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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Chile

The present report is a summary of 12 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. BACKGROUND AND FRAMEWORK

1. Corporación Humanas (JS1)² reported that the Ministry of Foreign Affairs had invited human rights organizations to consultations on the most important issues to be addressed, but the consultation process had been limited to a few organizations.³

A. Scope of international obligations

2. JS1 stated that Chile was a signatory to most of the international human rights treaties and had incorporated them into the Constitution.⁴ Amnesty International (AI) recommended that Chile enact legislation implementing the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Inter-American Convention to Prevent and Punish Torture; the Geneva Conventions and its Optional Protocols I and II; and the Convention on the Prevention and Punishment of the Crime of Genocide.⁵

3. Furthermore, AI recommended that Chile promptly ratify and fully implement the Rome Statute of the International Criminal Court (ICC); the Agreement on the Privileges and Immunities of the ICC; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.⁶ JS1 also reported that ratification was pending in respect of the International Convention for the Protection of All Persons from Enforced Disappearance, the Inter-American Convention on Forced Disappearance of Persons, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.⁷

4. JS1 stated that Chile had recently ratified the Convention on the Rights of Persons with Disabilities and the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).⁸ Chile had also voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples.⁹

B. Constitutional and legislative framework

5. JS1 pointed out that, although Chile was a signatory to most of the international human rights treaties, their rank remained a problem in Chile since legal doctrine was ambiguous in that regard.¹⁰

6. AI recommended that Chile ensure the full implementation of ILO Convention 169, involving indigenous peoples and working constructively to advance a national declaration that builds on existing international standards for the protection of indigenous peoples' rights, including the United Nations Declaration on the Rights of Indigenous Peoples.¹¹

7. JS1 reported that the rights to decent housing and to water were not constitutionally recognized in Chile and that there were serious limitations on the enjoyment of labour rights such as the right to strike.¹²

8. The Observatorio Ciudadano (Citizens' Observatory) (JS2)¹³ recommended amending the legislation on the oversight of police operations with a view to establishing a more effective and transparent system of accountability in police work.¹⁴

C. Institutional and human rights infrastructure

9. JS2 said that the Executive had submitted various legislative proposals on the establishment of an Ombudsman to Congress since 1991.¹⁵ JS1 reported that parliamentary debate on a bill on the

Office of the Ombudsman had begun in 2008 based on the Government's alternative proposal, put forward in 2007, to the bill submitted for consideration in 2003.¹⁶ JS2 indicated that the draft did not guarantee the autonomy the Office would require to carry out its functions in accordance with the Paris Principles.¹⁷

10. JS1 reported that a bill to establish a national human rights institution had also been under discussion since 2005. The bill had been sent to the Joint Chamber of Deputies/Senate Commission, which had agreed a text to be put to both chambers in July 2008. The Executive had withdrawn the draft on 28 August, however, giving no indication of a date or a procedure for reaching the decisions needed for its approval.¹⁸

11. The Network of National Human Rights Institutions of the Americas asked for consideration to be given to the creation of a national human rights institution in Chile.¹⁹ AI and JS2 recommended that Chile expedite the legislative process that will endorse the establishment of an autonomous human rights institution in line with the Paris Principles.²⁰

12. JS2 indicated that the Constitution and the Constitutional Act governing the police (*carabineros*) placed the force under dual administrative control: it was dependent on the Ministry of Defence in budgetary matters and on the Ministry of the Interior in operational matters. That was an obstacle to proper supervision and internal oversight of police action.²¹

13. JS2 recommended that the police and the investigative police should establish mechanisms for dealing with complaints against them concerning acts of violence against the general public. JS2 also recommended that the results of investigations into such complaints, and any measures taken by the police internal oversight bodies, should be published.²²

D. Policy measures

14. AI said it had called upon all candidates to the Presidency to commit to a process of drafting a comprehensive national action plan for human rights in 2005. The current Chilean Government undertook this commitment in its *Programa de Gobierno* 2006-2010, but the process has not yet been initiated.²³

15. JS2 stated that Government authorities did not become parties to proceedings to establish criminal liability for actions by police officers that constituted offences, despite the fact that there was no legal impediment to prevent them doing so.²⁴

16. JS2 recommended, among other things, that State structures should support measures to raise awareness of citizens' rights in respect of police action, and the documentation, reporting and prosecution of police abuses and violations of human rights in order to establish liability. It also recommended working towards the establishment of forums for dialogue between the civilian population, the police and the State authorities that would provide a regular picture of progress or setbacks in that area.²⁵

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Implementation of international human rights obligations

