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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Chile*

* The present document was not edited before being sent to the United Nations translation services.

I. METHODOLOGY

1. This report was coordinated by the Ministry of Foreign Affairs, with the assistance of the Office of the Minister and Secretary-General of the Presidency, following intense consultations involving various other ministries and departments.

2. A wide range of civil society organizations participated in the consultations, giving their viewpoints and making comments. Academics from around the country also participated in the consultations. At the same time, an online forum was set up on the website of the Ministry of Foreign Affairs to collect views on the human rights situation in the country over recent years. Many of the comments, suggestions and constructive criticisms received have been taken into account in preparing the present document.

II. CONTEXT

3. Since the return to democracy in 1990, the promotion and protection of human rights in Chile has been based on three core considerations: (a) the transition from a 17-year-long authoritarian regime to a democracy that recognizes and fully protects individuals' civil and political rights; (b) the search for truth, justice and reparation in relation to the massive and systematic violations of human rights in the past; and (c) laying the foundations for a more equitable social market economy with a strong emphasis on social matters, which has made possible substantial improvements in living conditions.

III. GENERAL LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

4. Chile is a unitary State divided into 15 regions, each of which is divided into provinces, which are in turn divided into communes. At the time of the 2002 census, Chile had a population of 15,116,435 inhabitants, 49.3 per cent of them male and 50.7 per cent female.

5. The Chilean Constitution establishes a presidential republic in which the political authorities - the President, members of the National Congress and municipal councillors - are elected directly at regular intervals by citizens with the right to vote.

6. The Constitution promulgated in 1980 has undergone some major reforms to incorporate international human rights standards. One crucial change is the amendment to article 5, which adds to the phrase concerning recognition by the State of the limit imposed by respect for the essential rights that derive from human nature, the duty of the State to respect and promote such rights, as guaranteed both by the Constitution and by the international treaties ratified by Chile and currently in force.

7. Other important amendments to the Constitution include: (a) the regulation of the powers invested in the executive with regard to the deprivation or limitation of the exercise of constitutional rights in states of emergency (freedom of movement, opinion, assembly, work, etc.); (b) the abolition of film censorship; (c) the establishment of freedom of artistic creation; (d) reform of the criminal justice system; (e) strengthening of the principle of equality for men and women before the law; (f) the establishment of the State's duty to promote nursery education and guarantee free access to it; and (g) the introduction of 12 years of free compulsory education.

8. The latest constitutional reforms, introduced in 2005, aim to eliminate the "authoritarian enclaves" that hamper the full enjoyment of political rights, by: (a) putting an end to the binding nature of National Security Council (COSENA) decisions and to the decisive influence of the

commanders-in-chief of the armed forces on them; (b) abolishing the system of appointed senators and senators for life; (c) changing the composition of the Constitutional Council and ending interference in the appointment of its members by the armed forces; (d) giving the President the power to order the retirement of the commanders-in-chief of the army, navy and air force and the Director-General of the *Carabineros* before they have served their full term of office, without having to seek the agreement of the National Security Council; (e) stipulating that the armed forces will be composed solely and exclusively of the army, navy and air force, which are to report to the Ministry of Defence, and that the security forces, composed of the *Carabineros* and the investigative police, will report to a public security ministry.

9. The reform put forward by the Government to change the binominal system of elections, which denies political representation to minorities that do not belong to a large coalition, is pending. The Government is committed to pursuing this reform.

A. State bodies responsible for the promotion and protection of human rights

10. Article 1 of the Constitution establishes the duty to respect and promote human rights, providing that the purpose of the State is to be “at the service of the individual” and to this end must “contribute to creating the social conditions which permit each and every member of the national community to achieve the greatest possible spiritual and material fulfilment, with full respect for the rights and guarantees established by this Constitution”.

11. Article 19 of the Constitution establishes fundamental rights and freedoms. These are guaranteed by the remedy of protection, in cases of arbitrary or illegal acts or omissions that might curb, disrupt or jeopardize their free exercise, and by the remedy of *amparo* (habeas corpus), which provides protection from arrest, detention or imprisonment that contravenes the Constitution or the law.

12. The Government is committed to the establishment of a national human rights institute, in line with the Paris Principles, and the relevant bill is currently before Congress. There will shortly be a vote on another proposed constitutional amendment submitted recently to establish an ombudsman’s office. In addition, a national human rights plan is being drawn up, and will be completed this year.

13. The following human rights authorities or bodies exist at the executive level, in the office of the President: the Presidential Advisory Commission for Human Rights Policy Formulation and Implementation;¹ the Presidential Advisory Commission for the Protection of the Rights of Persons;² and the Presidential Commissioner for Indigenous Affairs.³ At the level of central government, there are the Human Rights Department (Ministry of Foreign Affairs),⁴ the Human Rights Programme (Ministry of the Interior),⁵ the Department for Diversity and Non-Discrimination (Office of the Minister and Secretary-General of Government),⁶ and the Human Rights Office of the Legal Assistance Corporation (Ministry of Justice).⁷ There are also public services that deal with the specific concerns of certain groups, such as the National Service for Minors (SENAME), the National Service for Women (SERNAM), the National Disability Fund (FONADIS), the National Service for Older Persons (SENAMA), the National Commission on AIDS (CONASIDA) and the National Indigenous Development Corporation (CONADI).

14. At the legislative level, there is a human rights commission in both the Chamber of Deputies and the Senate. Meanwhile, the courts that form the judiciary (which is independent) have jurisdiction, under the Constitution and the law, over complaints submitted by nationals or non-nationals for violations of their rights.⁸

B. Chile's obligations under international human rights law

15. Chile is a State party to the core human rights treaties, and has recently ratified the following instruments: the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169); the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Protocol to the American Convention on Human Rights to Abolish the Death Penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

16. The Government has done its utmost to achieve the necessary majorities in Congress for the adoption of the following instruments: the Rome Statute (parliament has agreed to define crimes against humanity in the Criminal Code, with a view to a subsequent amendment of the Constitution that will allow the Statute to be adopted); and the International Convention for the Protection of All Persons from Enforced Disappearance, which is currently in its second constitutional reading in the Senate (significant progress has been made with regard to the definition in Chilean law of the crimes addressed in it).⁹

17. Chile cooperates constantly with the international human rights treaty-monitoring bodies, regularly submitting its reports to them, endeavouring to put their recommendations into practice and bringing domestic legislation into line with international instruments. It has also acted on the recommendations and judgements of the inter-American human rights bodies, which in one case meant amending the Constitution ("The Last Temptation of Christ" case) and, in another, passing the Act on Transparency and Access to Public Information (*Claude-Reyes et al. v. Chile*), which established procedures, remedies and a body - the Council for Transparency - to monitor implementation of the Act.

