



# General Assembly

Distr.: General  
7 November 2013  
English  
Original: English/Spanish

---

**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Eighteenth session**  
27 January–7 February 2014

**Compilation prepared by the Office of the United Nations  
High Commissioner for Human Rights in accordance with  
paragraph 15 (b) of the annex to Human Rights Council  
resolution 5/1 and paragraph 5 of the annex to Council  
resolution 16/21**

## Chile

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

GE.13-18452 (E) 041213 051213



\* 1 3 1 8 4 5 2 \*

Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.



## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Ratification, accession or succession	ICERD (1971) ICESCR (1972) ICCPR (1972) ICCPR-OP 2 (2008) CEDAW (1989) CAT (1988) OP-CAT (2008) CRC (1990) OP-CRC-AC (2003) OP-CRC-SC (2003) ICRMW (2005) CRPD (2008)	CPED (2009)	
Reservations, declarations and/or understandings	ICCPR-OP 1 (general declaration, 1992) ICCPR-OP 2 (reservation, art. 2, para. 1, 2008) CEDAW (general declaration, 1980) CAT (general reservation, 1987/general declaration, 1988) ICRMW (reservations, arts. 22 (para. 5) and 48 (para. 2), 2005)		
Complaint procedures, inquiry and urgent action <sup>3</sup>	ICERD, art. 14 (1994) ICCPR, art. 41 (1990) ICCPR-OP 1 (1992) OP-CEDAW (signature only, 1999) CAT, arts. 20 (1990), 21 and 22 (2004) OP-CRPD, art. 6 (2008)	OP-ICESCR (signature only, 2009) OP-CRC-IC (signature only, 2012) CPED, arts. 31 and 32 (2009)	ICRMW, arts. 76 and 77

### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Palermo Protocol <sup>4</sup> Convention on refugees <sup>5</sup> Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>6</sup> ILO fundamental conventions <sup>7</sup> UNESCO Convention against Discrimination in Education ILO Convention No. 169 <sup>8</sup>	Rome Statute of the International Criminal Court Additional Protocol III to the 1949 Geneva Conventions <sup>9</sup>	Conventions on stateless persons <sup>10</sup> ILO Convention No. 189 <sup>11</sup>

1. In 2013, the Working Group on Enforced or Involuntary Disappearances recommended that Chile withdraw the declaration made upon ratifying the Optional Protocol to the International Covenant on Civil and Political Rights and ratify as soon as possible the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.<sup>12</sup>

2. In 2012, the Committee on the Elimination of Discrimination against Women (CEDAW) urged Chile to ratify OP-CEDAW.<sup>13</sup> In 2013, the Committee on the Elimination of Racial Discrimination (CERD) encouraged Chile to ratify OP-ICESCR.<sup>14</sup>

3. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), CEDAW, CERD and the Office of the United Nations High Commissioner for Refugees (UNHCR) encouraged Chile to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>15</sup>

4. CEDAW urged Chile to set a time frame for ratifying ILO Convention No. 189 concerning Decent Work for Domestic Workers.<sup>16</sup>

5. In 2011, CMW invited Chile to consider withdrawing its reservations to articles 22 (para. 5) and 48 (para. 2) of the Convention<sup>17</sup> and to make the declaration provided for in articles 76 and 77 of the Convention.<sup>18</sup>

6. CERD recommended that Chile ratify the amendment to article 8, paragraph 6, of the Convention.<sup>19</sup>

## B. Constitutional and legislative framework

7. CEDAW urged Chile to consider the adoption of the bill on de facto unions, which includes same-sex relationships.<sup>20</sup>

8. The United Nations country team (UNCT) in Chile noted the promulgation of Act No. 20480, which included the crime of “femicide”, and Act No. 20609, which established measures against discrimination on grounds inter alia of sexual orientation and gender identity; it also noted the publication of the Ministry of Health guidelines on the treatment of transgender persons in the Public Health System and the clinical approach to physical adjustment in persons suffering from incongruence between their physical sex and their gender identity.<sup>21</sup>

9. CAT felt that the fact that the Amnesty Decree-Law remained in force left the application of the amnesty up to the judgement of the domestic courts.<sup>22</sup> The Working

Group on Disappearances recommended that Chile render null and void the Amnesty Decree-Law in relation to all cases of serious human rights violations committed during the dictatorship. It also recommended that Chile define the offence of enforced disappearance as an ordinary offence in the Criminal Code.<sup>23</sup>

10. CAT urged Chile to pass into law the bill defining crimes against humanity, genocide and war crimes as offences, and its article 40 establishing the imprescriptibility of such crimes.<sup>24</sup>

## C. Institutional and human rights infrastructure and policy measures

### Status of national human rights institutions<sup>25</sup>

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle</i> <sup>26</sup>
Instituto Nacional de Derechos Humanos	N/A	A 2012

11. CERD urged Chile to give INDH a broad mandate and the necessary means to protect and promote human rights and to guarantee the immunity of its members.<sup>27</sup> The Working Group on Disappearances made a similar recommendation.<sup>28</sup>

12. UNCT recommended that the State expedite the implementation of the OP-CAT national preventive mechanism.<sup>29</sup>

13. UNCT recalled that at its first EPU Chile had undertaken to draw up a national human rights plan, which was still outstanding.<sup>30</sup> UNCT recommended that the State go ahead with preparing and approving that plan.<sup>31</sup>

14. UNCT also pointed out that no action had yet been taken to establish an independent body to receive complaints from children and make recommendations to State bodies in the event of children's rights being violated.<sup>32</sup> UNCT recommended that the State party table a bill to set up a children's Ombudsman.<sup>33</sup>

## II. Cooperation with human rights mechanisms

15. Chile submitted a mid-term review regarding the follow-up to the recommendations put forward during the universal periodic review held in 2009.<sup>34</sup>

### A. Cooperation with treaty bodies<sup>35</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 1999	2008 and 2012	August 2009 and August 2013	Twenty-second and twenty-third reports due in 2016
CESCR	November 2004	2012	–	Fourth report pending consideration
HR Committee	March 2007	2012	–	Fifth and sixth reports pending consideration in July 2014
CEDAW	August 2006	2011	October 2012	Seventh report due in 2016
CAT	May 2004	2007	May 2009	Sixth report overdue since May 2013

