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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Chile

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

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1. Chile participated in the second cycle of the Universal Periodic Review (UPR) in a transparent manner, guided by its firm resolve to cooperate with a central mechanism for coordinating the effective implementation of human rights. It participated with a high-level delegation that included representatives of all State institutions. Chile appreciates the recognition given to its progress with regard to human rights institutions, as well as the criticism and recommendations conveyed, which emphasized cooperation and constructive dialogue.
2. These recommendations were considered with a view to strengthening our democracy and the effective enjoyment of all human rights and fundamental freedoms in our society. In 2009 Chile accepted 71 recommendations made by 51 States, for which it achieved a high level of compliance. During this second cycle Chile has received a total of 185 recommendations made by 84 States. After considering the recommendations from the legal, policy and institutional perspectives, Chile has decided to support nearly all the recommendations received — 142 — either because it shares their goals and is resolved to implement them, or because they have already been or are being implemented. It has taken note of a small number of recommendations — 30 — which it cannot commit to implementing before the next review, primarily for reasons of constitutional order linked to legislative proceedings required in order to fulfil these recommendations. Only a handful of recommendations — 13 — do not have the support of Chile, because they are incompatible with the objectives of the UPR, with constitutional principles and with national law.
3. Chile reiterates its commitment to the universal human rights system, in particular the Human Rights Council and the UPR mechanism, and reiterates its standing invitation to all special procedures.

Recommendations that Chile supports

4. Recommendations 121.18, 121.19, 121.20, 121.21, 121.22, 121.23, 121.24, 121.25, 121.26, 121.27, 121.28, 121.29, 121.33, 121.34, 121.35, 121.36, 121.37, 121.38, 121.39, 121.40, 121.41, 121.42, 121.43, 121.44, 121.45, 121.46, 121.47, 121.48, 121.49, 121.50, 121.51, 121.52, 121.53, 121.54, 121.55, 121.56, 121.57, 121.58, 121.62, 121.63, 121.64, 121.65, 121.66, 121.67, 121.68, 121.69, 121.70, 121.71, 121.73, 121.74, 121.75, 121.76, 121.77, 121.78, 121.79, 121.80, 121.81, 121.82, 121.83, 121.84, 121.85, 121.86, 121.87, 121.88, 121.89, 121.90, 121.91, 121.92, 121.93, 121.94, 121.95, 121.96, 121.98, 121.99, 121.100, 121.101, 121.102, 121.103, 121.104, 121.105, 121.106, 121.107, 121.108, 121.109, 121.113, 121.114, 121.115, 121.116, 121.118, 121.119, 121.120, 121.121, 121.122, 121.123, 121.124, 121.126, 121.127, 121.128, 121.129, 121.130, 121.131, 121.132, 121.133, 121.144, 121.145, 121.146, 121.147, 121.148, 121.149, 121.150, 121.151, 121.152, 121.153, 121.154, 121.155, 121.156, 121.157, 121.158, 121.159, 121.160, 121.161, 121.162, 121.163, 121.164, 121.165, 121.166, 121.170, 121.171, 121.172, 121.173, 121.174, 121.175, 121.176, 121.177, 121.178, 121.179, 121.180, 121.181, 121.182 and 121.184.
5. Chile supports recommendation 121.134, while expressly stating that as abortion is not part of a woman's right to sexual and reproductive health, this support does not constitute a commitment to legalize it.
6. Chile partially supports recommendation 121.169, specifically the following part: "ensure that all human rights of indigenous persons are promoted and respected, inter alia by ensuring the participation of concerned groups in the decision-making processes that affect their human rights".

Recommendations of which Chile has taken note

7. Chile takes note of recommendations 121.1, 121.2, 121.3, 121.4, 121.5, 121.6, 121.7, 121.8, 121.9, 121.10, 121.11, 121.12, 121.13, 121.14, 121.15, 121.16 and 121.17, which aim to foster the ratification of the international instruments mentioned therein, because it cannot commit to supporting them in specific terms for the next review, since the steps outlined therein require parliamentary approval, an essential feature of our political system.

8. Chile takes note of recommendations 121.30, 121.31 and 121.32 on the establishment of an ombudsman for children. A legislative initiative on integrated child protection is under discussion to determine what type of institution best suits this purpose.

9. Chile takes note of recommendations 121.59, 121.60, 121.61 and 121.72, as the anti-discrimination legislation, which has been in force since 2012, is in its initial phase of implementation and evaluation. Only after its impact has been evaluated will it be possible to consider in a responsible way whether its content or scope need amending.

10. Chile takes note of recommendation 121.97 on amending the law on domestic violence, considering that it must first assess the law's implementation and impact.

11. Chile takes note of recommendations 121.110, 121.111 and 121.112, in part, with regard to the phrase "strengthen its efforts to advance organic and procedural reform of military justice", as any reform of the military justice system would require legislative proceedings whose outcome cannot be ascertained in time for the next review.

12. Chile takes note of recommendation 121.117 on amending Law No. 19.992, as its amendment would require legislative proceedings whose outcome cannot be ascertained in time for the next review.

13. Chile takes note of recommendation 121.125 on the adoption of legislation establishing quotas for political parties, because, while Chile supports initiatives to increase women's participation in politics, there is no consensus regarding whether quotas are the most effective means of achieving that goal.

Recommendations that Chile does not support

14. Chile does not support the part of recommendation 121.112 that reads "with the aim of eliminating the use of the death penalty in all hypotheses comprised in the Code of Military Justice". Chile advocates a moratorium on the death penalty and reserves the right to apply it in times of war, as permitted by international law in exceptional circumstances.

15. Chile does not support recommendations 121.135, 121.136, 121.137, 121.138, 121.139, 121.140, 121.141, 121.142 or 121.143. Article 19.1 of the Constitution enshrines "the right to life and to physical and psychological integrity of the person", adding later that "the law protects the life of the unborn", without recognizing a human right to abortion, in conformity with the human rights treaties ratified by Chile. Indeed, the Convention on the Elimination of All Forms of Discrimination against Women does not establish the right to abortion as a human rights standard, and both the United Nations International Conference on Population and Development held in Cairo in 1994, and its action plan, expressly noted that there is no international consensus recognizing abortion as an integral part of women's right to sexual and reproductive health.

16. Chile does not fully support recommendations 121.167, 121.168 and 121.169, in particular the phrase "by ensuring that the application of the Counter-Terrorism Law does not undermine the human rights of indigenous as well as other persons". Counter-terrorism

legislation makes it possible to investigate serious acts intended to instil fear or disturb public order, and to identify and punish those responsible. The Counter-Terrorism Law is invoked on an exceptional basis and is not a systematic, regular or discriminatory practice directed against the Mapuche or any other indigenous people, since its purpose is not to persecute particular individuals or groups.

17. Chile does not support recommendation 121.183. National immigration legislation is in conformity with prevailing international law, which permits the restriction of cross-border traffic as needed to protect national security interests or public order, health or morals. The application of this legislation does not meet the criteria for nationality-based discrimination.

18. Chile would like to reiterate that, as was stated in the report of the Working Group, it does not support recommendation 122.1.
