AMNESTY INTERNATIONAL

CHILE

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW

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FOLLOW UP TO THE PREVIOUS REVIEW

During its previous review in 2009, Chile accepted 71 of the 77 recommendations it received during the review.[1] Amnesty International considers, however, that some of these have been only partially implemented.

Discrimination
Chile accepted recommendations to eliminate discrimination against women and Indigenous Peoples, or on the grounds of sexual orientation.[2] Although the adoption in 2012 of the Law Establishing Measures Against Discrimination is a welcome development,[3] this has yet to be fully implemented.

Past crimes
Chile also supported recommendations to amend the Amnesty Law, [4] to take measures to eradicate torture,[5] and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED)[6] and the Rome Statute of the International Criminal Court.[7] Amnesty International considers that despite some progress, achieving truth, justice and reparations for the victims of crimes of the past has not yet been achieved. A Commission tasked with investigating cases of torture and imprisonment worked from 2010 to 2011 and identified some new cases in its final report; however, it was criticized regarding its time frame and procedures. Chile has now ratified the Rome Statute and the CED, and recognized the competence of the Committee on Enforced Disappearances; however, it has yet to implement these in national law. Amnesty International is also concerned that Decree Law 2191 of 1978, providing amnesty for crimes committed between 11 September 1973 and 10 March 1978, is still in force, and that the definition of torture in national law has not been aligned with that contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[8]

Indigenous rights
Despite accepting recommendations regarding the rights of Indigenous Peoples, in particular their rights to consultation, including to seek their free, prior and informed consent regarding legislation or economic developments affecting their lands, these have not been implemented.[9] Various government attempts to realize these rights have been unsuccessful.

Chile also accepted recommendations to ensure that the Law Determining Terrorist Conducts is not used to undermine the rights of Indigenous Peoples.[10] Amnesty International is concerned however that this law continues to be applied. Even though the scope of the law was narrowed in 2010[11] and minors excluded from its application in 2011,[12] concerns remain regarding the content of the law.[13]

Use of force
Chile accepted recommendations to strengthen accountability for human rights violations by the police.[14] Amnesty

International is concerned to note that in the context of demonstrations and protests the police continue to use excessive force, and that these incidents have not been fully investigated.

Military courts
Chile accepted recommendations to end the jurisdiction of military courts over civilians.[15] Amnesty International welcomes the reform of the Military Code in 2010, following which civilians are now excluded from military jurisdiction when accused of crimes against the military or police forces.[16] However, human rights violations by public security personnel continue to be heard in military courts, which Amnesty International considers do not guarantee impartiality and independence.[17]

National human rights institutions
Amnesty International welcomes the establishment of the National Human Rights Institute (*Instituto Nacional de Derechos Humanos* - INDH) as recommended in the review.[18] However, Chile does not have an Ombudsperson and the government has yet to develop a National Plan for Human Rights, as called for by several states,[19] and which was also included in Chile's voluntary commitments.[20]

Sexual and reproductive rights
Amnesty International deeply regrets Chile's rejection of all recommendations related to abortion[21] and urges the government to fully enforce legislation ensuring women's sexual and reproductive rights, as recommended in the review and supported by Chile.[22]

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Impunity for human rights violations
Amnesty International is concerned that Decree Law 2191 of 1978, also known as the "Amnesty Law", remains in force.[23] In 2006, the Inter-American Court of Human Rights found this law to be incompatible with the American Convention on Human Rights.[24] Although the Amnesty Law has not been applied in recent cases, it could still be used to acquit members of the armed forces accused of systematic and widespread human rights violations.

Attempts to modify statutory limitations in the Penal Code have not been successful,[25] and Chile has not yet acceded to the Convention on Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, which is still pending in Congress.[26] The current government has proposed to Congress to accede to the treaty with a reservation specifying that it would only apply to crimes committed after ratification.[27] Amnesty International is concerned that such a reservation would defeat the purpose of the Convention.