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CRC	February 2007/ February 2008 (OP-CRC-AC and OP-CRC-SC)	2012	–	Fourth and fifth reports pending consideration in October 2015
CMW	–	2010	September 2011	Second report due in 2016
CRPD	–	2012	–	Initial report pending consideration
CED	–	–	–	Initial report overdue since 2012

## 2. Responses to specific follow-up requests by treaty bodies

### Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2010	NHRI; ill-treatment and abuse of members of the Mapuche people by the police; indigenous lands; and environmental impacts affecting indigenous peoples <sup>36</sup>	2010; <sup>37</sup> dialogue ongoing <sup>38</sup>
	2014	Racial discrimination crimes and racist hate speech; consultation with indigenous people; and the Counter-Terrorism Act and excessive use of force against indigenous peoples <sup>39</sup>	–
HR Committee	2008	Investigation of human rights violations committed during the dictatorship; and indigenous lands <sup>40</sup>	2008, <sup>41</sup> 2010 <sup>42</sup> and 2011; <sup>43</sup> dialogue ongoing <sup>44</sup>
CEDAW	2014	Law on domestic violence; and women's participation <sup>45</sup>	–
CAT	2010	Decree-Law No. 2.191; torture; military justice reform; and redress and reparation for victims of torture <sup>46</sup>	2011 <sup>47</sup>

## B. Cooperation with special procedures<sup>48</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	Yes
<i>Visits undertaken</i>	Indigenous peoples (18–29 July 2003) Mercenaries (9–13 July 2007)	Disappearances (13–21 Aug. 2012) <sup>49</sup> Terrorism (17–30 July 2013)
<i>Visits agreed to in principle</i>	Freedom of religion	Freedom of religion (postponed) Freedom of peaceful assembly and association (dates to be agreed) Discrimination against women (postponed)
<i>Visits requested</i>	Education Sale of children (requested in 2007, reminder in 2008)	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review 17 communications were sent. The Government replied to all of these communications.	
<i>Follow-up reports and missions</i>	Indigenous peoples, follow-up mission (5–9 Apr. 2009)	

16. In 2013, the Working Group on Disappearances noted that, since its establishment, it had transmitted 908 cases to the Government; that 83 cases had been clarified on the basis of information provided by the Government; and that 801 remained outstanding.<sup>50</sup>

### **C. Cooperation with the Office of the United Nations High Commissioner for Human Rights**

17. Chile continuously contributed financially to OHCHR, including to humanitarian funds, between 2009 and 2013.<sup>51</sup>

18. In 2009 OHCHR reorganized its regional presences in Latin America. In September a regional office for South America was re-established in Santiago de Chile.<sup>52</sup> The Office priorities, including for Chile, were countering discrimination, with a focus on indigenous peoples and Afro-descendants; protecting human rights in situations of violence and insecurity; combating impunity and strengthening accountability, the rule of law and democratic societies; and pursuing economic, social and cultural rights in an effort to combat inequalities and poverty.<sup>53</sup>

19. In 2013, the Working Group on Disappearances encouraged Chile to seek the support of the Regional Office of the United Nations High Commissioner for Human Rights in Santiago in implementing the recommendations contained in its report.<sup>54</sup>

## **III. Implementation of international human rights obligations**

### **A. Equality and non-discrimination**

20. CERD was concerned about prejudices and negative stereotypes affecting indigenous peoples and members of minorities,<sup>55</sup> as well as about incidents of discrimination and violent attacks against indigenous people.<sup>56</sup> It recommended that Chile prevent and combat xenophobia and racial prejudice<sup>57</sup> and assure protection against discrimination, particularly in employment, housing, health and education.<sup>58</sup>

21. UNCT reported that in 2012 Act No. 20609 establishing measures against discrimination on grounds inter alia of sexual orientation and gender identity had been passed into law. The Act also amended article 12 of the Criminal Code, adding as an aggravating circumstance with regard to criminal responsibility the fact that an offence was committed for discriminatory reasons.<sup>59</sup>

22. Concerned that Chile had failed to incorporate into the new anti-discrimination legislation a definition of discrimination against women in accordance with the Convention, CEDAW called on the State to adopt a legal definition of all forms of discrimination against women, covering direct and indirect discrimination.<sup>60</sup>

23. CEDAW remained concerned about traditional stereotypes regarding the roles of women and men and about the multiple discrimination and violence, on grounds such as sexual orientation, gender identity, indigenous origin or HIV/AIDS status, faced by certain groups of women.<sup>61</sup>

24. CEDAW was concerned about legislation discriminating against women with regard to the administration of marital property. It urged Chile to expedite the enactment of Bill No. 7567-07 amending the Civil Code and other laws governing the matrimonial property regime.<sup>62</sup>

25. CEDAW was concerned about the discriminatory calculation system of the pension fund, which resulted in a different monthly pension at the time of retirement for women and men who had contributed equally.<sup>63</sup>

26. UNCT reported that there were several bills before Congress — the latest dated 2011 — which sought to legalize cohabitation between two persons, of the same or

different sex.<sup>64</sup> UNCT recommended that the State party approve the bill that established and regulated the life partner agreement.<sup>65</sup>

27. UNESCO recommended that the Government strengthen measures to counter discriminatory attitudes in society, including through public education and equality initiatives and legislative measures, to prevent discrimination on the basis of sexual orientation and gender identity.<sup>66</sup>

28. CMW was concerned about discriminatory attitudes towards and social stigmatization of migrant workers and members of their families. It recommended that Chile combat such attitudes through awareness-raising campaigns.<sup>67</sup> CEDAW was concerned about the social exclusion and vulnerability of migrant women.<sup>68</sup>

## **B. Right to life, liberty and security of the person**

29. While welcoming the State's commitment to preparing a new criminal code with an improved definition of torture,<sup>69</sup> CAT remained concerned that such definition was not in line with the Convention. It urged Chile to classify all acts of torture referred to in the Convention as offences in its domestic criminal legislation and abolish the statute of limitations currently applicable.<sup>70</sup>

30. UNCT reported that police behaviour and the arrests in the context of social movements had been criticized. The arrests had especially affected minors taking part in student movements and members of indigenous peoples.<sup>71</sup> UNCT recommended that the State party bring the protocols governing police conduct into line with international human rights standards.<sup>72</sup>