1. Equality and non-discrimination

17. JS1 stated that Chile continued to apply a matrimonial property regime whereby the woman was deprived of any right to administer jointly-owned property or her own property and the male

partner administered both. That situation had prompted human rights organizations to submit a petition to the Inter-American Commission on Human Rights in 2000, following which the State had opted for an amicable settlement that had still borne no fruit after three years.²⁶

18. According to the Human Rights Centre of Diego Portales University (CDHUDP), the plan launched by the Act on Universal Access with Explicit Guarantees (AUGE), which had come into effect in Chile in July 2005, had not done away with discrimination in the area of women's health care.²⁷ CDHUDP stated that health plan payments for men, married women and single women, for example, were still discriminatory.²⁸

19. JS1 expressed concern at the delay in adopting legislation on measures to combat discrimination against sexual minorities. New provisions had been added to the bill in 2008 that would entail restrictions on the concept of non-discrimination, explicit exemption of churches from liability and limitations on the State's obligation to protect and guarantee that right.²⁹ La Iniciativa por los Derechos Sexuales (Action for Sexual Rights) (JS3)³⁰ recommended that the Senate should approve the Anti-Discrimination Act and suggested that the term "gender" in the Act should be explicitly deemed to refer to gender identity, since the Act did not refer to gender identity in such a way as to unequivocally cover transsexuals.³¹

20. UNPO indicated that the Mapuche are among the poorest and most marginalized groups in society, with 34.8 per cent of the Mapuche below the poverty line. UNPO mentioned that the human development index of the Mapuche population is lower than that of the non-indigenous population, and that the average Mapuche income is less than half of the non-indigenous population.³²

2. Right to life, liberty and security of the person

21. JS2 said that it had noted with concern that there were still numerous instances of ill-treatment, unnecessary use of force and brutality by the State police, amounting to torture or cruel, inhuman or degrading treatment of the civilian population, and in particular of people engaged in the defence of their rights.³³ JS2 reported that such situations were becoming more frequent in rural and indigenous communities, in neighbourhoods and even in people's own homes, which were sometimes raided without the relevant warrants.³⁴ JS2 further stated that the Presidential Advisory Commission for the Protection of the Rights of Persons had itself noted in its quarterly reports in 2007 and 2008 a rise in the number of complaints of police abuses in the previous year.³⁵

22. JS1 stated that the high prevalence of violence against women and femicide was alarming.³⁶ AI recommended that Chile, inter alia, establish an effective system for registering cases of violence against women that activates mechanisms to treat and protect victims, as well as investigating all complaints promptly and impartially; uphold standards in the collection of evidence from victims of violence in line with the World Health Organization's Guidelines for medico-legal care for victims of sexual violence; and ensure that the collection of data is standardized and disaggregated according to gender and other factors, and that it be open to verification.³⁷

23. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that in Chile, corporal punishment is lawful in schools and that there is no explicit prohibition of corporal punishment of children in alternative care settings.³⁸

24. JS3 reported that there had been numerous cases of arbitrary detention and ill-treatment of transsexuals, transvestites and transgender persons by police since 2002, based on and with the protection of article 373 of the Criminal Code, which penalized anyone “offending in any way against decency or morality”. JS3 also reported that, by virtue of their social exclusion, transsexuals were vulnerable to violence by private individuals, including neo-Nazi groups.³⁹

25. JS1 stated that the sharp increase in the prison population had resulted in overcrowding and cruel, inhuman and degrading treatment, owing to prisoners’ lack of access to health care, food, water and training, as well as violence and punishments that amounted to acts of torture. JS1 reported that complaints in that regard, which had been verified in 2008 by the Organization of American States (OAS) Special Rapporteur on the rights of persons deprived of liberty, received scant attention from Government officials or the courts.⁴⁰ JS1 further stated that the policies on prevention and special care for persons deprived of their liberty who were HIV-positive were clearly inadequate. It also reported that human rights violations of various kinds, including death, occurred in juvenile detention centres, owing to the lack of proper security or effective judicial oversight by courts, where court action had been sought through the remedies of *amparo* or *habeas corpus*.⁴¹

3. Administration of justice, including impunity and the rule of law

26. JS1 reported that the Decree-Law on Amnesty (No. 2191) was still in force in Chile and that a new legal opinion was gaining ground, which held that the statute of limitations could apply to cases of summary execution, both of which situations ran counter to rulings of the Inter-American Court of Human Rights. It also reported problems regarding access to correct information on the whereabouts and identity of disappeared persons and the failure to include victims in the National Report on Political Prisoners and Torture, which had adopted a definition of victim that was not in line with international standards.⁴² AI recommended that Chile nullify the Amnesty Law 2191 and other measures granting amnesty to alleged perpetrators of gross human rights violations; make the statute of limitations inapplicable for crimes under international law and civil suits arising from those crimes, irrespective of the date of their commission; and award full reparations to victims of human rights violations and to their relatives, including those living outside of the country.⁴³