C. Status of international human rights law in the Chilean legal system

18. Under the amendment to article 5, paragraph 2, of the Constitution (mentioned above), the human rights established in international human rights treaties have constitutional status. This has been recognized by the courts in Chile, which have taken international standards as the basis for judgements. Most notably, the Supreme Court cited the judgement of the Inter-American Court of Human Rights in the case of *Almonacid-Arellano et al. v. Chile*, reaffirming that the prohibition of crimes against humanity is a rule of jus cogens.¹⁰

IV. MEASURES RELATING TO HUMAN RIGHTS VIOLATIONS COMMITTED BY THE MILITARY REGIME

19. Chile has fulfilled its duty to investigate, bring to trial and punish those responsible for the massive and systematic human rights violations committed during military rule, and has upheld this policy over time. Truth, justice and reparation are the pillars on which successive democratic governments have based their efforts to uphold this policy.

20. As far as truth is concerned, the first democratic Government set up the National Commission on Truth and Reconciliation (the Rettig Commission), which began work in April 1990, to investigate the situation of political prisoners who had disappeared and been executed during military rule. In its final report, it listed 3,195 victims. On receiving the report, President Patricio Aylwin apologized to the country on behalf of the State for the human rights violations committed by the military regime.

21. Another step in this direction was the establishment of the Forum for Dialogue, which was convened in 1999 by the Government of President Eduardo Frei, to bring the armed forces into the national dialogue on human rights violations under the military regime and to gather information on the fate of detainees who disappeared. The Forum was attended by representatives of the military, religious institutions and civil society, as well as by lawyers and human rights defenders, and created a new climate of cooperation in the search for truth and justice, as well as paving the way for a new relationship between civilians and the armed forces.

22. In August 2003, President Ricardo Lagos put forward a proposal entitled “No future without a past”. Among the main consequences of this initiative were the establishment of the National Commission on Political Imprisonment and Torture (the Valech Commission), the promulgation of laws granting reparations to political prisoners and torture victims and additional compensation for the families of political prisoners who had disappeared and been executed, and the submission to Congress of a bill establishing the National Human Rights Institute.

23. The Valech Commission listed the victims who had been deprived of their liberty and tortured for political reasons, situations that were not covered in the investigation carried out by the Rettig Commission. The Valech Commission received testimony from 35,868 people, of whom 28,459, living in Chile or abroad, were classed as victims.¹¹

24. As far as justice is concerned, progress is difficult but has never come to a halt. In recent years, it has been boosted in particular by improvements in processing cases of human rights violations before the courts. The reasons for this include the commendable persistence of victims’ families and lawyers in pressing for investigations and the appointment, since 2001, of special judges to try cases involving human rights, which has led to the reopening and faster processing of such cases.

25. With regard to the trial and punishment of State officials responsible for serious human rights violations, from the beginning the democratic governments in Chile have opposed the application of the Amnesty Decree-Law passed when the military regime was in power, although it has not been possible to repeal it for lack of the necessary parliamentary majority. A bill currently before the Senate offers an interpretation of article 93 of the Criminal Code that would rule out the extinction of criminal liability by amnesty, pardon or statute of limitations for the crimes and ordinary offences constituting genocide, crimes against humanity and war crimes covered by the treaties ratified by Chile.

26. In various decisions since 1998 the Supreme Court has not applied the Amnesty Decree-Law, on the grounds that the main international instruments of humanitarian and human rights law ratified by Chile and in force in the country establish that crimes against humanity are not subject to a time-bar or amnesty.¹² Moreover, the doctrine of the “continuing offence of kidnapping” has been laid down in the case of disappeared prisoners, and prevents the application of an amnesty or time-bar.¹³

27. The Government monitors the proceedings pending before the courts through the Human Rights Programme of the Ministry of the Interior, which acts as an intervener in the majority of such cases. As at 31 December 2008, there are 338 cases pending in relation to 1,128 victims. In 254 of these cases, the Human Rights Programme participates as an intervener. There are 491 former State officials on trial, of whom 173 face more than one charge. In addition, 257 officials have been convicted, and 47 of these were convicted on more than one charge. Of all the officials who have been tried and convicted, 45 are generals or admirals, 17 are brigadiers

and 72 are colonels. It should be pointed out that a number of sentences have been handed down against some of the top-ranking officials from the security apparatus of the military regime, including General Manuel Contreras Valdebenito, former director of the National Intelligence Directorate (DINA), and Brigadier Pedro Espinoza Bravo, former deputy director of DINA, to mention two of the most emblematic. Both are now serving jail sentences.

28. One of the difficulties encountered in the pursuit of justice is the fact that, in most cases, it has not been possible to determine the exact fate of the disappeared prisoners, or to determine how they died or how their bodies were removed. In addition, the sentences of some of the guilty parties have lately been reduced, in light of extenuating circumstances and in application of the concept of “semi-prescriptibility”.¹⁴

29. As far as reparations are concerned, in implementation of one of the main recommendations of the final report of the Rettig Commission,¹⁵ the National Reparation and Reconciliation Corporation was established, and pensions and various education and health benefits were granted to the spouses, mothers and children of the victims of enforced disappearance and political executions. In November 2004, new benefits were introduced and these pensions were increased. Persons classed as victims by the Valech Commission also receive regular pensions and health and education benefits.

30. In 1990, the National Office for Returnees was established to facilitate the reintegration of political exiles. In four years of operation, the office has dealt with 52,577 persons.¹⁶ In 1993, a programme to recognize employees dismissed on political grounds was set up to provide benefits for people who lost their jobs for political reasons during military rule.

31. The particular importance accorded to symbolic reparation measures is demonstrated by the construction of memorials paying tribute to victims throughout the country, in response to a recommendation in the Rettig report which noted that “the State can take the lead in making gestures and creating symbols that can give a national impetus to the reparation process”. This policy will find further expression in the inauguration, at the end of 2009, of the Memorial Museum, an initiative of the current President.

32. State investment in reparation measures for the victims of human rights violations has been impressive. Between 2000 and 2008, the equivalent of over \$113 million was spent on compensatory allowances for members of the families of political prisoners who disappeared and were executed.¹⁷ Between 2005 and 2008, over \$103 million was spent on vouchers for the children of victims who had received no, or only partial, compensation. In the same period, the total paid in pensions for political prisoners and torture victims rose to over \$195 million. Between 1996 and 2008, financial compensation for people dismissed on political grounds amounted to over \$1,205 million. In total, the State paid out more than \$1.6 billion in the above-mentioned periods.

V. CIVIL AND POLITICAL RIGHTS

33. Many changes have been introduced to strengthen civil and political rights in Chile. They include changes introduced since 1990 to the rules of criminal procedure to guarantee freedom, personal security and due process, culminating in the reform of the system of criminal procedure as a whole. This reform was part of the complete overhaul and modernization of the justice system, including the juvenile criminal justice system and procedures for dealing with labour disputes, as well as the establishment of family courts.