31. In 2011, several special procedures had sent a communication on allegations of the disproportionate use of force and the arrest of demonstrators. According to reports received, high school and university students had carried out several protest marches. In August 2011 protests were alleged to have taken place in the city of Santiago and in 12 other towns in the country. The State police and security forces had responded with excessive use of force. More than 500 persons were said to have been arrested, many of whom were minors. Similarly 14 students and some hundred police had reportedly been injured. The Government had sent detailed replies.<sup>73</sup>

32. The Working Group on Disappearances recommended that Chile regularly review the Carabineros' operational protocols for mass demonstrations and assess their practical application, and immediately register all cases of deprivation of liberty during mass demonstrations. In the case of minors, families must be notified as soon as possible.<sup>74</sup>

33. While noting efforts to improve prison conditions, CAT was concerned about reported shortcomings regarding material conditions, overcrowding, mistreatment and unjustified punishments.<sup>75</sup> CEDAW was concerned at the difficult situation faced by women in prison.<sup>76</sup>

34. While noting improvement in the regime governing deprivation in the case of adolescents, CAT was concerned about overcrowding, the inadequate supply of basic services, excessive use of force and the use of isolation as a punishment. It urged Chile to ensure that adolescents are deprived of their liberty only as a last resort.<sup>77</sup>

35. CMW noted that migrant workers detained for infringement of migration laws were placed in administrative custody, and recommended that Chile ensure that the detention conditions in migrant holding centres are in accordance with international standards.<sup>78</sup>

36. CEDAW was concerned that legislation did not contain a specific definition of domestic violence as a criminal offence and that sexual harassment was only criminalized

as a conduct occurring in the workplace and against minors. It called on Chile to amend its law on domestic violence to include a specific definition on domestic violence as a criminal offence and enact legislation to sanction sexual harassment as a criminal offence.<sup>79</sup> CEDAW was concerned at the lack of measures addressing femicide outside the family sphere and sexual violence, and urged Chile to establish a strategy and action plan to prevent violence against women.<sup>80</sup> UNCT recommended that the State party conduct regular surveys at national level on the prevalence of gender violence as a means of developing appropriate public policies.<sup>81</sup>

37. CMW noted that there were still cases of human trafficking<sup>82</sup> and CEDAW expressed concern at the lack of preventive measures to address the root causes of trafficking.<sup>83</sup> It was recommended that Chile protect victims and provide legal and medical assistance, including temporary residence permits, protection shelters, social rehabilitation and reintegration programmes.<sup>84</sup>

38. UNHCR welcomed the adoption, in 2011, of Law No. 20.507 regarding trafficking in persons.<sup>85</sup> It however remained concerned about adequate protection for trafficking victims.<sup>86</sup> UNHCR recommended that the Government develop a standard operating procedure for the identification of victims of trafficking and those who may be in need of international protection.<sup>87</sup>

### C. Administration of justice, including impunity, and the rule of law

39. UNCT reported that the Code of Military Justice had been revised in 2010 in order to exclude civilians from the jurisdiction of military courts. Nevertheless, military courts remained competent to judge offences committed by members of the Armed and Security Forces even in cases where civilians were involved.<sup>88</sup>

40. CERD expressed concern regarding the obstacles faced by indigenous peoples in obtaining access to justice. The Committee urged Chile to inform the members of the population about their rights and the legal redress available in cases of racial discrimination and invited the State party to ensure that indigenous peoples had access to justice.<sup>89</sup>

41. UNCT noted that the Adolescent Criminal Responsibility Act did not establish organically specialized courts. Several institutions, including the Supreme Court, had recognized the problems arising from the lack of specialization in the juvenile justice system.<sup>90</sup> UNCT recommended that the State party establish by law judges and courts specializing in children's rights.<sup>91</sup>

42. The Working Group on Disappearances stated that since the return to democracy very important steps had been taken to guarantee truth, justice, reparation and memory in the context of the very serious human rights violations committed by the military dictatorship.<sup>92</sup> It noted, however, that important challenges remained.<sup>93</sup>

43. Concerned at the continuing impunity of those who perpetrated the crime of torture under the dictatorship, CAT urged Chile to investigate and prosecute those who committed human rights violations and repeal the provision of Act No. 19.992 under which information on torture during the dictatorship is to remain classified for 50 years.<sup>94</sup>

44. In 2012, the Human Rights Committee had expressed concern at the partial prescription rule, which, depending on the circumstances and modalities of its implementation, could become a factor of impunity.<sup>95</sup>

45. The Working Group on Disappearances recommended that the judiciary proceed with urgency with the investigation, prosecution and trial of cases of enforced disappearance; and that the State impose effective penalties in cases of disappearance and refrain from applying the statute of limitations or partial statute of limitations.<sup>96</sup>



## **D. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

46. UNESCO recorded no killings of journalists and media workers in Chile in 2008–2012. However, there were reports of arrests of journalists, particularly when they covered public demonstrations.<sup>97</sup> It stated that the Government must ensure that journalists and media workers are able to practice their profession in a free and safe environment, and pay particular attention to reports of attacks on journalists and media workers.<sup>98</sup>

47. UNESCO acknowledged that, in 2010, a community radio law had recognized the existence of community radios and established the rules for licensing them. Despite that legislative improvement, central issues remained unresolved. Community TV was not legally recognized, and no funding mechanisms had been established to support community media.<sup>99</sup>

48. CEDAW was concerned at the reported disproportionate use of violence by the police, including sexual abuse against female students during social protests.<sup>100</sup> CERD, CAT and CEDAW raised similar concerns.<sup>101</sup>

49. In 2013, the Special Rapporteur on the situation of human rights defenders had again expressed concern at allegations received that indicated the persistence of the excessive use of force by State security forces against activists working for the defence of the Mapuche people's rights.<sup>102</sup>

50. CEDAW was concerned about the low participation of women in Government, parliament, the diplomatic service, the judiciary and municipal functions.<sup>103</sup> UNCT recommended that the State party promote legislation on quotas requiring political parties to include a minimum proportion of women among their candidates.<sup>104</sup>

51. CERD noted with concern the low level of political participation by indigenous peoples and their poor representation in parliament.<sup>105</sup>

52. CMW was concerned that Chilean migrants working abroad were unable to exercise their right to vote in elections organized in Chile.<sup>106</sup>