27. The International Commission of Jurists (ICJ) reported that, under military criminal law, military courts were competent to try civilians.⁴⁴ CDHUDP stated that military justice was extensively applied in Chile against civilians.⁴⁵ Human Rights Watch (HRW) indicated that trials by military courts of civilians accused of “wounding, hitting or maltreating” members of the Carabineros are common, and that they make up 27 per cent of cases before the Martial Court in 2007.⁴⁶ ICJ and AI recommended that Chile eliminate the application of military jurisdiction to civilians.⁴⁷

28. ICJ reported that the Code of Military Justice defined quite a wide range of offences, from classic military offences to ordinary offences.⁴⁸ JS2 stated that, notwithstanding amendments made to the Code, the military courts continued to assert their sole jurisdiction over violations such as torture, homicide or unwarranted use of force by the police, where committed in the course of duty or on military premises, and that had been a factor in impunity for offences committed by officers of the State police.⁴⁹ ICJ and JS2 recommended that Chile should limit military courts’ jurisdiction to strictly military offences committed by military personnel.⁵⁰ ICJ also recommended that the exercise of military jurisdiction should be precluded for offences not affecting a military legal right or involving civilian victims or violations of human rights.⁵¹ HRW recommended that Chile seek accountability for abuses by the police, and ensure that civilian authorities investigate, prosecute, and try human rights abuses committed by Carabineros.⁵²

29. JS1 reported that military jurisdiction did not meet any of the criteria of international law on due process.⁵³ HRW indicated that the right to a defense in cases under military jurisdiction is severely restricted and that military prosecutors conduct investigations in secret.⁵⁴ JS2 indicated that the Inter-American Court of Human Rights had noted violations of due process under military jurisdiction in 2005.⁵⁵ ICJ stated that, in the Court's view, the organizational structure and the composition of military courts meant, among other things, that members of the courts were subordinate to higher-ranking personnel through the chain of command, their appointment did not depend on their professional competence and they did not have the legal training required to perform the function of judge or prosecutor.⁵⁶ JS2 reported that, under the Code of Military Justice, anything relating to armed forces or police personnel was confidential, which was an impediment to proper internal disciplining of police officers who might have been involved in police violence.⁵⁷ CDHUDP indicated that the Inter-American Court of Human Rights had ordered the State to bring its domestic legal order into line with international standards on military criminal jurisdiction but that Chile had not reacted.⁵⁸

30. According to HRW, a civil-military commission established by the Minister of Defense in 2007 is currently working on proposals for a new Code of Military Justice, but as of November 2008 there was still no bill in Congress which addresses this issue.⁵⁹ JS2 stated that, under the proposed reform of military justice, military courts would still be able to try civilians in certain cases and there would be no change in the structure or organization of military courts or in criminal procedure. Consequently, the proposed reform would not ensure an end to impunity for police violence against civilians.⁶⁰

31. JS2 indicated that the "short-term agenda" Crime Prevention Act (Act No. 20,253) had made significant changes to the rules governing identity checks, explicitly stating that anyone "wearing a mask or disguise in order to conceal or cover their identity or hinder identification" could be checked and authorizing the police to search their clothing, luggage or vehicles "without further cause". That meant that, even where a person produced their identity card and had no police record, they could be searched in the street. If a person failed to identify themselves and was taken to a police station, they could be held there for up to eight hours before being released (yet formally they were presumed never to have been detained).⁶¹

32. JS1 was concerned about the legal aid associations, which were the main pillar of Chile's free legal aid system and yet had an inadequate budget and no coherent organizational structure and relied on law graduates on internships.⁶²

4. Right to privacy, marriage and family life

33. JS1 reported that legal and judicial praxis was not conducive to homosexuals' enjoyment of the right to a family, since it prevented them from marrying, jointly administering their property or obtaining custody of their children on an equal footing. According to JS1, in 2008 the Inter-American Court of Human Rights had declared admissible a complaint from a lesbian mother who had alleged discrimination by the Supreme Court in respect of her right to custody of her daughters.⁶³

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

34. CDHUDP indicated that people wishing to report on the conflict with the Mapuche people in the south had been arrested and, in the case of foreigners, deported. CDHUDP cited as examples the arrest of two French journalists and the confiscation of their material; the arrest of two Italian

documentary filmmakers, who had been accused of expropriation of land and deported; and the arrest of a Chilean documentary filmmaker, who had been accused of membership of a terrorist organization, had the material for her two documentaries confiscated, and been held in pretrial detention for more than two months. The Unrepresented Nations and Peoples Organization (UNPO) alleged that the detention of these journalists is an attempt to intimidate the Mapuche community and those who dare to speak out about the conflict.⁶⁴