The required reform of the military courts has not yet been completed. Several draft laws have been filed in Congress;[28] however, these have not yet been discussed and crimes committed by members of the police or military forces against civilians are still tried by military courts. This is also a concern in relation to allegations of excessive use of force by the police in the context of recent protests which, pending reform, would be tried by military courts. This raises concerns about lack of independence and impartiality which in turn may lead to impunity for human rights violations.[29]

The Human Rights Program within the Ministry of Interior continues to provide legal and social assistance to victims of human rights violations committed in the past. However, reparations are limited to cases included in the Truth Commissions[30] and to cases of enforced disappearances and extrajudicial executions.[31]

The Advisory Commission for the Qualification of Enforced Disappearances, Political Executions and Victims of Political Prison and Torture (the "Valech II Commission"[32]), which worked from February 2010 to August 2011, confirmed five additional cases of enforced disappearances, 25 political killings and 9,795 cases of torture committed between 1973 and 1990.[33] The Commission was criticized for a lack of transparency regarding the criteria used to include cases in its report and for its temporary nature, with a deadline established for the completion of its work.

Discrimination
Amnesty International welcomes the adoption in 2012 of the Law Establishing Measures Against Discrimination,[34] but is concerned about the lack of a clear plan for the implementation of preventive measures, including affirmative actions.[35]

Under Chilean law, the rules regarding civil marriage do not apply to all couples, such as same-sex couples. The draft law currently under discussion in Congress will not resolve this, as it creates a civil union – different from marriage – for such couples.[36]

In the case of migrants, current legislation regulates formalities such as entry requirements, visas and deportation; however, it does not guarantee the provision of other human rights. A draft law is currently under discussion in Congress aimed at improving migration regulations.[37]

Indigenous Peoples
Following its ratification in 2008 of ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries and its support of the UN Declaration on the rights of Indigenous Peoples in 2007, Chile has been inconsistent in its implementation of the right of Indigenous Peoples to consultation and to free, prior and informed consent to legislation or investment projects that affect them. Decree 124 of 2009,[38] regulating consultation with Indigenous Peoples, has been criticized by the ILO, the National Human Rights Institute (INDH) and Indigenous communities with regard to meaningful decision-making processes.[39] It is still in force, but not applied in practice.

The government is currently leading a "consensus table" aimed at developing new rules of procedure for consultation with Indigenous Peoples.[40] The Special Rapporteur on the Rights of Indigenous Peoples has expressed concern over the draft, especially its lack of a rights-based approach.[41] Moreover, the new draft Regulation on Evaluation of Environmental Impact, which is still under review, has not yet been consulted with Indigenous Peoples.[42]

Indigenous Peoples have demanded to be consulted on several development projects, including the Quepe airport project and the Melipeuco-Freire electrical line in the Mapuche region; however, so far to no avail.[43]. With regard to the Quepe airport project, the Supreme Court rejected the Indigenous community's request for consultation on the grounds that ILO Convention 169 was not in force at the time the construction of the airport was approved, [44] and in the case of the electrical line the Supreme Court overturned the Court of Appeal decision to grant the communities the right to be consulted stating that the land affected "had not been qualified as Indigenous". [45]

Women's rights, including sexual and reproductive rights
Chile has yet to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, [46] despite having highlighted its commitment to women's rights, including during its candidature for election to the Human Rights Council in May 2011.[47]

Amnesty International welcomes Law 20.418 of 2010 on information, orientation and services regarding regulation of fertility.[48] However, it is concerned that abortion continues to be penalized without exceptions in the Penal Code, leaving women forced to continue a pregnancy even in situations where doing so may constitute cruel, inhuman or degrading treatment.[49]

Efforts to decriminalize abortion for therapeutic reasons were rejected in Congress in 2012.[50] A new draft law, filed before the Congress in 2013 and which has yet to be discussed, would decriminalize abortion if the pregnancy is a risk to the woman's life or health, if it is the result of rape or incest, and if the fetus is not viable.[51]

Public protest
In October 2011, the government filed a draft law before the Congress to Strengthen Public Order.[52] Both the original draft and subsequent amendments introduced by the government on 9 April 2013 would, if passed, seriously undermine provisions contained in human rights treaties, by criminalizing behaviors that are covered under freedom of expression and assembly.[53]

National human rights institutions
The National Human Rights Institute is only allowed to take judicial action on specific cases defined by law.[54] A draft law to establish an independent Ombudsperson was filed in Congress in 2008; however, discussion on this has stalled since March 2010.[55]

