

CHILE

**SUBMISSION FROM THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS TO
THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW**



**17TH SESSION OF THE WORKING GROUP ON THE UPR
21 October – 1 November 2013**

Washington DC, 2013

I. TABLE OF RATIFICATION OF INTER-AMERICAN TREATIES BY CHILE

	Signature	Ratification Accession	/ Deposit
American Convention on Human Rights ¹	11/22/69	08/10/90	08/21/90 RA
Inter-American Convention to Prevent and Punish Torture ²	09/24/87	09/15/88	09/30/88 RA
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador"	06/05/01	-	-

¹ Recognition of the jurisdiction of the Court on 08/21/90

(Declaration made at the time of signature)

The Delegation of Chile signs this Convention, subject to its subsequent parliamentary approval and ratification, in accordance with the constitutional rules in force. Such parliamentary approval was later granted and the instrument of ratification was deposited with the General Secretariat of the OAS.

(Reservations made at the time of ratification)

a) The Government of Chile declares that it recognizes, for an indefinite period of time and on the condition of reciprocity, the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of the human rights established in the American Convention on Human Rights, as provided for in Article 45 of the Convention.

b) The Government of Chile declares that it recognizes as binding, ipso facto, the jurisdiction of the Court on all matters relating to the interpretation or application of the Convention in accordance with its Article 62.

In making these declarations, the Government of Chile places on record that this recognition of the competence and jurisdiction of the Commission applies to events subsequent to the date of deposit of this instrument of ratification or, in any case, to events which began subsequent to March 11, 1990. Moreover, in acknowledging the competence and jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, the Government of Chile declares that, when these bodies apply the provisions of Article 21.2 of the Convention, they may not make statements concerning the reasons of public utility or social interest taken into account in depriving a person of his property.

² (Reservations made at the time of ratification)

a) To Article 4, to the effect that, inasmuch as it alters the principle of "automatic obedience" established in Chile's domestic law, the Government of Chile will enforce the provisions of that international rule in respect of subordinate personnel subject to the jurisdiction of the Code of Military Justice, provided that execution of an order whose obvious intent is the perpetration of the acts stipulated in Article 2, is not demanded by the superior over the subordinate's representation.

b) With regard to the final paragraph of Article 13, because of the discretionary and subjective way in which the rule is drafted.

c) The Government of Chile states that in its relations with the countries of the Americas that are Parties to the present Convention, it will apply this Convention in those cases where there is incompatibility between its provisions and those of the Convention against torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted by the United Nations in 1984.

d) With regard to the third paragraph of Article 8, since a case may only be submitted to the international fora whose competence has been recognized by the State of Chile.

Withdrawal of Reservations:

On August 21, 1990 deposited an instrument dated May 18, 1990, withdrawing the reservations formulated by the Government of Chile to Article 4 and to the final paragraph of Article 13 of the Convention.

Protocol to the American Convention on Human Rights to Abolish the Death Penalty ³	09/10/01	08/04/05	10/16/08 RA
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, "Convention of Belém do Pará"	10/17/94	10/24/96	11/15/96 RA
Inter-American Convention on Forced Disappearance of Persons	06/10/94	01/13/10	01/26/10 RA
Inter-American Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities	06/08/99	12/04/01	02/26/02 RA

II. COUNTRY REPORTS

Since 1985 the IACHR has not published a special country report on Chile (See <http://www.cidh.org/countryrep/Chile85eng/TOC.htm>)

III. THEMATIC REPORTS

- IACHR *Second Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II. Doc. 66, 31 December 2011. (Available at: <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>)
- IACHR *The Death Penalty in the Inter-American Human Rights System: From Restrictions to Abolition*. OEA/Ser.L/V/II. Doc. 68, 31 December 2011. (Available at: <http://www.oas.org/en/iachr/docs/pdf/deathpenalty.pdf>)
- IACHR *Report on the Human Rights of Persons Deprived of their Liberty in the Americas*. OEA/Ser.L/V/II. Doc. 64, 31 December 2011. (Available at: <http://www.oas.org/en/iachr/pdl/docs/pdf/PPL2011eng.pdf>)
- IACHR *Access to Justice for Women Victims of Sexual Violence: Education and Health*. OEA/Ser.L/V/II. Doc. 65, 28 December 2011. Available at: <http://www.oas.org/en/iachr/women/docs/pdf/SEXUALVIOLENCEEducHealth.pdf>)
- IACHR *The Situation of People of African Descent in the Americas*. OEA/Ser.L/V/II. Doc. 62, 5 December 2011. Available at: http://www.oas.org/en/iachr/afrodescendants/docs/pdf/AFROS_2011_ENG.pdf)
- IACHR *Access to Information on Reproductive Health from the Human Rights Perspective*. OEA/Ser.L/V/II. Doc. 1, 22 noviembre 2011. (Available at: <http://www.oas.org/en/iachr/women/docs/pdf/womenaccessinformationreproductivehealth.pdf>)

³ The State of Chile makes the reservation authorized under Article 2.1 of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty and may, therefore, apply the death penalty in wartime in accordance with international law, for extremely serious crimes of a military nature.

