

## Responses to Recommendations

### CHILE

Review in the Working Group: 8 May 2009  
 Adoption in the Plenary: 24 September 2009

#### Chile's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
71 REC accepted; 2 rejected; 4 pending	No addendum	Out of the 4 pending, 3 were commented on but no clear position was given	1 REC	Accepted: 71 Rejected: 2 No clear position: 3 Pending: 1

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/12/10:

“96. The recommendations formulated during the interactive dialogue have been examined by Chile and the recommendations listed below enjoy the support of Chile:

A - 1. Ratify the Rome Statute of the International Criminal Court (France, Brazil, Spain), accept it (Argentina) and continue with efforts to achieve approval in Congress (Colombia);

A - 2. Consider ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Brazil, Spain, France) and accept the competence of the relevant Committee (Argentina);

A - 3. Positively (Canada) consider ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Netherlands, Spain);

A - 4. Implement the voluntary human rights targets approved in Human Rights Council resolution 9/12 (Brazil);

A - 5. Strengthen institutionally the judicial protection to fully guarantee human rights as recognized by the Constitution (Mexico);

A - 6. Continue and strengthen efforts to bring the national legislation, in particular the Criminal Code, into line with ratified instruments (Ukraine);

A - 7. Commit itself to enacting legislation referred to in its national report (A/HRC/WG.6/5 /CHL/1) to strengthen human rights protection in the country, including the reform of the system of elections, the establishment of a national human rights institution (NHRI) and various pieces of legislation on gender equality (New Zealand);

A - 8. Ensure full compliance with all obligations assumed under the International Covenant on Civil and Political Rights as well as under all other international human rights treaties to which it is a Party and revise domestic legislation that may still be incompatible with these obligations (Germany);

A - 9. Maintain its commitment and continue the actions undertaken to consolidate the democratic system based on the protection of its citizens' civil and political rights and the search for truth, justice and reparation in relation to the grievances of the past (Lebanon);

A - 10. Accelerate the reform (Nicaragua) to establish a NHRI in accordance with the Paris Principles (Uzbekistan, Morocco, Bangladesh) promptly (Peru) through expeditious efforts (Malaysia) and through the legislative process (Pakistan);

A - 11. Ensure speedy passage of the bills on the establishment of a NHRI and Office of the Ombudsman (Spain, Nigeria, Pakistan, Ghana);

A - 12. Continue efforts in modernizing the justice system (Syrian Arab Republic);

A - 13. Provide the judiciary with all resources and support necessary so that the 338 pending criminal cases may be resolved (Colombia);

A - 14. Establish an effective National Preventative Mechanism within the one year deadline established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP) and hold early civil society consultations on the sort of mechanism that would be most appropriate (United Kingdom);

A - 15. Elaborate a national human rights plan (Ghana) and approve it early (Peru);

A - 16. Take proper legal and administrative measures and adopt the national plan of action to ensure full observance of rights of indigenous peoples (Uzbekistan);

A - 17. Strengthen and boost the experience it already has in reforming the educational system by promoting a human rights culture through its integration into school curriculums, particularly in rural areas (Morocco);

A - 18. Continue to strengthen its measures and mechanisms to overcome the challenges related to the protection of the rights of vulnerable groups, including indigenous peoples (Viet Nam) and indigenous women (Bolivia);

A - 19. Take further steps to address discrimination against women and people belonging to vulnerable groups including children, minorities and indigenous people (United Kingdom) and intensify efforts for the full respect of their rights and their protection from discriminatory practices (Italy);

A - 20. Increase efforts to ensure implementation of legislation guaranteeing the principles of non-discrimination and adopting a comprehensive strategy to eliminate all forms of discrimination, particularly gender-based (Ukraine); review and if necessary modify the legislation to ensure the right of every person not to be discriminated against and in particular for the elimination of any form of discrimination against women (Mexico);