A draft law to create an Under-Secretariat of Human Rights, within the Ministry of Justice[56], is currently before Congress. The draft would also establish an obligation to create a National Human Rights Plan. The scope of the National Human Rights Plan is unclear, however, as is how it would be developed and whether this would include the participation of civil society.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Impunity for past human rights violations
Amnesty International recognises progress made to tackle the legacy of serious and widespread human rights violations committed in Chile between 1973 and 1990. That period left more than 3,000 persons disappeared or extrajudicially executed and approximately 38,000 were victims of torture and political imprisonment. The number of cases of past human rights violations under investigation by the courts rose to its highest level yet following the submission in January 2012 by a court prosecutor of 726 new criminal complaints and more than 1,000 complaints filed over the years by relatives of those who were disappeared or executed.

Efforts to end impunity for crimes under international law are still needed and only a very small number of the persons found guilty of past human rights violations are currently in prison.[57] Interpretations of statute of limitations provisions allow for reduced sentences or alternative penalties without imprisonment, raising concern that punishments are not proportionate to the gravity of the crimes committed. According to data from the Human Rights Programme of the Interior Ministry,[58] 799 former members of the security forces were charged with or sentenced for human rights violations and 250 had final sentences confirmed between 2000 and February 2012.

Women's rights, including sexual and reproductive rights
Law 20.418 establishes the rights to information and to access to contraception; however, its implementation has been inconsistent. Emergency contraception, which according to the law should be provided free of charge, is not provided in many health centers for reasons including the moral and religious beliefs of the attendants or the authorities, limited stocks, or a lack of knowledge about the procedures for how and when to provide it. In approximately 20 percent of the municipalities, it seems that emergency contraception is not being provided, or there are no records of providing it.[59] In the municipalities where emergency contraception is provided, the criteria to do so is not consistent, which means that some women may not receive it.[60] The administrative ruling on the implementation of Law 20.418 was only issued in 2013[61] and its impact is yet to be seen.

Public protest
Public demonstrations have taken place in different parts of Chile since 2011. Although some demonstrations turned violent and therefore required police intervention, Amnesty International is concerned about the proportionality of the police response. There have been allegations of excessive use of force, including beatings, use of tear gas, paintball guns and water cannon, ill-treatment in detention, and gender-specific violence against women and girls involved in the protests.[62] Mass arrests have frequently been reported, leading to unlawful detentions. Human rights observers and media workers have also been attacked by the police.[63]

In the past two years Amnesty International has received reports of police violence in Mapuche communities at least once a month.[64] Some of the communities are routinely subject to police raids in the course of judicial investigations; these are often violent and impact on the whole community.

Amnesty International is concerned that such abuses by the police are not adequately investigated and justice is still pending in cases involving the deaths of protesters.[65]

The police have refused to make public the protocols governing the control of public order.[66] Moreover, the government maintains that it does not have the powers to stop police violence, because it is only responsible for administrative aspects of the police.[67]

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Chile to:

National human rights institutions

- Ensure the creation of an Ombudsperson according to the Paris Principles, by revising the draft law currently before Congress on this matter;
- Prioritise the process of developing a national human rights action plan through a broad consultative process with civil society.

Impunity for human rights violations

- Revoke the 1978 Amnesty Law (Decree Law 2191) and all other measures that enable impunity;
- Revoke any provision on statute of limitations regarding crimes under international law and civil suits arising from those crimes, irrespective of the date of their commission;
- Ensure full access to reparations for victims of crimes under international human rights law;
- Accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity without any reservation or declaration amounting to a reservation;
- Enact legislation implementing the International Convention for the Protection of All Persons from Enforced Disappearance into national law, as well as the obligation to cooperate fully with the International Criminal Court;
- Enact the crime of torture in national law, in line with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure that all ordinary crimes or crimes under international law allegedly committed by police or military personnel are tried in civilian courts.

Discrimination

- Develop an implementation plan in line with the state's duty to prevent discrimination under the Law Establishing Measures Against Discrimination, including affirmative action measures where necessary;
- Ensure that laws regulating family relations, including civil union and marriage, apply to all, including same-sex couples;
- Ensure that migrant laws include recognition of human rights, including the right to an identity and to documentation, circulation, work and social security, nationality, family regrouping, education, health and housing.