- IACHR *Legal Standards related to Gender Equality and Women's Rights in the Inter-American Human Rights System: Development and Application*. OEA/Ser.L/V/II.143 Doc. 60, 3 November. Available at: <http://www.oas.org/en/iachr/women/docs/pdf/REGIONALst.pdf>).
- IACHR *Women's Work, Education and Resources: The Road to Equality in Guaranteeing Economic, Social and Cultural Rights*. OEA/Ser.L/V/II.143 Doc. 59, 3 November 2011. (Available at: <http://www.oas.org/en/iachr/women/docs/pdf/WomenDESC2011.pdf>).
- IACHR Report *The Road to substantive Democracy: Women's Political Participation in the Americas*, OEA/Ser.L/V/II. Doc. 79, 18 April 2011. (Available at <http://www.cidh.oas.org/pdf%20files/POLITICAL%20PARTICIPATION.pdf>).
- IACHR *Report on Juvenile Justice and Human Rights in the Americas*, OEA/Ser.L/V/II. Doc. 78, 13 July 2011. (Available at: <http://www.cidh.oas.org/countryrep/JusticiaJuvenileng/jitoc.eng.htm>).
- IACHR *Report on Access to Maternal Health Services from a Human Rights Perspective*, OEA/Ser.L/V/II. Doc. 69, 7 June 2010, (Available at: <http://cidh.org/women/SaludMaterna10Eng/MaternalHealthTOCeng.htm>).
- IACHR *Report on Indigenous and Tribal Peoples' Rights Over Their Ancestral Lands and Natural Resources*, OEA/Ser.L/V/II. Doc. 56/09, 30 December 2009. (Available at: http://www.oas.org/en/iachr/afro-descendants/docs/pdf/AFROS_2011_ENG.pdf)
- *IACHR Report on Citizen Security and Human Rights*, OEA/Ser.L/V/II. Doc. 57, 31 December 2009, (Available at: <http://www.cidh.oas.org/countryrep/Seguridad.eng/CitizenSecurity.Toc.htm>)
- IACHR *Report on Corporal Punishment and Human Rights of Children and Adolescents*, OEA/Ser.L/V/II. Doc. 14, 5 August 2009, (Available at: <http://www.cidh.oas.org/Ninez/CastigoCorporal2009/CASTIGO%20CORPORAL%20ENGLISH%20FINAL.pdf>)
- IACHR *Report on the Rights of Women in Chile: Equal in the Family, Labor and Political Spheres*, OEA/Ser.L/V/II. Doc. 63, 27 March 2009. (Available at: <http://www.cidh.org/countryrep/Chilemujer2009eng/Chilewomen2009toc.eng.htm>)

IV. ADMISSIBILITY REPORTS (2009-2013)

- IACHR, Report no. 81/12, Petition 404-06, Admissibility, Alex Edmundo Lemun Saavedra and other, November 8, 2012. (Available at: <http://www.oas.org/en/iachr/docs/annual/2012/TOC.asp>)
- IACHR, Report no. 115/12, Petition 552-05, Admissibility, Giovanna Janett Vidal Vargas, November 8, 2012. (Available at: <http://www.oas.org/en/iachr/docs/annual/2012/TOC.asp>)
- IACHR, Report no. 67/10, Petition 305-05, Admissibility, José Luis Pimentel Román, July 12, 2010. (Available at: <http://www.cidh.org/annualrep/2010eng/TOC.htm>)
- IACHR, Report no. 171/10, Petition 578-03, Admissibility, Miguel Angel Millar Silva et. al., November 1, 2010. (Available at: <http://www.cidh.org/annualrep/2010eng/TOC.htm>)

- IACHR, Report no. 13/09, Petition 339-02, Admissibility, Vinicio Poblete Vilches, Chile, March 19, 2009. (Available at: <http://www.cidh.org/annualrep/2009eng/Chile339.02eng.htm>)
- IACHR, Report no. 14/09, Petition 406-03, Admissibility, Miguel Ignacio Fredes González and Ana Andrea Tuczec Fries, Chile, March 19, 2009. (Available at: <http://www.cidh.org/annualrep/2009eng/Chile406.03eng.htm>)
- IACHR, Report no. 141/09, Petition 415-07, Admissibility, Diaguita Agricultural Communities of the Huasco-Altinos and the members thereof, Chile, December 30, 2009. (Available at: <http://www.cidh.org/annualrep/2009eng/Chile415.05eng.htm>)

V. REPORTS ON THE MERITS (2009-2013)

- IACHR, Report No. 56/10, Merits, Case 12.469, Margarita Cecilia Barbería Miranda, Chile, March 18, 2010. (Available at: <http://www.cidh.org/annualrep/2010eng/TOC.htm>)
- IACHR, Report No. 110/09, Merits, Case 12.470, Ricardo Israel Zipper, Chile, November 10, 2009. (Available at: <http://www.cidh.org/annualrep/2009eng/Chile12470eng.htm>)

