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12^a Session of the Human Rights Council

Item 6: Universal Periodic Review (Chile) – Statement by Federation for Women and Family Planning and Action Canada for Population and Development (delivered by Wanda Nowicka)

Mr President,

Our organizations, as part of a coalition called the Sexual Rights Initiative, submit the following statement in conjunction with a partner organization in Chile, the Transsexual Organization for Dignity in Diversity.

First, we greatly regret the Chilean government's decision to reject recommendations contained in paragraphs 24(b) and 37(a). The failure to implement these recommendations and the failure to ensure that women and girls have access at a minimum to safe therapeutic abortion constitutes a continued violation of Chile's international human rights obligations, and endangers the lives and health of women and girls in Chile. We also regret that the rejection of these recommendations occurred before consultations with domestic women's human rights organizations following the review, which we consider a UPR practice to be avoided.

We note that Chile to its credit has accepted recommendation 27 and with respect to the implementation of this, we would urge the Chilean government to take the following steps.

1. In regards to the right to life, freedom and personal safety, the Chilean government must

a).- Provide protection for transsexuals, *travestis* and women engaged in sex work, to prevent them from continuing to be victims of murder.

b) Implement a sensitization and training policy for State officers at all levels, including those in the armed and security forces, on gender identity. In many cases where unnecessary violence, discriminatory treatment and other violations against transsexual individuals have been documented, the responsibility was attributed to the police, *carabineros* and other security forces.

2.- In regards to the right to work and social security, it is a State obligation to create employment policies at the national level for transsexual individuals, including subsidies for companies hiring them and the implementation of paid vocational/professional training for transsexual individuals.

3- In terms of the right to identity and legal recognition before the law, a Gender Identity Law including change of name and sex without sex reassignment surgery or hormonal treatment as compulsory requirements must be promulgated, to ensure respect for the right of transsexual individuals to bodily integrity and their reproductive choices.

- Gender identity must be established following a protocol for care that does not violate transsexual individuals' rights or their dignity, including through not discriminating against them on the basis of their sexual orientation.

- Sexuality education must be guaranteed to the entire population from an early age through relevant policies at ministerial level, and the curricula must include references to sexual orientation and gender identity.

- Relevant contents on gender identity and intersex issues must also be included in the University curricula for health, education and social work studies, from scientific perspectives that respect transsexual and intersex people in their full humanity.

5. In regards to transsexual and intersex individuals' right to health, national policies must be drafted and implemented to attend to their needs and demands, including the principle of voluntary testing, treatment and surgery, with free and full consent of the individuals involved.

- Together with civil society organizations representing transsexual individuals, a protocol and guidelines for medical care of transsexual individuals must be developed and then implemented in all public health institutions in Chile.

We ask the Chilean State to effectively integrate gender identity to their policies, acknowledging that this recognition is intrinsic to protecting two of the most basic values for humanity: the right to life and the dignity of these individuals.