A - 21. Continue with the legal or administrative measures they deem appropriate to ensure equality between men and women in all aspects (Guatemala);

A - 22. Improve the situation of women and enforce specific legislation regarding violence against women and ensuring their sexual and reproductive rights (Spain);

A - 23. Adopt and implement effective laws to prevent, suppress and eliminate discrimination against women and to combat domestic violence (Switzerland); strengthen its measures (Azerbaijan); make further efforts and set specific targets to decrease the number of incidents, in particular through mechanisms and institutions protecting women from domestic violence (Norway); enact necessary legislation and ensure its effective enforcement to provide all requisite protection (Pakistan) and circulate it to the general public; register and investigate promptly all cases (Czech Republic);

A - 24. Work with relevant NGOs to create programmes to educate law enforcement officials, judges etc. on domestic violence as a serious issue that should be remedied through the legal system and not kept hidden in the domestic sphere (United States);

A - 25. Make further efforts to develop and implement appropriate legislative and administrative measures to provide equal employment opportunities for men and women and to address the issue of the wage gap (Japan); reduce underrepresentation of women, including in the labour market (Azerbaijan); take effective measures to eliminate the many obstacles that prevent women from entering the labour market, include in legislation the principle of equal pay for equal work and the requirement that this principle be scrupulously observed by employers (Algeria); enact legislation and ensure its effective enforcement to provide for women's right to equal remuneration and their enhanced participation in public decision-making (Pakistan);

A - 26. Continue and deepen the Second Plan on Equal Opportunities for Men and Women and the Government's Agenda for Gender Equality so as to totally eliminate discrimination against women at work, in decision-making positions, in the management of the marital partnership (*regimen patrimonial de sociedad conyugal*) and in society as a whole (Uruguay);

A - 27. Strengthen measures to counter discriminatory attitudes in society, including through public education and equality initiatives and legislative measures to prevent discrimination on the basis of sexual orientation and gender identity (New Zealand);

A - 28. Prohibit by law, and include in equality programmes and policies, discrimination on the grounds of sexual orientation or gender identity (Sweden) and follow the Yogyakarta principles as a guide to assist policy development (Netherlands);

A - 29. Review Article 373 of the Criminal Code so that it cannot be abused for persecution of persons belonging to sexual minorities (Czech Republic);

A - 30. Consider total elimination of the death penalty from the normative system including all norms of the Military Justice Code that still provide for it in certain cases (Italy);

A - 31. Continue its efforts to find ways to vindicate human rights of citizens, in particular of the families of the victims of disappearances (Paraguay);

A - 32. Continue to give greater impetus to a policy to prevent, combat and eradicate torture, including improvement of the definition of torture in accordance with article 1 of CAT (Brazil);

A - 33. Take appropriate measures to prevent torture and to ensure that all allegations of torture are properly and independently investigated, and ensure that the law adopted to define torture is in accordance with article 1 of the Convention against Torture (Uzbekistan);

A - 34. Fully investigate the alleged cases of torture, ill-treatment and excessive use of force committed by police and security forces and bring the perpetrators to justice (Azerbaijan);

A - 35. Continue to reform and upgrade its detention system in order to improve the situation of inmates (Norway);

A - 36. Take further steps to fight human trafficking, including by enacting specific legislation (Azerbaijan) and through a comprehensive study on the causes and extent of trafficking in persons taking into account the origin, transit and destination countries (Malaysia);

A - 37. Continue efforts to eliminate all obstacles standing in the way of justice (Argentina);

A - 38. Amend the appropriate legislation in accordance with its international human rights obligations to address the issue of amnesties for perpetrators of human rights violations (Canada);

A - 39. Consider reviewing the Amnesty Law put in place during the military regime (Italy);

A - 40. Continue efforts to fight impunity and human rights violations, with particular attention to the rights of indigenous peoples (Brazil);

A - 41. Pursue commitments to the promotion and protection of the universal values of human rights, especially through strengthening of the rule of law (Palestine);