VI. CASES SUBMITTED TO THE INTER-AMERICAN COURT (2009-2013)

- **Segundo Aniceto Norín Catriman and others (Mapuches)**, Case 12.576, August 07, 2011. (Available at: <http://www.oas.org/es/cidh/decisiones/demandas.asp>)
- **García Lucero y otros**, Case No. 12.519 against Chile. September 20, 2011. (Available at: <http://www.oas.org/es/cidh/decisiones/demandas.asp>)
- **Almonacid Arellano**, Case No. 12.057 against Chile. In 2010 the Commission continued to submit its periodic comments on the compliance with the Court's September 26, 2006 judgment on preliminary objections, merits, reparations and costs and on November 18, 2010 the Court issued a resolution on compliance with the judgment. (Available at: http://www.corteidh.or.cr/docs/supervisiones/almonacid_18_11_10.pdf)
- **Humberto Palamara Iribarne**, Case No. 11.571 against Chile. In 2010 the Commission submitted its comments on the information regarding the compliance with November 22, 2005 judgment. (Available at: http://www.corteidh.or.cr/docs/supervisiones/palamara_01_07_11_ing.pdf)
- **Karen Atala and daughters**, Case No. 12.502 against Chile. September 17, 2010. (Available at: <http://www.oas.org/es/cidh/decisiones/demandas.asp>)

VII. JUDGMENTS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS (2009 – 2013, available at: <http://www.corteidh.or.cr/index.php/mapa-interactivo>)

- I/A Court H.R. Case of Atala Rifo and daughters v.Chile. Request for Interpretation of the Judgment of Merits, Reparations and Costs. Judgment of November 21, 2012. Series C No. 254.
- I/A Court H.R., Case of Atala Rifo and daughters v. Chile. Merits, Reparations and Costs. Judgment of February 24,2012. Series C No. 239

- I/A Court H.R., Case of Palamara Iribarne v. Chile. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of July 01, 2011.
- I/A Court H.R., Case of Almonacid Arellano et al. v. Chile. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 18, 2010.
- I/A Court H.R., Case of Palamara Iribarne v. Chile. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 21, 2009.

VIII. PRECAUTIONARY MEASURES (Granted since 2009 – 2013)

- PM 321/10 - Rapa Nui Indigenous People, Chile (Available at: <http://www.oas.org/en/iachr/docs/annual/2011/TOC.asp>)

IX. PRESS RELEASES (2009 – 2013)

- 97/12 - IACHR Condemns Injuries to Mapuche Children in Police Operation in Chile. Washington, D.C., August 2, 2012. (Available at: http://www.oas.org/en/iachr/media_center/PReleases/2012/press_releases_2012.asp)
- 34/12 - IACHR Deplors Death of Daniel Zamudio in Chile. Washington, D.C., March 29, 2012. (Available at: http://www.oas.org/en/iachr/media_center/PReleases/2012/press_releases_2012.asp)
- 94/11 - IACHR Takes Case involving Chile to Inter-American Court. Washington, D.C., August 19, 2011. (Available at: http://www.oas.org/en/iachr/media_center/PReleases/2011/press_releases_2011.asp)
- 87/11 - IACHR Expresses Concern for Violence Against Student Protests in Chile. Washington, D.C., August 6, 2011. (Available at: http://www.oas.org/en/iachr/media_center/PReleases/2011/press_releases_2011.asp)
- 120/10 - IACHR Deplores Death in Fire in Chilean Prison. Washington, D.C., December 9, 2010. (Available at: <http://www.cidh.org/Comunicados/English/2010/comunicados2010eng.htm>)
- 97/10 - IACHR Takes Case Involving Chile to the Inter-American Court. Washington, D.C., September 20, 2010. (Available at: <http://www.cidh.org/Comunicados/English/2010/comunicados2010eng.htm>)
- 1/10 - Opening of Chile's Museum of Memory. Washington, D.C., January 11, 2010. (Available at: <http://www.cidh.org/Comunicados/English/2010/comunicados2010eng.htm>)
- 80/09 - IACHR Visits Chile. Washington, D.C., November 26, 2009. (Available at: <http://www.cidh.org/Comunicados/English/2009/comunicados2009eng.htm>)
- 61/09 - Inter-American Commission Signs *Declaration of Santiago de Chile* on its 50th Anniversary. Santiago, Chile, September 4, 2009. (Available at: <http://www.cidh.org/Comunicados/English/2009/comunicados2009eng.htm>)
- 27/09 - IACHR Presents Report on the Situation of Women in Chile. Washington, D.C., May 13, 2009. (Available at: <http://www.cidh.org/Comunicados/English/2009/comunicados2009eng.htm>)