## **E. Right to work and to just and favourable conditions of work**

53. CEDAW remained concerned at the low female participation in the labour market, especially of migrant and indigenous women, and at the wage gap between women and men.<sup>107</sup>

54. CEDAW expressed concern at the continuing precarious situation of domestic workers, particularly migrant women.<sup>108</sup> CMW indicated that women migrant domestic workers, particularly those in an irregular situation, were reportedly often victims of ill-treatment, exploitation or abusive working conditions.<sup>109</sup> CEDAW urged Chile to enact bill No. 8292-13 on the weekly maximum hours of work for domestic workers.<sup>110</sup>

## **F. Right to health**

55. CEDAW deeply regretted that parliamentary initiatives aimed at decriminalizing abortion had failed. It reiterated its concern that abortion remained a criminal offence in all circumstances. It urged Chile to review its legislation on abortion with a view to decriminalizing it in cases of rape, incest or threats to the mother's health or life.<sup>111</sup> UNCT recommended that the State party bring existing legislation into line with CEDAW

recommendations regarding the decriminalization of therapeutic abortion in order to protect women's right to life and health.<sup>112</sup>

56. UNCT reported that in 2013 the State party had approved the regulation for Act No. 20418 on exercising the right to receive birth control guidance, including the distribution of the emergency contraceptive pill to minors under the age of 14 years.<sup>113</sup> UNCT recommended that the State party guarantee universal access to sexual and reproductive health throughout the national territory, with an emphasis on adolescents and young people;<sup>114</sup> and ensure the implementation of Ministry of Health Decree No. 49, which orders the issue of the emergency contraceptive pill to minors over 14 years of age.<sup>115</sup>

57. CEDAW was concerned about reported cases of involuntary sterilization of women with HIV/AIDS and HIV/AIDS mandatory testing for pregnant women.<sup>116</sup>

## **G. Right to education**

58. At the end of her visit to Chile in 2011, the Deputy High Commissioner for Human Rights stressed the importance of adopting a human rights approach in the education sector, considering that education was a key right, as asserted in a number of international instruments.<sup>117</sup>

59. UNESCO indicated that Chile had some of the deepest and most persistent education inequalities in Latin America. Recent reforms were attempting to strengthen equity by expanding and improving early childhood care.<sup>118</sup> CEDAW was concerned about high illiteracy rates among rural and indigenous women.<sup>119</sup> UNESCO recommended that the Government continue to focus on overall improvement in the quality of education provided, in particular in rural areas, and ensure expansion of the bilingual intercultural programmes for minorities.<sup>120</sup>

60. UNCT welcomed the increase in public expenditure on education as a percentage of the national budget. Challenges remained, however, in terms of access to some educational levels, to quality education for all and accessibility.<sup>121</sup>

61. While welcoming the introduction of a penalty for schools that exclude students on the ground of pregnancy, CEDAW was concerned about the increasing number of teenage pregnancies causing high school dropout and about the persistence of school expulsions on the ground of pregnancy.<sup>122</sup>

62. CMW remained concerned that some schools reportedly refused the re-enrolment of migrant children who had not regularized their immigration status.<sup>123</sup>

## **H. Cultural rights**

63. CERD recommended revitalizing the indigenous languages and promoting the use of indigenous languages in primary and secondary education.<sup>124</sup>

64. UNESCO reported that the experience of civil society organizations working in the cultural field had revealed that certain vulnerable groups did not have a permanent and legitimate forum where they could articulate their issues and interests. An ongoing challenge for Chilean democracy — and something that most civil society organizations were demanding — was to achieve a more inclusive and participatory democratic system that incorporates more social oversight and truly represents the country's diversity and multiculturalism.<sup>125</sup>

## I. Indigenous peoples

65. The Special Rapporteur on the rights of indigenous peoples noted the advances made in the socioeconomic situation of indigenous peoples<sup>126</sup> but considered that a wide gap still existed compared with the non-indigenous population in terms of the enjoyment of economic, health and education rights.<sup>127</sup>

66. UNCT reported that, since 1991, seven bills had been tabled giving constitutional recognition to the indigenous peoples, but that none of them had been passed.<sup>128</sup> UNCT recommended that the State party speed up the legislative processing of those bills.<sup>129</sup> CERD made a similar recommendation.<sup>130</sup>

67. In 2013, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism recommended that the State urgently adopt a national strategy aimed at comprehensively addressing the Mapuche question within a defined and relatively short time frame. The frequency and gravity of the violent confrontations in the region had intensified. In the absence of prompt and effective action at the national level it could very quickly escalate into widespread disorder and violence. The cornerstone of the new national strategy should be the constitutional recognition of the Mapuche's right to exist as an indigenous people within the State of Chile.<sup>131</sup>

68. UNCT reported that the Government had purchased and handed over almost 140,000 hectares of land, which, added to regularized State land already under indigenous ownership, made a total of 657,520 hectares. The budget and transparency of that process had met with some criticism.<sup>132</sup> UNCT recommended that the Government guarantee the return of lands promised by the State party to the indigenous peoples, while increasing the budget of the Indigenous Land and Water Fund and improving the allocation system in order to achieve a transparent, effective and relevant system.<sup>133</sup>

69. In 2013, CERD had noted with concern that the lands handed over in exchange for ancestral lands had often proved unproductive.<sup>134</sup> The Special Rapporteur on the rights of indigenous peoples had recommended that the State party establish an effective mechanism for recognizing the rights of indigenous peoples to lands and natural resources based on traditional or ancestral use and occupancy.<sup>135</sup>

70. The Special Rapporteur had emphasized the need to prepare regional governments and ministries for the full application of ILO Convention 169, in particular with respect to the participation of indigenous peoples "in the formulation, application and evaluation of national and regional development plans and programmes which could affect them directly".<sup>136</sup> UNCT reported that, in the period 2009–2012, the State had made various efforts to pass legislation on indigenous consultation, although to date it had not been possible to establish a mechanism. In 2012 a new process had been started.<sup>137</sup>