34. Other major achievements in the protection of civil rights include the abolition of the death penalty from the Criminal Code and the Code of Military Justice in times of peace; the classification of torture as an offence under the Criminal Code; and progress in the area of freedom of expression, religion and conscience. In the area of the family, they include a new statute on filiation, which grants equal rights to children born inside and outside marriage; reforms of civil marriage; penalties for domestic violence; clearer definitions of sex offences; and the implementation of policies on equality before the law and non-discrimination against vulnerable groups.

A. Complete modernization of the justice system

35. Access to justice and to a prompt and adequate judicial remedy is one of the pillars of the rule of law. For this reason, a process is under way that will bring profound changes to the justice system.

1. Reform of criminal procedure

36. A new Code of Criminal Procedure that is in line with international human rights standards has been adopted. It introduces an oral adversarial procedure that realizes the ideal of a system of justice that resolves social conflicts quickly, transparently, efficiently and impartially, and that is accessible and respectful of the fundamental rights of the parties. It replaces a written, secret, inquisitorial system under which the judge acted as investigator and prosecutor and passed sentence. The first two functions are now performed by the Public Prosecutor's Office, an autonomous and independent body responsible for protecting victims and witnesses. The Public Defender's Office acts on behalf of the accused or defendant who has no defence counsel of their own.

37. The outcome of the reform is seen as successful by national and foreign experts, as well as by society as a whole. Since the new criminal justice system was introduced throughout the country in 2005, 96 per cent of cases are processed within 15 months, as compared with 87 per cent under the old system. The average length of proceedings is 90 days.

2. Juvenile criminal justice

38. The new juvenile criminal justice system came into operation in 2007, and introduced a special trial procedure for juvenile offenders. The new procedure is highly specialized, and has quite different outcomes and proceedings from those that apply to adults. It offers real opportunities for social reintegration through State-run programmes and applies the principle of proportionality to punishments, keeping deprivation of liberty as a last resort. The implementation of this reform has not been problem-free. The Government is therefore committed to making continuous, gradual improvements to the conditions in which young people are deprived of their liberty, by strengthening inter-institutional coordination through the establishment of working groups, using trained specialists and building 10 new high-quality centres, which will shortly be operational.

3. Family courts

39. The new system of family courts came into operation in October 2005, and represents both a quantitative change, with an increase from 51 children's judges to 258 family judges, and a qualitative one, in that all family matters are now dealt with and resolved by a single court.

4. Labour law

40. There has been a change from a mixed procedure to an oral, public, concentrated and speedier procedure that facilitates direct contact between the judge and the parties and the evidence produced before the court. Judges have powers to avoid the unnecessary delays and interruptions that can hold up proceedings. Provision is made for a dedicated professional legal defence for any worker who cannot afford one, thereby guaranteeing equality before the law, due process and the necessary balance in the treatment of the parties. To introduce this system, the Government has strengthened organizational resources, bringing in 84 specialized judges and further support staff.

5. Military justice

41. One of the main outstanding issues with regard to the modernization of the justice system concerns the jurisdiction of military courts. No structural changes have been made to the regulations governing the military judiciary in times of peace, which are not in line with international standards in this area. Military jurisdiction is too broad, with the result that in certain circumstances civilians can be tried by military courts. Nevertheless, some progress has been made. In 2005, the concept of improper sedition was removed from the Code of Military Justice; this had enabled military courts to try civilians who induced or incited military personnel to disorder, insubordination or failure to perform military duties. To confront the challenges in this area, a study group on reform of military justice has been set up. A bill on a new code of military justice, in line with international human rights standards, will be submitted this year.

42. Abolition of the death penalty from military law: in order to comply fully with its international commitments, the Government has proposed to abolish the death penalty in times of war from the Code of Military Justice. A bill now before Congress proposes replacing this punishment with life imprisonment in a military prison, with no possibility of parole for 40 years.

B. Prison conditions

43. The Government has taken steps to improve conditions for prison inmates (of whom there are 50,230). The 1998 Prison Regulations set out the following criteria to be taken into account when establishing or modifying prisons: the age and sex of the prisoners, and the type of offence committed; the seriousness of the crime; any special security or health measures needed for certain inmates; the nature of rehabilitation activities and action; and other criteria adopted by the prison administration.

44. Thanks to the Prison Infrastructure Concession Programme, the Government has sufficient funds and experience with complementary services in the private sector to establish prisons with high operating standards. The aim of the programme is to produce an efficient prison system that guarantees the security of citizens while rehabilitating and protecting inmates.

45. The new public-private system of prison concessions involves an initial investment of over \$280 million in construction and equipment alone for 10 prisons around the country. Six of these are already in operation. There is a budget of \$115 million to cover their running costs in 2008.

46. Despite this undeniable progress, there is still some overcrowding, and this is aggravated by the deterioration of some of the buildings used as prisons, which in some circumstances is jeopardizing the security of both inmates and prison staff. This is a challenge that requires a huge

amount of resources, and that the Government is tackling by building new prisons. The Government will build six new prisons and improve eight more in the next four years, boosting the country's current prison capacity by some 9,000 places.

47. In total, the new prisons will provide 16,335 new places, the equivalent of 34 per cent of the total population of convicted and remand prisoners, with a total surface area of 440,271 m², or an average of about 27 m² per prisoner. The new prison complexes are designed in such a way as to strictly segregate the prison population according to prisoners' criminal profiles; there are individual cells for maximum and high security inmates and shared cells for up to three inmates, all with inside bathrooms.

C. Rights of indigenous peoples

48. With the return to democratic governance, the policy of dividing communities and assimilating indigenous peoples was abandoned, and a new phase was entered into, based on respect for indigenous people and on their recognition, participation and development. The Special Commission on Indigenous Peoples was set up and the National Indigenous Peoples' Congress was held. In 1993, on the basis of this work, the Indigenous Act was passed: this sets out the rights of these peoples, establishes their own public institutional framework, and promotes the implementation of public policies on the restitution and protection of land and water, the development of production, and the affirmation of their cultural and educational values.

49. To put its provisions into practice, the Act established the National Indigenous Development Corporation (CONADI), a decentralized public body with its own resources, which is responsible for promoting, coordinating and implementing action by the State to encourage the full development of indigenous individuals and communities, through the Water and Land Fund, the Development Fund and the Education and Culture Unit. These new institutions became fully operational with the beginning of the process to return land and set up the first indigenous development areas¹⁸ and with the introduction of the programme of grants for indigenous students.