A - 42. Strengthen accountability for abuses by the police and ensure that civilian authorities investigate, prosecute and try human rights abuses by police (Netherlands);

A - 43. Thoroughly investigate all forms of human rights violations particularly of those who were arrested in the course of police operations (Uzbekistan);

A - 44. Continue to provide specific and practical human rights education and training to all prison officers and members of the Carabineros, Policia de Investigaciones and Gendarmeria, and ensure their full accountability for any violations of human rights as well as effective access to remedies for victims (Czech Republic);

A - 45. Further expedite the investigation and trial of the cases of gross human rights violation cases committed during the past military dictatorship to ensure adequate compensation and reparations for the victims and their families (Bangladesh) and complete the ongoing compensation process so that as many victims as possible can benefit from the reparation measures (Ghana);

A - 46. Review the provisions governing the operation of military courts in peacetime to comply with international standards (France) and approve a reform to the military code, allowing its judicial system to be in accordance with international human rights standards (Nicaragua);

A - 47. Continue its efforts to review the competence of military justice when it comes to trying civilians and to reform the Code of Military Justice accordingly (Argentina);

A - 48. Eliminate the application of military jurisdiction to civilians (Spain); review legislation to put an end to trials of civilians by military courts (Azerbaijan); adapt the military justice system to international standards so that it guarantees the right to a fair trial (Switzerland);

A - 49. End jurisdiction of military courts over civilians and review all rules of criminal procedure so that they fully comply with international standards of fair trial, and provide full support for the bill aimed at ensuring this compliance (Czech Republic); ensure that the reforms of the jurisdiction of military tribunals provide that civilian cases are not heard by military tribunals, in accordance with international human rights standards (Canada, Switzerland);

A - 50. Take all necessary steps to ensure that persons between the age of 14 and 18 are under all circumstances tried by a specialized juvenile justice system, that the best interests of the juvenile offenders are given the highest priority so they can successfully be reintegrated into society, and that deprivation of liberty of children is used only as a measure of last resort (Austria);

A - 51. Reform the marital partnership (*regimen patrimonial de sociedad conyugal*) to ensure compliance with its acquired international obligations (Argentina);

A - 52. Continue to adhere to the principles and values which make up the identity of the country to promote the right to life and the family (Holy See);

A - 53. Appropriately fight and eradicate the worst forms of child labour (Uzbekistan) and further tackle the problem of street children and child labour, as well as discrimination against indigenous children (Azerbaijan);

A - 54. Intensify its work to improve the situation of its indigenous population (Norway) and continue strengthening efforts in poverty alleviation, including through programmes for indigenous people (Malaysia);

A - 55. Continue to increase budget allocations to the educational sector; focus on overall improvement in the quality of education provided, in particular in rural areas, and ensure expansion of the bilingual intercultural programme for indigenous peoples (Slovenia);

A - 56. Further guarantee effective access to education for all children, especially those from indigenous communities, refugee children and children whose families live in rural areas or below the poverty line and take effective measures to fight against the factors behind their exclusion from the educational system (Algeria);

A - 57. Complete the process of constitutional recognition of the indigenous populations with the adequate consultations mentioned in its presentation (Denmark);

A - 58. Complete the process of recognition of the indigenous peoples in its Constitution, implement the recommendations of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and recognize their contribution to the Chilean identity as a people (Spain);

A - 59. Introduce new legislation to further strengthen the rights of indigenous peoples (Austria);

A - 60. Continue to provide adequate policy and institutional support to address the marked disparities in the socio-economic indicators between the indigenous and non-indigenous populations (Bangladesh);

A - 61. Continue to give particular attention to indigenous peoples when implementing the poverty reduction and alleviation programmes and ensure that it works towards the elimination of any discriminatory measures applied to them (Algeria);