71. The Special Rapporteur on terrorism noted that over the past decade Mapuche communities had been subjected to the systematic use of excessive force. The crimes that appeared to have been committed by members of the special forces of the Carabineros in the past had gone unpunished. The Special Rapporteur recommended the creation of a new independent investigation body with the function of inquiring into crimes of excessive violence committed against Mapuche communities by members of the Carabineros and the investigative police.<sup>138</sup> In 2013, CERD had again expressed concern at the undue and excessive use of force against members of the Mapuche communities by the Carabineros and Investigative Police in the execution of search orders and other police operations.<sup>139</sup> CAT and CEDAW had similar concerns.<sup>140</sup>

72. The Special Rapporteur on terrorism noted that the anti-terrorism law had been used in a manner that discriminated against the Mapuche. It had been applied in a confused and arbitrary fashion that had resulted in real injustice, had undermined the right to fair trial,

and had been perceived as stigmatizing and de-legitimizing the Mapuche land claims and protests. The Special Rapporteur recommended that all use of the anti-terrorism legislation in connection with Mapuche land protests should cease. That legislation had become part of the problem and not part of the solution.<sup>141</sup>

73. UNCT reported that the use of the Counter-Terrorism Act for the prosecution of indigenous persons had been criticized. Between 2010 and 2011, 48 persons had been brought to trial under the Counter-Terrorism Act, 32 of whom had links with the Mapuche people. The Act had been modified so that the law would not be applied to minors under 18 years of age under any circumstances.<sup>142</sup> CERD recommended that Chile reform the Counter-Terrorism Act (No. 18.314) to ensure its application only to terrorist offences and not to members of the Mapuche community for acts of protest or social demands.<sup>143</sup> CAT had similar comments.<sup>144</sup>

74. In 2011, CERD, under its early warning and urgent action procedure, had considered the situation of the Rapa Nui indigenous people of Easter Island and the acts of violence perpetrated against them by the armed forces on the occasion of demonstrations occurring during eviction procedures.<sup>145</sup> In 2013, CERD had recommended investigating the allegations of violence perpetrated by State officials against communities of indigenous peoples, particularly the Mapuche and the Rapa Nui.<sup>146</sup>

## **J. Migrants, refugees and asylum seekers**

75. UNHCR noted that, in 2010, the Refugee Law No. 20.430 was adopted, which established the National Refugee Commission. The Refugee Law was complemented by Decree No. 837, which came into force in February 2011.<sup>147</sup> The Law incorporated the refugee definition contained in the 1951 Convention and the broader definition of the 1984 Cartagena Declaration.<sup>148</sup>

76. UNHCR was concerned about some restrictive practices regarding access to the territory which had been reported by different institutions and organizations since 2009/2010.<sup>149</sup>

77. UNCT reported that migratory matters continued to be governed by Decree Law No. 1094 of 1975, which had become obsolete in the new migration context. A migrations bill had recently been tabled before Congress.<sup>150</sup> UNCT recommended that the State party adopt migration legislation that was in line with current international standards.<sup>151</sup> CMW and CERD made similar recommendations.<sup>152</sup>

78. CEDAW was concerned that the exception to the *jus soli* principle relating to foreigners in transit was systematically applied to migrant women in an irregular situation, and that their children could not receive Chilean nationality at birth and could only opt for Chilean nationality within a period of one year following their twenty-first birthday.<sup>153</sup> CMW was also concerned about cases of children of parents in an irregular situation who could find themselves in Chilean territory without a nationality.<sup>154</sup> CERD encouraged the State party to ensure that the draft bill for the amendment of the Migration Act provided that migrant workers in an irregular situation could apply for Chilean nationality for their children if they did not have another nationality.<sup>155</sup>

79. CERD noted the regularization of the migratory status of pregnant migrant women and the access for migrant children to the public health-care and education systems.<sup>156</sup> CMW recommended that Chile establish a national information system on migration.<sup>157</sup>

80. CMW was concerned about the obstacles to family reunification reportedly faced by some migrant workers and the absence of a legal framework regulating family reunification.<sup>158</sup>

81. CERD was concerned by reports that migrants and asylum seekers, especially Afro-descendants, had been subjected to abusive and discriminatory comments, as well as by the use of restrictive pre-admission procedures to the territory.<sup>159</sup>

82. CMW noted the lack of a policy assisting the return of Chilean nationals and encouraged Chile to facilitate their voluntary return and their durable social and cultural reintegration.<sup>160</sup>

## K. Right to development and environmental issues

83. UNCT warned that, although Chile was considered as a medium to high income country by international organizations, special attention needed to be paid to discrepancies between quintiles and regions. Reducing existing inequalities was the great challenge to be faced.<sup>161</sup>

84. In 2013, CERD had observed with regret that Supreme Decree No. 124 of the Ministry of Planning expressly precluded consultations concerning investment projects<sup>162</sup> and urged the State party to expedite the establishment of an institutionalized mechanism for consultation.<sup>163</sup> Likewise, CERD urged Chile to develop a policy on environmental impacts affecting indigenous peoples and amend legislation on land, water, mining and other sectors so that it does not conflict with the Indigenous Peoples Act (No. 19.253).<sup>164</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Chile from the previous cycle (A/HRC/WG.6/5/CHL/2).

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

- <sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- <sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
- <sup>9</sup> Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>10</sup> 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>11</sup> International Labour Organization Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>12</sup> A/HRC/22/45/Add.1, para. 69 (p. 16).
- <sup>13</sup> CEDAW/C/CHL/CO/5-6, para. 52. See also CERD/C/CHL/CO/19-21, para. 20.
- <sup>14</sup> CERD/C/CHL/CO/19-21, para. 20.
- <sup>15</sup> CMW/C/CHL/CO/1, para. 33, CEDAW/C/CHL/CO/5-6, para. 27 (b), CERD/C/CHL/CO/19-21, para. 20 and UNHCR submission to the UPR on Chile, p. 8. See also UNCT submission to the UPR on Chile, para. 68.
- <sup>16</sup> CEDAW/C/CHL/CO/5-6, para. 31 (c).
- <sup>17</sup> CMW/C/CHL/CO/1, para. 11.
- <sup>18</sup> *Ibid.*, para. 13.
- <sup>19</sup> CERD/C/CHL/CO/19-21, para. 21.
- <sup>20</sup> CEDAW/C/CHL/CO/5-6, para. 47 (b).
- <sup>21</sup> UNCT submission to the UPR on Chile, para. 6. See also CEDAW/C/CHL/CO/5-6, paras. 4 (b) and 18.
- <sup>22</sup> CAT/C/CHL/CO/5, para. 12.
- <sup>23</sup> A/HRC/22/45/Add.1, para. 69 (p. 16). See also CAT/C/CHL/CO/5, para. 12.
- <sup>24</sup> CAT/C/CHL/CO/5, para. 11.
- <sup>25</sup> According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-

- Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- <sup>26</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.
- <sup>27</sup> CERD/C/CHL/CO/19-21, para. 7. See also letter dated 27 August 2010 from CERD to the Permanent Mission of Chile to the United Nations Office and other international organizations in Geneva, available from [http://www2.ohchr.org/english/bodies/cerd/docs/followup/Chile\\_27082010.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/followup/Chile_27082010.pdf), p. 1; CERD/C/CHL/CO/15-18/Add.1, para. 2; CERD/C/CHL/CO/15-18, para. 14; and CEDAW/C/CHL/CO/5-6, para. 49.
- <sup>28</sup> A/HRC/22/45/Add.1, para. 69 (p. 19).
- <sup>29</sup> UNCT submission to the UPR on Chile, para. 50. See also CAT/C/CHL/CO/5, para. 21.
- <sup>30</sup> UNCT submission to the UPR on Chile, para. 5.
- <sup>31</sup> *Ibid.*, para. 42.
- <sup>32</sup> *Ibid.*, para. 18.
- <sup>33</sup> *Ibid.*, para. 79.
- <sup>34</sup> See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>.
- <sup>35</sup> The following abbreviations have been used for this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination  |
| CESCR        | Committee on Economic, Social and Cultural Rights  |
| HR Committee | Human Rights Committee   |
| CEDAW        | Committee on the Elimination of Discrimination against Women                                   |
| CAT          | Committee against Torture  |
| CRC          | Committee on the Rights of the Child   |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD         | Committee on the Rights of Persons with Disabilities   |
| CED          | Committee on Enforced Disappearances   |
- <sup>36</sup> CERD/C/CHL/CO/15-18, para. 33.
- <sup>37</sup> CERD/C/CHL/CO/15-18/Add.1. See also letter dated 27 August 2010 from CERD to the Permanent Mission of Chile in Geneva (note 27 above).
- <sup>38</sup> Letter dated 27 August 2010 from CERD to the Permanent Mission of Chile to the United Nations Office and other international organizations in Geneva.
- <sup>39</sup> CERD/C/CHL/CO/19-21, para. 25.
- <sup>40</sup> CCPR/C/CHL/CO/5, para. 21.
- <sup>41</sup> CCPR/C/CHL/CO/5/Add.1.
- <sup>42</sup> CCPR/C/CHL/CO/5/Add.2.
- <sup>43</sup> 2011 follow-up report under ICCPR, available from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=436&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=436&Lang=en).
- <sup>44</sup> Letters from the HR Committee to the Permanent Mission of Chile to the United Nations Office and other international organizations in Geneva, dated 11 December 2009 (available from <http://www2.ohchr.org/english/bodies/hrc/docs/Chile98.pdf>); 23 April 2010 (available from <http://www2.ohchr.org/english/bodies/hrc/docs/followup/Chile-99.pdf>); 16 December 2010 (available from [http://www2.ohchr.org/english/bodies/hrc/docs/Chile\\_LetterF.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/Chile_LetterF.pdf)); 9 May 2011 (available from <http://www2.ohchr.org/english/bodies/hrc/docs/Chile9May2011.pdf>); 2 August 2011 (available from [http://www2.ohchr.org/english/bodies/hrc/docs/followup/ChileFU89\\_aug2011\\_sp.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/followup/ChileFU89_aug2011_sp.pdf)); and 24 April 2012 (available from <http://www2.ohchr.org/english/bodies/hrc/docs/followup/ChileFUApril2012.pdf>).
- <sup>45</sup> CEDAW/C/CHL/CO/5-6, para. 56.
- <sup>46</sup> CAT/C/CHL/CO/5, para. 28.
- <sup>47</sup> CAT/C/CHL/CO/5/Add.1.
- <sup>48</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>49</sup> A/HRC/22/45/Add.1 and 4.
- <sup>50</sup> A/HRC/22/45 and Corr.1, annex, para. 65.