50. An important event was the establishment of the Mapuche Public Defender's Office in 2001 in Temuco, the capital of the region with the highest proportion of Mapuche indigenous people. In the same city, in 2008, the Citizens' Defence Office was set up within the Presidential Advisory Commission for the Protection of the Rights of Persons, with a focus on the protection of indigenous rights. Also in 2008, indigenous affairs units were set up in ministries and governors' offices. The Ministerial Council for Indigenous Affairs, regional government indigenous councils and public-private indigenous councils were also set up.

51. Indigenous peoples have been involved in the design of public policies concerning them. "Communal dialogues" were held for this purpose in 1999; the Indigenous Peoples' Working Group was convened in 2000; the Historical Truth and New Deal Commission was set up in 2002; and the multiphase Comprehensive Development Programme for Indigenous Communities ("Origins Programme") was implemented. In 2004, on the basis of the Commission's recommendations, the New Deal Policy for Indigenous Peoples was announced, and was backed up by President Bachelet's 2008 plan entitled "*Re-Conocer: A Social Pact for Multiculturalism*".

52. One of the most striking achievements of indigenous policy has been the return of land to indigenous communities. This is part of a process of recognition of their right to land - based on rightful title deeds - which was taken away from them in often painful and abusive circumstances. Between 1994 and 2008, over 500,000 hectares of land were returned to indigenous communities, benefiting 22,000 families.

53. As far as economic development is concerned, since 2000 one of the main tools for providing support has been the Origins Programme, for which the Government signed a loan agreement with the Inter-American Development Bank, in order to improve living conditions and promote the development, while respecting the identity, of the Aymara, Atacameño and Mapuche peoples in rural areas, in the economic, social and cultural spheres.

54. Since 1994, work has been systematically undertaken with native peoples under the Health and Indigenous Peoples Programme, based on recognition of the value of the knowledge and health practices developed by various native peoples, which have been termed “intercultural health issues”.

55. Among the policies for indigenous children, young people and women, the following stand out: (a) the Indigenous Grants Programme for students in basic, secondary and higher education;¹⁹ (b) the Bilingual Intercultural Education Programme set up in the Ministry of Education; (c) the establishment of intercultural kindergartens in the main towns with indigenous populations; and (d) the establishment of the Indigenous Women’s Unit in CONADI, to support women in their role as bearers of culture, by promoting and nurturing gender equality.

56. In the cultural sphere, a plan is being developed to protect the indigenous architectural, archaeological and historical heritage. To date, two exhibitions of indigenous arts and culture have been held, one in 2006 and one in 2008.

57. Another significant development is the gradual incorporation of an indigenous perspective into the country’s main social and demographic statistical instruments, such as the censuses of 1992 and 2002 and the Indigenous Social and Economic Surveys of 1996-2000-2003 and 2006. These have produced a more accurate picture of the lives of indigenous peoples and provided important inputs to the relevant public policies.

58. On the legislative front, the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) was ratified and promulgated. The *Re-Conocer* plan sets out specific measures to implement the Convention, reflecting the Government’s determination to recognize and respect the rights of indigenous peoples. The Act on the Indigenous Peoples’ Marine and Coastal Zone was also promulgated.²⁰

59. In addition to the progress made so far, the Government is determined to continue taking steps to help indigenous peoples, including by: improving the State’s response to their demand for land and to the situation in the indigenous development areas; promoting the election of indigenous people to political positions; enhancing multiculturalism, with a focus on the urban areas where about 70 per cent of the country’s indigenous population lives; and pressing for the adoption of the proposals for constitutional and legal reform currently making their way through Congress in relation to constitutional recognition of indigenous peoples and special status for Easter Island, home to the Rapa Nui ethnic group.

60. With regard to the recent violence in Mapuche towns, it should be pointed out that, in enforcing the law, successive democratic governments have never applied any criterion based on ethnic, social, cultural or any other kind of consideration.

D. Equal opportunities for men and women

61. The first step in guaranteeing women and men equal access to the benefits of development in Chile was to establish the National Service for Women (SERNAM) in 1991. The job of SERNAM

is to devise, propose and coordinate policies and legislative reforms conducive to equal rights and opportunities for women and men, thereby helping to curb discriminatory practices in the country's political, social, economic and cultural development. Part of its job is to put into practice the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and the outcomes of global and regional United Nations conferences.²¹

62. To ensure that gender equity is integrated in public policies, SERNAM drew up the first Plan on Equal Opportunities for Women, for the period 1994-1999. In 1997 it produced a set of policies on equal opportunities for rural women and in 1999 the second Plan on Equal Opportunities for Women, for the period 2000-2010, to consolidate gender policies in public institutions. In 2000, the Council of Ministers on Equal Opportunities was established, with the task of monitoring and ensuring compliance with the equal opportunities plan, as well as to introduce specific gender-related policies in ministries, services and State corporations. In 2002, within the framework of policies to modernize the civil service, the Government included a "gender equity scheme" in its Management Improvement Programme.²² The scheme seeks to improve opportunities for women and men to access and benefit equally from public policies. In recent years, President Bachelet has set out specific commitments in the Government Agenda for Gender Equity, 2006-2010.

63. The above-mentioned measures have led to significant progress: there is greater equity at all levels of education and women's participation in the workforce has increased for the first time to over 40 per cent. One of the most important measures has been to strengthen constitutional provisions on equality between women and men. Another milestone was the legislation on domestic violence, which had been in force since 1994 and was replaced in 2005,²³ with the aim of preventing, punishing and eradicating such violence.²⁴

64. Women's participation in public positions in the executive has been increased considerably. The President since 2006 has been a woman who, upon taking office, appointed a ministerial cabinet in which gender parity was observed.

65. The main challenges now are to improve women's salaries and their organizational and negotiating capacity to enable them to achieve equitable and more stable access to the labour market; to continue strengthening the mechanisms that protect women from domestic violence; and to ensure more equal participation in public decision-making. Other challenges are to ensure the adoption of various bills, such as the one defining femicide as an offence, the one proposing to reform the matrimonial property regime, the one that will make it possible to change the order of maternal and paternal surnames, and the one establishing equal pay for men and women.

E. Rights of children and young people

66. In 1990 Chile ratified the Convention on the Rights of the Child, and subsequently signed and ratified the optional protocols to the Convention. To implement these instruments, the law has been amended so as to protect children and young people, especially those whose rights have been violated and the victims of ill-treatment, sexual abuse or other forms of exploitation or violence.

67. One remaining challenge is to repeal the 1967 Minors Act, which is based on the premise of the "irregular situation of the child" and which makes no clear distinction, as far as judicial procedures and treatment are concerned, between children in need of care and protection and those in conflict with the law. The Presidential Advisory Council on Reform of Child Policies is working to produce a set of rules in line with international standards.