Indigenous Peoples

- Adequately implement the right to consultation to obtain Indigenous Peoples' free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;
- Take concrete measures to facilitate the effective participation of Indigenous Peoples in decisions that affect them and ensure that they are able to express their opinions freely and without fear of reprisals or violence.

Women's rights, including sexual and reproductive rights

- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

- Ensure that sexual and reproductive rights are respected and protected in Chile, including access without discrimination to health services, contraception and emergency contraception, as well as information about those services;
- Repeal all legislation criminalizing women and girls for having an abortion, as well as the service providers performing it, and take measures to allow legal and safe abortions in case of rape or incest and in case of grave risk to the woman's life or health.

Public protest

- Revise the text and the application of the Law Determining Terrorist Conduct to ensure it is fully compliant with international human rights standards;
- Ensure that legislation on public order and public demonstrations does not unduly limit the right to freedom of expression and assembly;
- Ensure that all incidents of police violence are duly investigated, that those responsible are brought to justice and victims receive reparation;
- Adopt preventive measures to stop excessive use of force by the police, including adoption of publicly known protocols in line with international standards, proper training of police forces, and adequate control of compliance with such protocols.

[1] Human Rights Council, *Report of the Working Group on the Universal Periodic Review,* 12th period of sessions, A/HRC712/10, 4 June 2009, paragraph 96.
[2] A/HRC/12/10, recommendations 96.19, 96.20, 96.28 (UK, Italy, Ukraine, Mexico, Sweden, Netherlands).
[3] Law N°20.609, of 24 July 2012, *"Establece medidas contra la discriminación"*.
[4] A/HRC/12/10, recommendations 96.38-96.39 (Canada, Italy).
[5] A/HRC/12/10, recommendation 96.32-96.33 (Brazil, Uzbekistan).
[6] A/HRC/12/10, recommendation 96.2 (Brazil, Spain, France, Argentina).
[7] A/HRC/12/10, recommendation 96.1 (France, Brazil, Spain, Argentina and Colombia).
[8] The most recent attempt – Bulletin N°6702-07, filed on September 15, 2009 – has not been debated in Congress yet.
[9] A/HRC/12/10, recommendations 96.62, 96.63, 96.64, 96.65, 96.66, 96.67 (Bolivia, Bangladesh, New Zealand, Finland, Uruguay, Canada, Denmark, Guatemala, Mexico, Austria, Sweden).
[10] A/HRC/12/10, recommendations 96.68, 96.69, 96.70 (Azerbaijan, Switzerland, Netherlands).
[11] Law Nº20.467, 8 October 2010.
[12] Law Nº20.519, 21 June 2011.
[13] See National Human Rights Institute, 2012 Annual Report, p 28 and ss
http://www.indh.cl/informe2012/Inf%20Anual%20INDH12%20WEB.pdf
[14] A/HRC/12/10, recommendations 96.34, 96.42, 96.43, 96.44 (Azerbaijan, Netherlands, Uzbekistan, Czech Republic).
[15] A/HRC/12/10, recommendations 96.46, 96.47, 96.48, 96.49 (France, Nicaragua, Argentina, Spain, Azerbaijan, Switzerland, Czech Republic, Canada).
[16] Law 20.477, 10 December 2010.