- <sup>51</sup> See OHCHR, *2008 Report: Activities and Results*, pp. 174, 179, 183 and 189; OHCHR, *2009 Report: Activities and Results*, pp. 190, 195 and 203; *OHCHR Report 2010*, pp. 79, 83, 84, 87, 101 and 102; *OHCHR Report 2011*, pp. 125, 129, 134, 158 and 165; *OHCHR Report 2012*, pp. 117, 121, 126, 151, 152 and 158.
- <sup>52</sup> OHCHR, *2009 Report*, p. 118.
- <sup>53</sup> OHCHR, *High Commissioner's Strategic Management Plan 2010–2011*, p. 90.
- <sup>54</sup> A/HRC/22/45/Add.1, para. 70. See also A/HRC/12/34/Add.6, para. 66.
- <sup>55</sup> CERD/C/CHL/CO/15-18, para. 27.
- <sup>56</sup> *Ibid.*, para. 18.
- <sup>57</sup> *Ibid.* See also CERD/C/CHL/CO/15-18, para. 27 and CERD/C/CHL/CO/19-21, para. 10 (b).
- <sup>58</sup> CERD/C/CHL/CO/15-18, para. 24. See also CERD/C/CHL/CO/19-21, para. 16.
- <sup>59</sup> UNCT submission to the UPR on Chile, para. 8.
- <sup>60</sup> CEDAW/C/CHL/CO/5-6, paras. 10 and 11 (a). See also CEDAW/C/CHL/CO/5-6, para. 4 (f).
- <sup>61</sup> CEDAW/C/CHL/CO/5-6, para. 16. See also CEDAW/C/CHL/CO/5-6, para. 24.
- <sup>62</sup> CEDAW/C/CHL/CO/5-6, paras. 46 and 47 (a).
- <sup>63</sup> *Ibid.*, para. 36.
- <sup>64</sup> UNCT submission to the UPR on Chile, para. 29.
- <sup>65</sup> *Ibid.*, para. 80.
- <sup>66</sup> UNESCO submission to the UPR on Chile, para. 43.
- <sup>67</sup> CMW/C/CHL/CO/1, paras. 18–19. See also CERD/C/CHL/CO/15-18, paras. 17–18, CERD/C/CHL/CO/19-21, para. 18 and CEDAW/C/CHL/CO/5-6, paras. 40–41.
- <sup>68</sup> CEDAW/C/CHL/CO/5-6, para. 40.
- <sup>69</sup> CAT/C/CHL/CO/5, para. 4.
- <sup>70</sup> *Ibid.*, para. 10. See also CAT/C/CHL/CO/5, para. 17.
- <sup>71</sup> UNCT submission to the UPR on Chile, para. 15.
- <sup>72</sup> *Ibid.*, para. 52.
- <sup>73</sup> A/HRC/19/44, p. 65.
- <sup>74</sup> A/HRC/22/45/Add.1, para. 69 (p. 19).
- <sup>75</sup> CAT/C/CHL/CO/5, para. 21.
- <sup>76</sup> CEDAW/C/CHL/CO/5-6, para. 44.
- <sup>77</sup> CAT/C/CHL/CO/5, para. 22.
- <sup>78</sup> CMW/C/CHL/CO/1, paras. 26 and 27 (b).
- <sup>79</sup> CEDAW/C/CHL/CO/5-6, paras. 18–19. See also CEDAW/C/CHL/CO/5-6, paras. 20–21.
- <sup>80</sup> CEDAW/C/CHL/CO/5-6, paras. 20 and 21 (b). See also CAT/C/CHL/CO/5, para. 18.
- <sup>81</sup> UNCT submission to the UPR on Chile, para. 45.
- <sup>82</sup> CMW/C/CHL/CO/1, para. 46.
- <sup>83</sup> CEDAW/C/CHL/CO/5-6, para. 22.
- <sup>84</sup> CMW/C/CHL/CO/1, para. 47 (f) and CEDAW/C/CHL/CO/5-6, para. 23 (c), (d) and (e).
- <sup>85</sup> UNHCR submission to the UPR on Chile, p. 6. See also CMW/C/CHL/CO/1, paras. 5 and 46, CEDAW/C/CHL/CO/5-6, para. 4 (d) and CERD/C/CHL/CO/19-21, para. 3 (d).
- <sup>86</sup> UNHCR submission to the UPR on Chile, p. 6.
- <sup>87</sup> *Ibid.*, p. 7. See also UNCT submission to the UPR on Chile, para. 28.
- <sup>88</sup> UNCT submission to the UPR on Chile, para. 13. See also A/HRC/22/45/Add.1, para. 69 and CAT/C/CHL/CO/5, para. 14.
- <sup>89</sup> CERD/C/CHL/CO/19-21, para. 11.
- <sup>90</sup> UNCT submission to the UPR on Chile, para. 16.
- <sup>91</sup> *Ibid.*, para. 78.
- <sup>92</sup> A/HRC/22/45/Add.1, para. 64. See also CAT/C/CHL/CO/5, para. 6.
- <sup>93</sup> *Ibid.*, para. 66. See also CAT/C/CHL/CO/5, paras. 25 and 18.
- <sup>94</sup> CAT/C/CHL/CO/5, para. 19. See also CAT/C/CHL/CO/5, para. 12.
- <sup>95</sup> Letter dated 24 April 2012 from the HR Committee to the Permanent Mission of Chile in Geneva (note 44 above), pp. 2–3. See also the letter dated 9 May 2011 from the HR Committee to the Permanent Mission of Chile in Geneva (note 44 above), p. 2; 2011 follow-up report under ICCPR, pp. 1–3; and CCPR/C/CHL/CO/5/Add.2, para. 3.
- <sup>96</sup> A/HRC/22/45/Add.1, para. 69 (pp. 17–18). See also CAT/C/CHL/CO/5, para. 12; letter dated 24 April 2012 from the HR Committee to the Permanent Mission of Chile in Geneva (note 44 above),