68. At the same time, public policies on children and young people have been drawn up with a view to implementing programmes embodying the obligations arising under the Convention and its two optional protocols. There has been a gradual move away from a “welfare-based” approach and practice based on the “irregular situation of the child” towards a system of rights-based social protection. The system has been a work in progress since 1990, peaking in 2000 with the establishment of the “Chile Solidario” scheme.

69. Under the Government of President Bachelet, the comprehensive child protection scheme “Chile Crece Contigo” (“Chile Grows with You”) was established. The scheme marks a qualitative leap forward as compared with previous policies, taking an intersectoral and multidisciplinary approach that is unprecedented in Chile. It has wide territorial coverage and protects children from the moment of conception.

70. The improved living conditions for children and young people in Chile have been achieved by reducing poverty in households with children under the age of 18 (from 51 per cent to 21 per cent between 1990 and 2006) and increasing support for the educational system by 15 per cent between 1990 and 2006, to the benefit of children of all ages but especially pre-nursery and nursery school children. In the same period, the gap in educational coverage between the poorest quintile and the richest quintile narrowed from 10.5 per cent to 6.9 per cent, while the number of children falling behind in school fell by 9.3 per cent. Also in this period, there was an increase in the proportion of young people in full-time education, from 77.5 per cent to 88.2 per cent, a fall in the proportion of young people in full-time work, from 8.4 per cent to 2.3 per cent, and a fall in the proportion of young people neither studying nor working, from 14.5 per cent to 6.8 per cent.

71. The National Service for Minors is drawing up a proposal to redefine its areas of work, in line with the recommendations of the Committee on the Rights of the Child. Meanwhile, it has the ongoing task of improving the dissemination of the Convention to children and their parents, by systematically including human rights issues in the curriculum at every level of education, with the cooperation of civil society and other bodies, as well as guaranteeing that young people have access to sexual and reproductive health services and sex education in schools.

F. Rights of migrant workers

72. The Aliens Department of the Ministry of the Interior is responsible for managing migration in cooperation with other ministries and public services. In this area, the measures taken by public bodies have drawn on the treaties to which Chile is a party: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the United Nations Convention against Transnational Organized Crime; and the protocols supplementing the latter, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

73. In September 2008, a presidential instruction on national migration policy was issued. It established the Council on Migration Policy, which is responsible for advising public and private stakeholders. The instruction promotes the modernization of the bodies dealing with migrants, who are recognized as subjects of rights.

74. According to census data and the residency records kept by the Aliens Department of the Ministry of the Interior, there were 290,901 foreigners living in Chile in 2008. It is estimated that

about 10 per cent of that total were in an irregular situation. The largest group of irregular migrants comes from Peru (50 per cent of the total). One troubling aspect of migration is that more and more migrants are women (55 per cent of the total), especially from other countries in South America.

75. All foreigners and refugees whose situation has been regularized have the same access as nationals to health care in Chile. Nevertheless, in some cases where the health of certain vulnerable groups of irregular migrants is concerned, the Ministry of Health, together with the National Health Fund and the Aliens Department, has run special programmes, including programmes for all pregnant women and for children under the age of 18. Similar measures have been taken to guarantee access to education.

76. In 2007, a process was begun to regularize foreign migrants in an irregular situation in Chile. Over 50,000 people took advantage of this (63.9 per cent of them Peruvian citizens). The second phase of this process, covering requests for permanent residence, got under way last year.

77. Two draft bills on migration issues and refugee status are currently under preparation. Efforts are also being made to iron out some administrative problems in this area.

G. Rights of persons with disabilities

78. Attention is drawn to the establishment in 1994 of the National Disability Fund (FONADIS), a decentralized public service that has made significant progress possible with regard to: the treatment of disability as a cross-cutting issue within the State administration; the repositioning of disability as a matter of concern to the whole of society; and social participation and public-private cooperation in dealing with the needs of persons with disabilities, particularly their integration in the educational system and workforce. The above is part of a process that has been under way in the country for over a decade, under which disability is approached as a question of public policy, in a move away from the old welfare and protection measures that historically had the effect of making persons with disabilities as a group invisible.

79. The First National Study on Disability, carried out jointly in 2004 by FONADIS and the National Statistical Institute, found that 2,068,072 persons had some level of disability (12.9 per cent of the total population). Of these, 917,939 had a significant functional impairment or serious difficulties in carrying out essential everyday activities such as getting dressed, eating, moving around or coping with the barriers they come up against.

80. Chile was one of the first countries to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

H. Rights of older persons

81. One of the most significant advances made in the protection of the rights of older persons was the establishment of the National Service for Older Persons (SENAMA), which began work in 2003 with a mandate to ensure older persons' full integration into society, protection from neglect and poverty, and the exercise of their rights under the Constitution and the law. The Government has accorded central importance to older persons in the process of consolidating the welfare system, which takes a rights-based approach to the challenge of building a society that looks after people of all ages.

I. Rights of sexual minorities

82. Since the return to democracy, policies of non-discrimination and social inclusion have been implemented with regard to sexual minorities. Important changes have been made in the areas of education and health, thanks to an open dialogue between the authorities and representatives of gays, lesbians and transsexuals. The Office of the Minister and Secretary-General of Government announced in 2004 the National Plan to Combat Discrimination in Chile, which talks of the need to end marginalization based on sexual orientation or gender identity. The Ministry of Education tackled the issue of discrimination against students and teachers on account of their sexual orientation in 2005 in its Sex and Emotional Education Plan.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A. Poverty and social inequality

83. A development model that seeks to combine economic growth and social equity has brought higher standards of living. The key to this has been investment in universal social services. Since the 1990s, Chile has made institutional reforms in the fields of health, education and welfare. In the period 1990-2007, social spending grew by 188 per cent in real terms. In the same period, the economy grew on average by 5.4 per cent a year, making a total increase of 161 per cent between 1990 and 2007. In 2007, gross domestic product (GDP) stood at \$9,884 per capita.²⁵

84. Between 1990 and 2007, the workforce grew on average by 2.17 per cent a year. In the same period, 1,998,000 jobs were created, at an average annual rate of 2.21 per cent. The annual average unemployment rate ranged from 6.1 per cent in 1997 to 10.0 per cent in 1999 and 2004, with a higher unemployment rate for women than for men throughout this period. Between 1994 and 2007, real wages grew by 2.4 per cent a year on average, while the real minimum wage rose by over 120 per cent between 1990 and 2007.

85. The number of people living in poverty in Chile in 1990 was 4,968,302, or 38.6 per cent of the total. In 2006, this had fallen to 13.7 per cent. The number of people living in extreme poverty in 1990 was 1,674,736, or 13.0 per cent of the total. In 2006, this had fallen to 3.2 per cent. In 1990, there were 1,058,679 households living in poverty and 338,724 living in extreme poverty, that is, 33.3 per cent and 10.7 per cent of the total, respectively. In 2006, these percentages had fallen to 11.3 per cent and 2.7 per cent, respectively.

