

Human Rights in Chile

UPR Pre-Sessions Info

February 2024



Transitional Justice

Progress:

- Creation of a National Search Plan for victims of enforced disappearance
- Announcement of the repeal of the Amnesty Law
- Announcement of the drafting of a law on enforced disappearance

Problems:

- The Amnesty Law, enacted during the dictatorship, has not yet been repealed.
- Forced disappearance has not yet been encoded as a crime.
- There are no Memory policies that guarantee the maintenance and preservation of Memory Sites in the country. These have to compete among themselves to access limited contested funds.
- There is no recognition by the State that genocide was committed in Chile against political groups under the dictatorship.

Transitional Justice Recommendations

- To draft and implement, starting from the year 2024, a unique system for the opening of cases and monitoring the compliance of sentences for human rights violations committed during the dictatorship, along with a mechanism that makes the granting of penitentiary benefits and alternative regimes transparent.
- **To design and implement in the year 2024, a Comprehensive Memory Policy, which guarantees by law, the safeguarding, maintenance, and preservation of Memory Sites, with adequate, timely, and permanent public budgets.**
- To recognize, during the year 2024, that genocide was committed against political groups during the dictatorship, to maximize measures of justice and reparation.

Right to Peaceful Assembly

Progress:

- Police use of force protocols have been published.
- Protocols incorporate a human rights framework.

Problems:

- Authoritarian regression that does not guarantee the right to freedom of expression and assembly: The State perceives public demonstrations as a threat and handles them hostilely.
- Protocols are neither adhered to nor is their enforcement overseen.
- Abusive use of pre-trial detention and identity checks.
- Criminalization of peaceful demonstrations, with laws that ensure impunity for perpetrators.
- Repression and harm to the social fabric as a whole.

Recommendations on the Right to Peaceful Assembly

- To repeal, in 2024, Supreme Decree No. 1,086 enacted during the dictatorship and regulate by law the Right to Peaceful Assembly, in accordance with international human rights standards, (General Comment No. 37 of the Human Rights Committee), also considering children and adolescents.
- To repeal, in the year 2024, laws that protect the police force and guarantee their impunity or limit the legitimate exercise of the right to protest: Law No. 21,208 (anti-barricade and anti-mask), Law No. 21,128 (Safe Classroom), and Law No. 21,560 (trigger-happy police and impunity).
- To establish and implement, during 2024, a public transparency system for the order and security forces that ensures accountability, administrative and judicial actions in case of human rights violations.

Human Rights Defenders

Progress:

- Signing of the Escazu Agreement.

Problems:

- In Chile, human rights defenders lack protection mechanisms and comprehensive policies that allow them to safely carry out their work in defending human rights.
- They are in a significant state of defenselessness and, as a result, are perennial victims of police violence in the context of demonstrations.

Recommendations on Human Rights Defenders

- Acknowledge and continuously and publicly promote the role of human rights defenders, especially that of the human rights observer. Moreover, enact, during 2024, a law that protects Human Rights Defenders in the performance of their duties.
- Create, during 2024, a specialized prosecution office for crimes and human rights violations against Human Rights Defenders, staffed with specialized personnel, an appropriate budget, and dedicated exclusively to these matters.
- Enact, during 2024, a law that allows for the removal of state agents involved in crimes or violations of the human rights of defenders from their duties while investigations are ongoing, and to proportionately and effectively sanction them if found guilty of such crimes or violations.