A - 62. Consider promoting more effective participation by indigenous peoples in political decision-making (Bolivia); undertake appropriate electoral and legislative reforms to enhance the scope for political representation of the indigenous people, particularly women (Bangladesh); and further ensure indigenous groups are able to express their views, have access to relevant political and decision-making processes and are provided with the support necessary to meaningfully engage on issues that affect them (New Zealand);

A - 63. Promote a constructive dialogue between authorities and indigenous people and their organizations and the participation of indigenous people in the formulation and implementation of laws and programmes affecting their lives and provide resources to this end (Finland);

A - 64. Continue and deepen respect for indigenous peoples, recognizing their cultural wealth and facilitating their participation in national and community issues, particularly issues of direct concern to them such as property and land use, to eliminate all discrimination against indigenous persons or indigenous communities (Uruguay);

A - 65. Reinforce its efforts to recognize indigenous rights and effectively include them in Chile's legal and administrative structure, and address land claims of indigenous peoples and communities through a process of effective dialogue and negotiation (Canada);

A - 66. Take all necessary steps to complete the process of implementation of the Indigenous and Tribal Peoples Convention No. 169 (Denmark); continue efforts, in consultation with indigenous peoples, towards addressing the issue of the rights of indigenous peoples through the application of Convention No. 169 and the realization of the principles established in the United Nations Declaration on the Rights of Indigenous Peoples (Guatemala), particularly ensuring the participation of indigenous peoples in the political sphere and continuing with the process of transferring land duly demarcated and titled (Mexico);

A - 67. Improve effective consultation with indigenous communities before granting licenses for the

economic exploitation of disputed land (Denmark); intensify efforts to transfer land and to systematically consult with indigenous peoples before granting licences for economic exploitation (Austria); continue and strengthen efforts to find a solution that respects the land rights of indigenous groups and ensures legal protection of their human rights (Sweden);

A - 68. Continue its efforts to solve the problems of indigenous peoples, in particular their land issues, and ensure that the Anti-Terrorism Act (Law 18.314) does not undermine their rights (Azerbaijan);

A - 69. Not apply the Anti-Terrorism Act to acts related to the non-violent claims of indigenous peoples (Switzerland);

A - 70. Take the necessary measures to prevent outlawing or penalizing legitimate and peaceful activities or social demands by indigenous organizations and peoples and reinforce the notion that the Anti-Terrorism Act is to be applied only within its scope and not to acts related to non-violent claims of indigenous peoples, taking into account the recommendations of the Human Rights Committee (Netherlands);

A - 71. Approve its draft refugee law to ensure full realization of refugees' rights, in particular protection of the principle of non-refoulement, and pay special attention to measures aimed at protecting vulnerable groups such as women at risk, victims of torture and unaccompanied children (Czech Republic).

**97. The following recommendations will be examined by Chile, which will provide responses during the adoption of the outcome report by the Council at its twelfth session. The response of Chile to these recommendations will be included in the outcome report:**

P - 1. Ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (Uzbekistan);

NC - 2. Protect the rights of family being the natural and fundamental group of society based upon the stable relationship between a man and a woman, as enshrined in article 16 of the Universal Declaration of Human Rights (Bangladesh);

NC - 3. Fully investigate the alleged cases of arrest and deportation of journalists and filmmakers depicting the problems of the Mapuche people (Azerbaijan);

NC - 4. Review the anti-terrorist law and its application so that it cannot be abused for persecution of persons from indigenous communities, including the Mapuche, for their peaceful political or religious activity (Czech Republic).

**98. The recommendations noted in the report in paragraphs 24(b), 37(a), above did not enjoy the support of Chile.”**

R - Paragraph 24 (b) (Sweden) “Furthering efforts to ensure that the abortion laws are brought into line with Chile’s human rights obligations”

R - Paragraph 37 (a) (Finland) “Review its legislation criminalizing the termination of pregnancies in all circumstances, including in cases of rape, incest and situations where the life of the mother is at risk, making adequate information on family planning and the regulation of fertility publicly available”

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