86. One of the distinctive features of the public policies implemented in this period that made it possible to achieve the above indicators was the move away from a welfare-based approach to one that promotes the development of human capital. This explains why reforms were pushed through in the fields of education and health and why measures were focused specifically on poverty, including the Chile Solidario welfare scheme, which represents a crucial change in social policy.²⁶ A brief review of existing programmes reveals a range of rights-based public services and social benefits in different areas of social policy and, in particular, strategies aimed at eradicating poverty. The Chile Crece Contigo programme, welfare reform, 12 years of compulsory free schooling and the Explicit Health Guarantees (GES) scheme are all examples of rights-based, enforceable and funded public policies.

87. In short, social policy is being transformed into a development tool that is synchronized with national macroeconomic priorities and that is highly sensitive to the specific realities facing various groups who do not have sufficient opportunities to enjoy the fruits of economic growth or sufficient autonomy to be able to satisfy their needs in ordinary markets. To achieve its objectives, such a

policy requires a sound and coherent ethical basis that offers the necessary guiding principles. This basis is provided by the human rights principles that have transcended the sphere of civil and political rights and extended into the sphere of development.

B. Right to health

88. Since 1990, the number of cases of medical treatment has risen from 21,602,016 to 38,929,287; cases of emergency treatment from 6,486,632 to 15,881,687; hospital discharges from 1,081,479 to 1,190,114; and diagnostic tests from 22,148,001 to 66,830,167, basically thanks to improvements in primary health care and the building and outfitting of new hospitals. The total number of beneficiaries of primary health care in 2008 was 10,436,954.²⁷

89. The average annual State investment in health between 1990 and 1999 was \$141 million, almost six times as much as in the previous decade. In the period 2000-2005, investment in this area amounted to \$390 million, and in 2006 projects worth \$152 million were funded. Investment in equipment for the new health guarantees scheme amounted to \$48 million in 2007 and the budget for 2008 rose to \$152 million.

90. Between 1990 and 2006, the infant mortality rate fell from 16 to 7.6 per 1,000 live births and the maternal mortality rate fell from 40 to 19.8 per 1,000 live births, which are some of the best figures for child survival in the world.

91. As far as health services are concerned, the establishment of the Explicit Health Guarantees scheme deserves a special mention. It marks a move away from a welfare-based health policy towards one focused on the rights of persons. The policy aims to translate the right to health into concrete steps to solve problems within set time frames and conditions that are enforceable by law. This means that every individual has, without discrimination on grounds of ability to pay, gender or age, the right to demand higher-quality, more efficient and timely care. The scheme is beginning gradually to cover treatment for the diseases and health conditions that are today responsible for the highest number of cases of mortality, disability and loss of quality of life. Treatment is currently guaranteed for 56 health problems, and the goal is to cover 80 illnesses by 2010. Given the limited resources available, the intention is to maintain the level of care for these problems without neglecting those that are not yet covered by the scheme, and for which there are still waiting lists that need to be cut.

C. Right to education

92. In Chile, educational coverage is virtually universal and the challenge is to improve the quality of education and fairness within the education system; a national agreement designed to make progress on both fronts is in place. In the 1990s, a far-reaching educational reform was rolled out gradually in primary and secondary schools. Measures have been taken to progressively increase coverage and to promote equality, fairness and non-discrimination in access to education. Illiteracy has been reduced, the average number of years of schooling has been increased, the proportion of students completing each cycle of education has been increased, and significant progress has been made in preschool education.

93. Spending on education as a percentage of total public spending increased from 11.8 per cent in 1990 to 15.7 per cent in 2008. The literacy rate in the population group aged between 15 and 24 is around 98 per cent, that is, almost the entire group. The net enrolment rate in basic education (children aged between 6 and 13) in the past decade has tended to hover around 90 per cent; according to the figures for 2006, 93.3 per cent of first-graders reached fifth grade. The net

enrolment rate in secondary school (children aged between 14 and 17) was 71 per cent in 2006, nine percentage points higher than in 2000. As for the retention rate, almost 85 per cent of pupils who entered secondary school between 2001 and 2006 reached the last grade.

94. The 2003 constitutional reform made secondary education compulsory and free, giving the State responsibility for guaranteeing access to such education for all Chileans up to the age of 21, and for guaranteeing that they receive a minimum of 12 years of schooling. In addition, under the Complete Education Plan, a grant to encourage children to stay on at school has been introduced. Since 2003, this grant has been provided to the schools attended by the poorest children to encourage the latter not to drop out but to complete 12 years of schooling; under the same plan, efforts have been stepped up to prevent teenage pregnancies and child labour and to standardize courses.

95. The constitutional reforms of 1999 and 2007 established the duty of the State to promote nursery education and to guarantee free access and government funding at the nursery and pre-nursery levels. The enrolment rate for 4- and 5-year olds increased from 40 per cent to 74.6 per cent in this period. Since 2006, the Government has endeavoured to bring more children from the poorest 40 per cent into the educational system from the earliest age. Coverage by crèches increased by 240 per cent between 2005 and 2007.²⁸

96. In order to comply with the guarantees set forth in the Constitution and in the treaties signed and ratified by Chile, the Constitutional Act on Education was amended to provide for financial penalties for schools that expel or deny access to pregnant girls or teenage mothers.²⁹ The Act was also amended in such a way as to avoid discrimination in the selection procedures for pupils, stipulating that they must be objective, transparent and respectful of the dignity of pupils and their families.

D. Right to work and insurance

97. Between 1990 and 2008, Chile's labour laws underwent an important development aimed at protecting workers' rights and strengthening the social and economic dimension of labour relations.

98. The labour rights enshrined in the Constitution include freedom to work and protection of that freedom, the right to social security and the right to join a trade union. To reinforce these rights, a fundamental reform of the Labour Code was adopted, with the aim of reinstating some labour rights lost during military rule and creating more jobs. Trade-union and collective bargaining rights were strengthened and alternatives to permanent employment contracts were introduced. The reform of labour law referred to above is in addition to these reforms.

99. The 2008 reform of the insurance scheme is one of the major achievements in the world of work. It establishes a system consisting of a basic solidarity pension (PBS) for everyone who is not entitled to a pension under an insurance scheme; a solidarity insurance contribution (APS), an extra contribution provided by the State to top up small pensions; an incentive to make voluntary contributions, intended to encourage non-compulsory savings for old age; and an individual capitalization component to increase the competitiveness and transparency of the system. This reform provides over \$500 million to increase the amount and coverage of the common basic pension and common insurance contribution and to build up a new institutional framework, as well as to finance other changes such as the issuance of a voucher per child to women who begin to receive a pension after July 2009 and a subsidy for employers who hire young workers.

