultation processes have taken place on several matters directly affecting indigenous peoples, including the claim for a consultation mechanism that is presently at a "pre-consultation" stage to define its implementation (consulta de la consulta).</p> <p>Additionally, on June 7, 2010, the Council of Ministers for Indigenous Affairs, responsible for assisting the President in the</p>



	<p>design and coordination of public policies addressed to indigenous peoples, was created. Finally, it must be noted that on January 15, 2012, indigenous peoples democratically elected their representatives to the position of indigenous councilors of the Indigenous Development National Corporation.</p>
<p>Indigenous poverty and socioeconomic inequality between indigenous and non-indigenous peoples (Recommendations No. 54, 60 and 61)</p>	<p>In 1996, 35.1% of the indigenous population was below the poverty line (as compared with 22.7% of non-indigenous population). In 2009, 19.9% was below that line (as compared with 14.8% of non-indigenous population). Consequently, in thirteen years, poverty among indigenous population was reduced by 15.2 points, as compared with 7.9 points among non-indigenous population.</p>
<p>Discrimination (Recommendations No. 18, 19 and 61)</p>	<p>In 2010, the Inter-sectoral Table on Diversity and Non-Discrimination carried out six training workshops specifically on ILO Convention No. 169, addressed to public servants and the civil society. In 2011, a workshop was carried out on Discrimination of Urban Indigenous Population, addressed to public servants.</p>
<p>Enhancement of respect for and recognition of indigenous peoples (Recommendations No. 58 and 64).</p>	<p>Presidential Instructions No. 3 of August 4, 2010, were issued to Regional and Provincial Governments, so that they include traditional indigenous authorities, recognized by Law No. 19,253 (Indigenous Law) at every official ceremony.</p> <p>By Resolution No. 1226 of August 27, 2010, the Indigenous Development National Corporation established the “National Award for the Promotion of Indigenous Cultures”.</p> <p>As approximately 70% of Chilean indigenous population lives in cities, an urban indigenous policy has been developed and implemented.</p>
<p>Claim of lands by indigenous peoples and communities (Recommendations No. 65, 66, 67 and 68)</p>	<p>The Government reactivated mechanisms to deliver lands to indigenous peoples in a transparent, objective way, accompanied by a production support and technical assistance agreement.</p> <p>As at December 31, 2011, purchase of lands under article 20b) of the Indigenous Land amounted to CLP 27,047 million (100% of funds allocated), or the equivalent to the purchase of 54 lots</p>



	<p>and 10,335 hectares to the benefit of 44 communities or 1,181 families.</p> <p>The subsidy mechanism has also been strongly fostered. In this regard, during 2011, 4,170 hectares were purchased, equivalent to CLP 11,626 millions, to the benefit of 608 families. This entails an increase by 50% as compared with previous years.</p> <p>Additionally, in 2011, the 13th Award of Land process – presently at applicants’ assessment stage – began to be implemented. The total funds involved amount to CLP 15 thousand million, which equals the figure allocated for 2011 – 50% over the funds allocated for awards in the previous years.</p>
Amendments to the Anti-Terrorism Act (Recommendations No. 68, 69 and 70)	On October 5, 2010, Law No. 20,467 – which “amends the provisions in Law No. 18,314 (codifying terrorist conducts and setting the penalties therefor) – was enacted.