[17] This reform was also ordered by the Inter-American Court of Human Rights, *Case Palamara Iribarne v. Chile*, ruling of 22 November 2005.
[18] A/HRC/12/10, recommendation 96.10-96.11 (Nicaragua, Peru, Malaysia, Pakistan, Uzbekistan, Morocco, Bangladesh, Spain, Nigeria, Ghana).
[19] A/HRC/12/10, recommendation 96.15 (Ghana, Peru).
[20] A/HRC/12/10, paragraph 100.
[21] A/HRC/12/10, paragraph 98. Rejected recommendations were made by Sweden (paragraph 24 b) and Finland (paragraph 37 a).
[22] A/HRC/12/10, recommendation 96.22 (Spain).
[23] Decree Law Nº2191, approved on 18 April 1978, "Concede amnistía por los delitos que señala" (grants amnesty for the crimes it indicates), provides amnesty for crimes committed between 11 September 1973 and 10 March 1978.
[24] Inter-American Court of Human Rights, *Case Almonacid Arellano and others Vs Chile*, ruling 26 September 2006.
http://www.corteidh.or.cr/docs/casos/articulos/seriec_154_esp.pdf
[25] Bulletin N°3959-07, interprets article 93 of the Penal Code in regard of the statute of limitations of criminal actions in case of crimes especially sanctioned under international law. Filed on 30 August 2005, approved by the Chamber of Deputies on December 2006. The Senate declared the project inadmissible in June 2008, but the Chamber of Deputies insisted on continuing its discussion. The discussion is still pending.
[26] Bulletin N°1265-10, Approves Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, adopted by the United Nations General Assembly, by Resolution N°2391 (XXIII), of 26 November 1968. The Convention was approved for ratification with no reservations by the Senate on October 3, 2012 and is now pending approval of the Chamber of Deputies.
[27] Report of the of the Foreign Affairs Commission of the Senate, issued on September 11, 2012 on Bulletin Nº1265-10, page 10.
[28] See, for example, Bulletin N°8472-07 and N°8803-02, the most recent attempts to modify the Military Justice Code, still pending before the Congress.
[29] By way of example, regarding the 2 cases of people shot dead by policemen within the period of the review: In the case of Jaime Mendoza Collío (died 12 August 2009) the military tribunal declared a policeman guilty and sentenced him to 5 years in prison, but the Martial Court overturned the sentence and declared him not guilty, ruling it self-defense. The case is pending decision by the Supreme Court. The case of Manuel Gutiérrez (died 27 August 2011), also under military jurisdiction is still pending sentence at the military tribunal. More generally, of the 6 known cases of persons who were shot dead by policemen between 1999 and the present, in only one case there has been a person sentenced to actual time in prison (3 years), while 4 were left free and one is pending.
[30] See http://www.ddhh.gov.cl/quienes_somos.html for general mission of the Human Rights Program, and here http://www.ddhh.gov.cl/social_beneficios.html information on reparation benefits, which are limited to cases qualified by the truth commissions.
[31] See http://www.ddhh.gov.cl/juridica_mision.html.
[32] In Spanish Comisión Asesora para la calificación de Detenidos Desaparecidos, Ejecutados Políticos y Víctimas de Prisión Política y Tortura.