E. Right to housing

100. Access to housing in Chile is regulated by a set of binding rules that establish various State subsidy schemes. There is no discrimination on grounds of nationality, sex, civil status, religion or ideology, or location. Foreign residents enjoy the same benefits as Chilean nationals, and Chileans living abroad have the same rights too, regardless of whether they have taken another nationality or not. In the allocation of subsidies, priority is given to age (no one under the age of 18 can accede to property ownership) and family size (there are limits on the participation of single-person households in each project).

101. At the beginning of the 1990s, the housing situation was characterized by a growing shortage, with over 900,000 families without a home. In addition, there were serious problems with the quality of housing, with around 660,000 families living in poor quality homes. The existing housing supply only partially covered the needs of the poorest households in the country. Today, the housing shortage has been reduced by more than half, to around 400,000 homes. Some 40 per cent of current housing stock has been built in the past 18 years.

102. The current Government has been drawing up an urban housing policy aimed at social integration, which tackles the quantity and quality of homes and their urban setting. One of the main outstanding challenges is the need for deeper social integration and improvements in existing housing stock.

F. Right to a healthy environment

103. The Constitution recognizes the right to live in a pollution-free environment. The National Commission on the Environment (CONAMA) is the State institution responsible for ensuring observance of this right. In 1994, the Environment (Framework) Act was passed;³⁰ it sets out a system of environmental regulations intended to protect the environment. The first Minister for the Environment was appointed recently.

VII. CONCLUSION

104. In the last 19 years, Chile has consolidated the effective exercise of civil and political rights, by enhancing and consolidating civil liberties; made progress in the pursuit of truth, justice and reparation in relation to past human rights violations; and made important gains in the protection of the economic and social rights of individuals. All this is reflected in the 2009 report on Chile by the United Nations Development Programme (UNDP) entitled “La manera de hacer las cosas” (“How to do things”), which puts Chile in fortieth place overall in the Human Development Index and in second place among the countries of Latin America and the Caribbean.

105. Chile has demonstrated its commitment to the observance, protection and promotion of human rights, taking into account their indivisibility and interdependence. The rule of law will continue to be improved and strengthened.

106. Chile values the universal periodic review as a useful tool both for measuring compliance with human rights obligations and for promoting international cooperation in the exercise and enjoyment of all fundamental rights.

107. Work remains to be done. In this respect, Chile is committed to continue working jointly with all public and private actors, from government and civil society, in the interests of achieving a national and international community that is more inclusive, fair and respectful of human rights.

Notes

¹ Tiene por función asesorar a la Presidenta de la República en temas referidos al apoyo y reparación de las víctimas de violaciones de derechos humanos. y a sus familiares.

² Tiene por misión velar por la defensa y promoción de los derechos e intereses de las personas ante acciones u omisiones de los organismos públicos en lo relativo a la prestación de estos servicios.

³ Encargado de impulsar el diálogo con las comunidades indígenas y sus dirigentes, supervisar el avance de las políticas indígenas y favorecer los cambios necesarios para que la sociedad chilena asuma su carácter multicultural.

⁴ Coordina la acción internacional en materia de derechos humanos. como parte de la política exterior de Chile.

⁵ Tiene funciones relacionadas específicamente con el esclarecimiento de la verdad en los casos de ejecuciones y desapariciones forzadas de responsabilidad del pasado régimen militar, dando asistencia legal y social a los familiares de las víctimas y llevando a cabo medidas de reparación.

⁶ Encargado de iniciativas orientadas a promover la participación, el ejercicio de los derechos ciudadanos, la asociación y el respeto a la diversidad y no discriminación.

⁷ Atiende casos de derechos humanos. acaecidos antes y con posterioridad al retorno a la democracia, como por ejemplo de abusos policiales.

⁸ Integran el Poder Judicial, como tribunales ordinarios de justicia, la Corte Suprema, las Cortes de Apelaciones, los Presidentes y Ministros de estas Cortes, los tribunales de juicio oral en lo penal, los juzgados de letras y los juzgados de garantía. Forman parte del Poder Judicial como tribunales especiales: los juzgados de familia; los juzgados de letras del trabajo; los juzgados de cobranza laboral y previsional; y los tribunales militares en tiempo de paz. Todos ellos se rigen en su organización y atribuciones por las disposiciones orgánicas constitucionales contenidas en el Código del Trabajo, en el Código de Justicia Militar, y en las respectivas leyes complementarias. Las disposiciones del Código Orgánico rigen para estos tribunales sólo cuando los cuerpos legales citados se remitan en forma expresa a él. Los demás tribunales especiales se rigen por las leyes que los establecen y reglamentan, sin perjuicio de quedar sujetos a las disposiciones generales del Código Orgánico.

⁹ Se mantienen pendientes de ratificación: la Convención Interamericana sobre Desaparición Forzada de Personas; la Convención Sobre Imprescriptibilidad de los Crímenes de Guerra y de Lesa Humanidad; el Protocolo Facultativo a la Convención Americana Sobre Derechos Económicos, Sociales y Culturales o Protocolo de San Salvador; el Protocolo Facultativo a la Convención sobre Eliminación de Todas las Formas de Discriminación contra la Mujer.

¹⁰ Ver fallo de la Corte Suprema, el 13 de diciembre 2006, homicidios calificados de Hugo Vásquez Martínez y Mario Superby Jeldres; fallo de 18 de enero de 2007, en la causa rol n° 2666-04 por homicidio calificado de José Matías Ñanco; en el fallo vinculado al homicidio de Manuel Tomás Rojas Fuentes, causa rol n° 3125-04; y en la sentencia de 10 de mayo de 2007 por el secuestro calificado de Ricardo Troncoso Muñoz y otros, causa rol n° 3452-06.

¹¹ Texto de Informe Valech en: http://www.comisiontortura.cl/listado_informes.html.

¹² Es posible afirmar que en 1998, se dio inicio a una nueva etapa jurisprudencial, en base al fallo dictado por la Corte Suprema, el 9 de septiembre de ese año, en el caso por la desaparición de Pedro Poblete Córdoba, causa rol n°469-98. La Corte, interpretando la normativa interna, estimó que a la fecha del ilícito el Estado de Chile se encontraba en “estado o tiempo de guerra”, siendo aplicables los Convenios de Ginebra, en los que se consagra la obligación de garantizar la seguridad de las personas, especialmente de las detenidas. Agrega la Corte, que los acuerdos internacionales deben cumplirse de buena fe y que, en razón de su naturaleza y fines, tienen aplicación preeminente según la letra del artículo 5° de la Carta Fundamental. Al mismo tiempo la Corte Suprema dictaminó que para sobreseer definitivamente el proceso en virtud de la amnistía, debía estar agotada la investigación, es decir, encontrarse establecidas las circunstancias de la desaparición de la víctima y la identidad de quienes participaron en el hecho.