- pp. 2–3; letter dated 9 May 2011 from the HR Committee to the Permanent Mission of Chile in Geneva (note 44 above), p. 2; 2011 follow-up report under ICCPR, pp. 1–3; and CCPR/C/CHL/CO/5/Add.2, para. 3.
- <sup>97</sup> UNESCO submission to the UPR on Chile, para. 35.
- <sup>98</sup> *Ibid.*, para. 47.
- <sup>99</sup> *Ibid.*, para. 31.
- <sup>100</sup> CEDAW/C/CHL/CO/5-6, para. 20.
- <sup>101</sup> CERD/C/CHL/CO/19-21, para. 14, CAT/C/CHL/CO/5, para. 23, and CEDAW/C/CHL/CO/5-6, para. 20. See also CERD/C/CHL/CO/15-18, para. 19, and letter dated 27 August 2010 from CERD to the Permanent Mission of Chile in Geneva, p. 2, available at [http://www2.ohchr.org/english/bodies/cerd/docs/followup/Chile\\_27082010.pdf](http://www2.ohchr.org/english/bodies/cerd/docs/followup/Chile_27082010.pdf).
- <sup>102</sup> A/HRC/22/47/Add.4, paras. 88–89. See also the State’s replies referred to in A/HRC/22/47/Add.4, paras. 85–87.
- <sup>103</sup> CEDAW/C/CHL/CO/5-6, para. 24.
- <sup>104</sup> UNCT submission to the UPR on Chile, para. 44.
- <sup>105</sup> CERD/C/CHL/CO/15-18, para. 20 and CERD/C/CHL/CO/19-21, para. 16.
- <sup>106</sup> CMW/C/CHL/CO/1, para. 48.
- <sup>107</sup> CEDAW/C/CHL/CO/5-6, para. 32.
- <sup>108</sup> *Ibid.*, para. 30. See also CEDAW/C/CHL/CO/5-6, para. 4 (a).
- <sup>109</sup> CMW/C/CHL/CO/1, para. 36.
- <sup>110</sup> CEDAW/C/CHL/CO/5-6, para. 31.
- <sup>111</sup> *Ibid.*, paras. 34 and 35 (d). See also UNCT submission to the UPR on Chile, para. 73.
- <sup>112</sup> UNCT submission to the UPR on Chile, para. 73.
- <sup>113</sup> *Ibid.*, para. 33. See also CEDAW/C/CHL/CO/5-6, para. 4 (c).
- <sup>114</sup> UNCT submission to the UPR on Chile, para. 71. See also CEDAW/C/CHL/CO/5-6, para. 35 (a).
- <sup>115</sup> UNCT submission to the UPR on Chile, para. 72. See also CEDAW/C/CHL/CO/5-6, paras. 4 (c), 34 and 35 (a).
- <sup>116</sup> CEDAW/C/CHL/CO/5-6, para. 34.
- <sup>117</sup> Statement by the United Nations Deputy High Commissioner for Human Rights delivered at the end of her visit to Chile, 21 October 2011, available from [www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=11518&LangID=S](http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=11518&LangID=S).
- <sup>118</sup> UNESCO submission to the UPR on Chile, para. 19.
- <sup>119</sup> CEDAW/C/CHL/CO/5-6, para. 28.
- <sup>120</sup> UNESCO submission to the UPR on Chile, para. 44.
- <sup>121</sup> UNCT submission to the UPR on Chile, para. 20.
- <sup>122</sup> CEDAW/C/CHL/CO/5-6, paras. 28 and 29 (b).
- <sup>123</sup> CMW/C/CHL/CO/1, para. 34.
- <sup>124</sup> CERD/C/CHL/CO/19-21, para. 15.
- <sup>125</sup> UNESCO submission to the UPR on Chile, para. 40.
- <sup>126</sup> A/HRC/12/34/Add.6, para. 7.
- <sup>127</sup> *Ibid.*, paras. 7–8. See also CERD/C/CHL/CO/15-18, para. 24 and CERD/C/CHL/CO/19-21, paras. 15–16.
- <sup>128</sup> UNCT submission to the UPR on Chile, para. 23.
- <sup>129</sup> *Ibid.*, para. 58.
- <sup>130</sup> CERD/C/CHL/CO/15-18, para. 16 and CERD/C/CHL/CO/19-21, para. 12 (a).
- <sup>131</sup> Statement by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the conclusion of his visit to Chile, 30 July 2013. Available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13598&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13598&LangID=E).
- <sup>132</sup> UNCT submission to the UPR on Chile, para. 24.
- <sup>133</sup> *Ibid.*, para. 59.
- <sup>134</sup> CERD/C/CHL/CO/19-21, para. 13.
- <sup>135</sup> A/HRC/12/34/Add.6, para. 53. See also CERD/C/CHL/CO/15-18, para. 21, and CERD/C/CHL/CO/19-21, para. 12.
- <sup>136</sup> A/HRC/12/34/Add.6, para. 52. See also CERD/C/CHL/CO/15-18, paras. 16 and 22, CERD/C/CHL/CO/19-21, para. 13 (c), letter dated 27 August 2010 from CERD to the Permanent

- Mission of Chile in Geneva (note 27 above), p. 2; CERD/C/CHL/CO/15-18/Add.1, para. 4 and UNCT submission to the UPR on Chile, para. 62.
- <sup>137</sup> UNCT submission to the UPR on Chile, para. 26.
- <sup>138</sup> Statement by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (note 131 above).
- <sup>139</sup> CERD/C/CHL/CO/19-21, para. 14. See also CERD/C/CHL/CO/15-18, para. 19 and the letter dated 27 August 2010 from CERD to the Permanent Mission of Chile in Geneva (note 27 above), p. 2.
- <sup>140</sup> CAT/C/CHL/CO/5, para. 23 and CEDAW/C/CHL/CO/5-6, para. 20.
- <sup>141</sup> Statement by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (note 131 above).
- <sup>142</sup> UNCT submission to the UPR on Chile, para. 25.
- <sup>143</sup> CERD/C/CHL/CO/15-18, para. 15 and CERD/C/CHL/CO/19-21, para. 14. See also UNCT submission to the UPR on Chile, para. 60.
- <sup>144</sup> CAT/C/CHL/CO/5, para. 23. See also the letters from the HR Committee to the Permanent Mission of Chile in Geneva (note 44 above) dated 24 April 2012, p. 3, and 9 May 2011, p. 2; 2011 follow-up report under ICCPR, pp. 11–13; and CCPR/C/CHL/CO/5/Add.2, paras. 42–45.
- <sup>145</sup> Letter dated 2 September 2011 from CERD to the Permanent Mission of Chile in Geneva (note 27 above), p. 1.
- <sup>146</sup> CERD/C/CHL/CO/19-21, para. 14 (d).
- <sup>147</sup> UNHCR submission to the UPR on Chile, p. 1.
- <sup>148</sup> *Ibid.*, p. 2. See also UNCT submission to the UPR on Chile, para. 27.
- <sup>149</sup> UNHCR submission to the UPR on Chile, p. 4.
- <sup>150</sup> UNCT submission to the UPR on Chile, para. 39.
- <sup>151</sup> *Ibid.*, para. 63.
- <sup>152</sup> CMW/C/CHL/CO/1, paras. 8–9, and CERD/C/CHL/CO/19-21, para. 19.
- <sup>153</sup> CEDAW/C/CHL/CO/5-6, para. 26. See also CMW/C/CHL/CO/1, para. 32 and CERD/C/CHL/CO/19-21, para. 18.
- <sup>154</sup> CMW/C/CHL/CO/1, para. 32.
- <sup>155</sup> CERD/C/CHL/CO/19-21, para. 18. See also UNHCR submission to the UPR on Chile, pp. 7–8.
- <sup>156</sup> CERD/C/CHL/CO/15-18, para. 8.
- <sup>157</sup> CMW/C/CHL/CO/1, para. 17.
- <sup>158</sup> *Ibid.*, para. 38.
- <sup>159</sup> CERD/C/CHL/CO/19-21, para. 19.
- <sup>160</sup> CMW/C/CHL/CO/1, paras. 50–51.
- <sup>161</sup> UNCT submission to the UPR on Chile, para. 1.
- <sup>162</sup> CERD/C/CHL/CO/19-21, para. 12.
- <sup>163</sup> *Ibid.*, para. 12 (b). See also CERD/C/CHL/CO/15-18, paras. 16 (a) and 22; CERD/C/CHL/CO/19-21, para. 13 (c); letter dated 27 August 2010 from CERD to the Permanent Mission of Chile in Geneva, (note 27 above), p. 1; and CERD/C/CHL/CO/15-18/Add.1, para. 4.
- <sup>164</sup> CERD/C/CHL/CO/15-18, para. 23.