[33] The Commission was established by Law N°20.405 of 10 December 2009 and implemented by Decree N°43 in 5 February 2010. The Law and the Decree defined a six-month period for victims to file their cases, and another six months for the Commission to evaluate. This deadline was extended to six additional months by Law N°20.496. See http://www.indh.cl/informacion-comision-valech.
[34] Law N° 20.609, 24 July 2012, "Establece Medidas contra la Discriminación".
[35] Article 1 of Law N°20.609 establishes a general obligation of the State to "create and implement policies destined to guarantee all persons, with no arbitrary discrimination, the enjoyment and exercise of their rights and freedoms recognized by the Constitution, the laws, and international treaties ratified by Chile and that are in force".
[36] There are two draft laws (Bulletins 7011-07 and 7873-07) which were merged and are currently under discussion in the Congress and would create an Agreement of Life as a Couple (*Acuerdo de Vida en Pareja*). This would be different from civil marriage (different rules and rights), and that would be available for same-sex couples.
[37] Bulletin N°8970-06, filed on 4 June 2013.
[38] Decree N°124, 25 September 2009, "Reglamenta el artículo 34 de la Ley N°19.253 a fin de regular la consulta y la participación de los pueblos indígenas" (regulates article 34 of Law N°19.253 to regulate consultation and participation of indigenous peoples).
[39] See, for example: ILO, Commission of Experts on the Application of Conventions and Recommendations, Direct request to Chile – Adoption: 2010, Publication: 100th Meeting CIT (2011).
http://www.ilo.org/dyn/normlex/es/f?p=1000:13100:0::NO::P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:2334939,102588,Chile,2010; Opinion of the National Human Rights Institute in its Annual Report of march 2011: http://www.indh.cl/indh-decreto-124-sobre-consultas-indigenas-no-satisface-obligaciones-internacionales-2
[40] For more information on the process, see the government's page: www.consultaindigena.cl. The INDH has been acting as observer at the "consensus table", and recently issued a mid-process report criticizing several aspects of the procedure. See:
http://www.politicaspublicas.net/panel/docs/INDH-Informe-intermedio-mesa-de-consenso-17-04-2013.pdf
Regarding legislative measures, Congress has established a bicameral commission to discuss implementation of consultation, with no known results yet. See http://www.senado.cl/appsenado/index.php?mo=comisiones&ac=ficha&id=968&tipo_comision=10.
[41] *Comments of the Special Rapporteur on the rights of indigenous peoples in relation to the document entitled "Proposal of the government for a new regulation on indigenous consultation and participation according to articles 6 and 7 o ILO Convention N°169"*, Chile, November 2012.
http://unsr.jamesanaya.org/special-reports/comentarios-a-la-propuesta-del-normativa-de-consulta-chile
[42] Ministry of Environment, Chile, Acuerdo 8/2012 *"Se pronuncia sobre nuevo reglamento del sistema de evaluación de impacto ambiental",* 28 May 2012, currently being reviewed by Contraloría General de la Republica. The Commission of Experts on the Application of Conventions and Recommendations of the ILO, Report of Observations 2013, p. 908, also requested the government to ensure that the new regulation is consulted with Indigenous Peoples in Chile and it is in line with ILO Convention 169, http://www.politicaspublicas.net/panel/images/stories/docs/2013-oit-informe-ceacr-completo.pdf Further, the Special Rapporteur also commented on this regulation see supra note 41.
[43] An indigenous consultation process as such has never been carried out in Chile. The Environmental Impact Evaluation process established in environmental laws includes a stage of "citizenship participation", and companies have attempted to consider this as enough to comply with indigenous consultation. The Chilean Supreme Court has decided several times that citizenship participation must comply with the rules of ILO Convention 169 if Indigenous Peoples are involved, ordering a proper consultation. I.e. Supreme Court decision, Plan Regulador San Pedro de Atacama, 13 July 2011; Supreme Court confirming the decision of the Appeals Court of Antofagasta, in the El Morro case, 27 April 2012. Actual consultation is pending.
[44] The airport is currently under construction. Mapuche communities close to the construction site went to court to demand a consultation process. The Supreme Court rejected the communities' request, deciding that ILO Convention 169 is not applicable since at the time the construction of the airport was approved, the Convention was not yet in force in Chile. Supreme Court of Chile, Reyes Alcaman and others vs. Ministerio de Obras Públicas, Rol N° 1608-2011, 6 May 2011.
http://www.politicaspublicas.net/panel/jp/739-csuprema-caso-aeropuerto-2011.html
[45] This case was also led by the communities. Even though the Court of Appeals of Temuco granted the requirement of the communities to be consulted under Convention 169, the Supreme Court revoked this ruling, stating that consultation would be unnecessary since the land affected "has not been qualified as indigenous" according to Chilean legislation, and that "it is not possible to see how this electrical line can provoke a significant alteration to the life systems and customs of the plaintiff groups, since it does not affect homes, services, accesses or sites of cultural significance, taking into account that the line in the district of Freire corresponds to an area already intervened by a former railroad, property of the State Railroad Company". Supreme Court, Asociación Indígena Tragun Mapu Maile Allipen vs. Comisión Evaluadora Ambiental, Región de la Araucanía, 8 June 2012.
http://www.politicaspublicas.net/panel/jp/1648-rol-3602-2012.html
[46] Amnesty International sent the government a letter with proposed human rights commitments prior to Chile's candidature for the Human Rights Council. The government's answer, dated July 2011 explained that the Optional Protocol of CEDAW was in Congress for approval and ratification. However, this was withdrawn from Congress in 2002.
[47] General Assembly, 65th session, Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council. *Note Verbale dated 18 October 2010 from the Permanent Mission of Chile to the United Nations addressed to the Secretariat.* A/65/730, page 2-4.