¹³ Esta posición adoptada por la Corte Suprema en sus fallos, es otro de los cambios que ha permitido seguir adelante con las investigaciones judiciales sobre violaciones de derechos humanos. cometidas por el régimen militar; se sustenta en la doctrina que afirma que el secuestro es un delito de carácter permanente y de efecto continuo, que mantiene su acción en el tiempo hasta que la víctima aparezca viva o muerta; por esta razón cualquiera petición de amnistía o prescripción del delito es considerada extemporánea mientras las condiciones indicadas no se cumplan.

¹⁴ A diciembre de 2008, habían 99 agentes del Estado condenados por sentencia firme, de los cuales 40 se encuentran cumpliendo penas efectivas de presidio.

¹⁵ Texto de Informe Rettig en: http://www.ddhh.gov.cl/ddhh_rettig.html.

¹⁶ En beneficio de estas personas se dictaron leyes que otorgaron franquicias arancelarias para la internación de bienes; se habilitaron títulos profesionales; se reconocieron estudios realizados en el extranjero; y se llevaron adelante programas de reinserción laboral. El programa de retorno se llevó a cabo mediante la colaboración del Gobierno de Chile y la cooperación internacional.

¹⁷ Todas las cifras en dólares del presente texto, se basaron en el valor promedio anual en Chile del dólar observado, en el período 1990-2008. Fuente: www.bcentral.cl.

¹⁸ Las Áreas de Desarrollo Indígena (ADI) se ubican en territorios de alta concentración de población indígena; su existencia persigue la focalización de la acción que deben desarrollar los organismos de la administración del Estado, en beneficio del desarrollo armónico de los indígenas y sus comunidades.

¹⁹ La Ley de Presupuestos del Sector Público contempla recursos especiales para satisfacer este programa a partir de 1991. Entre el 2000 y 2007, ha aumentado su marco presupuestario en cerca de un 155 por ciento y su cobertura en algo más del 133 por ciento.

²⁰ Se refiere a un espacio marino delimitado, cuya administración es entregada a asociaciones de comunidades indígenas que han ejercido su uso consuetudinario, las que deberán asegurar la conservación de estos recursos conforme a un plan de administración aprobado por la autoridad competente.

²¹ Estos documentos son: la Plataforma de Acción de Beijing, el Programa de Acción de El Cairo, la Declaración de Viena, más el Programa de Acción Regional para las Mujeres de América Latina y el Caribe, que, en su conjunto, constituyen el cuerpo de derechos humanos de las mujeres.

²² Instrumento de apoyo a la gestión de los Servicios Públicos cuyo objetivo es mejorar la gestión global de estos. Se basa en el desarrollo de áreas estratégicas comunes de la gestión pública y comprende etapas de desarrollo o estados de avance para cada una de ellas. El cumplimiento de estas etapas permite que los funcionarios accedan a un incentivo monetario.

²³ La nueva ley, n° 20.066, vigente desde el 7 de octubre de 2005, derogó íntegramente la anterior, n° 19.325 de agosto de 1994, distinguiendo las materias de orden civil de aquéllas de naturaleza penal, para adecuarlas al nuevo sistema procesal penal vigente en el país, instaurando un nuevo delito denominado “maltrato habitual” y modificando el Código Penal y la Ley sobre Tribunales de Familia, en materias relacionadas con el accionar del Ministerio Público.

²⁴ El elemento de esta ley que ha tenido más efectos prácticos es el referido a la posibilidad de que los jueces de familia y de garantía dicten medidas cautelares, como fijar alimentos, prohibir el porte de armas, restringir la presencia del ofensor en el hogar, lugar de estudios o de trabajo de la víctima; adoptar medidas de protección para niños, niñas, adolescentes, adultos mayores o discapacitados.

²⁵ Banco Central Indicadores Macroeconómicos 2007.

²⁶ Programa coordinado por el Ministerio de Planificación que busca promover la incorporación de familias y personas en situación de extrema pobreza a las redes sociales, dando acceso a mejores condiciones de vida.

²⁷ Entre el año 2000 y el 2008 el presupuesto sectorial creció desde 1.244.746.000 pesos a 2.565.281.000. Ello ha permitido un aumento del personal de 22.368 funcionarios a 32.663, entre los años 2003 a 2007, es decir un 163 por ciento, lo que significó la disminución del déficit de horas con respecto al estándar del Plan de Salud Familiar de 62,5 hrs. a 0,7 hrs. faltantes por cada 10.000 habitantes. La dotación de médicos entre el 2003 y el 2008, experimentó un crecimiento de 142 por ciento, equivalente a 1.617 jornadas de 44 horas semanales; en el mismo período, la dotación de odontólogos creció un 95 por ciento, las enfermeras/os, en ese lapso, aumentaron 102 por ciento, correspondientes a 1.065 jornadas laborales de 44 horas semanales. Gracias a las nuevas líneas de acción de prevención el porcentaje de beneficiarios diabéticos en control periódico creció desde un 45 por ciento en 1999 al 95 por ciento en 2007 y los hipertensos en control periódico crecieron desde el 45,2 por ciento al 80 por ciento en igual período.

²⁸ A marzo de 2006 había en el país 708 salas cuna públicas; en diciembre de 2006 el Estado construyó 800 más y en 2007, 900 adicionales; a marzo de 2010, en sólo cuatro años, se habrán construido 3.500 nuevas salas cuna públicas y gratuitas en Chile, para atender a 70.000 nuevos lactantes (hasta de dos años).

²⁹ De acuerdo a cifras entregadas por el Servicio de Registro Civil, cada año se registran en Chile, alrededor de 40 mil casos de madres adolescentes que se ubican en un rango de edades que fluctúa entre los 15 y los 19 años. Un tercio de ellas son escolares. La circunstancia de que una alumna se encontrara embarazada fue utilizada frecuentemente para justificar la negativa a su solicitud de ingreso o la expulsión del establecimiento educacional en el que se encontraba cursando sus estudios.

³⁰ Los objetivos de la Ley son: dar un contenido concreto y un desarrollo jurídico adecuado a la garantía constitucional que asegura a todas las personas el derecho a vivir en un medio ambiente libre de contaminación; crear la institucionalidad que permita solucionar los problemas ambientales existentes y evitar la generación de otros nuevos.; crear los instrumentos para una eficiente gestión, de modo de dar una adecuada protección ambiental; disponer de un cuerpo legal general al cual se pueda referir toda la normativa ambiental; incorporar la regulación ambiental al desarrollo del país; establecer criterios para la definición de objetivos de calidad ambiental, y regular los procedimientos para medir los impactos ambientales en las decisiones sobre los proyectos y actividades susceptibles de causar impacto ambiental. Fuente: www.conama.cl.