[48] Law N°20.418, 28 January 2010, "Fija normas sobre información, orientación y prestaciones en materia de regulación de la fertilidad" (sets rules on information, orientation and services related to regulation of fertility).
[49] However, the President of the Republic, Mr. Sebastián Piñera, has stated publicly that he would use his power to veto any and all laws decriminalizing abortion. See http://www.cooperativa.cl/presidente-pinera-vetara-proyectos-que-se-aprueben-sobre-aborto-terapeutico/prontus_nots/2011-09-09/090726.html.
[50] On 4 April 2012, the Senate debated three separate projects attempting to decriminalize abortion in certain cases. The three draft laws (bulletins N°7.373-07, 6.522-11 and 6.591-11) were rejected in general by the Senate, with which the debate is closed and no new projects on the same subject could be filed for a 1-year period.
[51] Bulletin N°8862-11, filed 2 April 2013 "Establece licitud de interrupción del embarazo en ciertos casos" (establishes legality of interrupting pregnancy in certain cases). It has been derived to the Health Commission of the Senate for discussion.
[52] Bulletin N°7975-25, filed on 4 October 2011.
[53] See http://www.amnistia.cl/web/ent%C3%Agrate/amnist%C3%AD-internacional-reitera-su-preocupaci%C3%B3n-por-la-ley-hinzpeter-ante-la-reactivaci%C3%B3n-de-
[54] Law N°20.405, 10 December 2009, article 3 n°5.
[55] Bulletin N°6232-07, constitutional reform creating a Defender of the People (Ombudsperson).
[56] Bulletin N°8207-07, "Crea la Subsecretaría de Derechos Humanos y establece adecuaciones en la Ley Orgánica del Ministerio de Justicia" (creates the Undersecretariat of Human Rights and establishes adaptations in the Organic Law on the Ministry of Justice). Filed on March 19, 2012.
[57] This concern was expressed by the UN Working Group on Enforced or Involuntary Disappearances, following a visit to Chile in August 2012. Human Rights Council, 22nd period of sessions, Addendum *Report of the Working Group on Enforced or Involuntary Disappearances, Mission to Chile*. A/HRC/22/45/Add.1, paragraphs 27-29.
[58] Observatorio de Derechos Humanos, Universidad Diego Portales. Estadísticas juicios de derechos humanos en Chile a febrero de 2012. http://www.icso.cl/wp-content/uploads/2012/11/Cifras_septiembre_2012_ESP.pdf
[59] Figures for 2011 here: http://www.ucentral.cl/prontus_ucentral2012/site/artic/20120711/asocfile/20120711091025/seguimiento_ley_20418.pdf. Between April 2011 and April 2013 at least 67 women have been denied access to emergency contraception. http://www.prosaludchile.org/dv/MUJERES%20QUE%20NO%20ACCEDIERON%20A%20LA%20PAE%20EN%20SERVICIOS%20DE%20SALUD%2013%20ABRIL%202011%20AL%208%20DE%20ABRIL%202013.pdf
[60] See http://www.ucentral.cl/prontus_ucentral2012/site/artic/20120711/asocfile/20120711091025/seguimiento_ley_20418.pdf. In some health centers it is only provided in emergency procedures or in case of rape, which is not in compliance with Law 20.418.
[61] Decree N°49, 28 March 2013, "Aprueba Reglamento para el Ejercicio del Derecho a Recibir Educación, Información y Orientación en Materia de Regulación de la Fertilidad" (approves regulations for the exercise of the right to receive education, information and orientation regarding fertility regulation).
[62] See for example: http://www.humanas.cl/?p=10661.
[63] See Amnesty International Annual Reports for 2012 and 2013, Chile chapter. See also: Open Letter to President Piñera on his second year of government, March 2012, AMR 22/001/2012.
[64] See Amnesty International: "Human Rights and the Mapuche People", 17 April 2013, chapter 2. http://www.amnistia.cl/web/ent%C3%Agrate/est%C3%A1ndares-de-derechos-humanos-y-el-pueblo-mapuche
[65] See footnote 29 above.
[66] Amnesty International requested several protocols through a request of access to public information based on Chilean Transparency Law. The Police denied the request, stating that providing this information would affect national security. Exempt Resolution N°282, 24 November 2011.
[67] In 2011 and 2012, due to several police violence incidents, Amnesty International required from the Ministry of Interior – section of the government of which the Chilean police depends – information about measures to be adopted regarding this, using the mechanisms provided by Chilean Transparency Law. In all cases, the request was not responded to and was sent to the Police to provide a response, indicating that according to articles 1 and 2 of Law N°20.502, that creates the Ministry of Interior and Public Security, "to this State Secretariat corresponds the management of administrative affairs and processes that the Public Order and Security Forces require for the development of their functions and that are of their competence". Memorandums N°19.652, of 14 September 2011, 20.223 of 29 September 2011 and 16.147 of 27 September 2012.