35. According to JS2, most public demonstrations culminated in confrontations with the State police, who attempted to prevent them, either by dispersing the demonstrators with tear gas or water cannons, or by arresting them.⁶⁵ JS2 reported that the media had clearly shown the abuses committed by the police at student demonstrations in various cities around the country in 2006.⁶⁶ It also stated that the police had acted equally harshly at workers' demonstrations, resulting in one fatality in Arauco in 2007.⁶⁷

36. JS2 recommended that Supreme Decree No. 1086,⁶⁸ which made prior authorization a requirement for the exercise of the right to peaceful assembly recognized under the Constitution, should be repealed.⁶⁹ JS2 also indicated that the "short-term agenda" Crime Prevention Act had brought in changes to criminal procedure, considerably strengthening the powers of the police to control public demonstrations by allowing them to check the identity of anyone they believed might have something to do with the committing of a criminal offence or misdemeanour, or be able to provide information in that regard.⁷⁰

37. According to JS1, Chile had one of the highest levels of underrepresentation of women in public decision-making forums in South America. In Parliament women accounted for no more than 15 per cent of the Chamber of Deputies and 5.3 per cent of the Senate; in municipal government in 2008, only 23 per cent of councillors and 12 per cent of mayors had been women.⁷¹

38. According to UNPO, in 2005, a Mapuche candidate from the Mapuche Organisation *Consejo de Todas las Tierras* attempted to run in the presidential elections, but the electoral authority ruled that the 39,000 signatures collected in support of his nomination had not been certified by public notary and refused to put his name on the ballot. The notary bill would have cost \$358,000 - a large amount for the Mapuche community who earn less than half the amount than the non-indigenous population. UNPO urged the Chilean government to refrain from impeding the active participation of the Mapuche community in the political arena, and asked that the Mapuche population be given the same right to freedom of movement and freedom of expression as the non-indigenous population.⁷²

39. Conscience and Peace Tax International (CPTI) indicated that Chile had not recognized the right of conscientious objection to military service; draft legislation put before parliament in 2006 fell short of international standards, and no evidence has been presented to indicate progress towards promulgating this legislation.⁷³ The draft legislation included an amnesty for those persons who were in breach of the military recruitment regulations prior to the coming into force of new legislation, provided that those persons were able to pay 10,600 pesos. While welcoming the amnesty, CPTI expressed grave reservations about linking release from military service obligations to the ability to pay.⁷⁴

6. Right to work and to just and favourable conditions of work

40. JS3 recommended that national employment policies should be established for transvestites, transsexuals and transgender persons.⁷⁵ JS3 stated that transsexual women had no chance of entering the labour market, which meant their only means of subsistence was prostitution, while transsexual men were obliged to wear women's or unisex clothing to be able to work.⁷⁶

7. Right to social security and to an adequate standard of living

41. According to CDHUDP, the Universal Access with Explicit Guarantees (AUGE) health-care plan had thrown up a series of problems that raised questions as to its true effectiveness and whether it could provide access and care on the terms it set.⁷⁷ CDHUDP pointed out that there had been major structural shortcomings from the outset, both in personnel and material terms.⁷⁸ It also cited a study carried out by the University of Chile and the Ministry of Health in 2007, which had shown that the public health system had less than one doctor per thousand inhabitants (0.84), when the standard set by the World Health Organization (WHO) for Latin America was 1.98 doctors per thousand inhabitants.⁷⁹

42. JS1 reported that abortion of any kind was a criminal offence in Chile.⁸⁰ JS1 pointed out that the criminalization of abortion, in conjunction with the health regulation obliging health-care workers to report any action that might constitute an offence, created a repressive environment for women seeking emergency care from the public health system for complications arising from illegal abortions.⁸¹ JS4 recommended that Chile liberalize the legislation which criminalizes abortion under all circumstances.⁸²

43. HRW informed that in April 2008, the Chilean Constitutional Court prohibited the distribution of the emergency contraceptive pills (ECP) to the public health sector.⁸³ JS1 further stated that the Constitutional Court ruling had created inequalities, since women who had the financial means could obtain the pill commercially.⁸⁴ In a joint submission, the Center for Reproductive Rights and the Centro de Derechos Humanos of the Universidad Diego Portales (JS4) stated that the Constitutional Tribunal's decision, which concluded that the ECP acts as an abortifacient, contradicts scientific evidence provided by various international organizations, including the WHO.⁸⁵ JS4 recommended that Chile adopt all necessary measures to universalize access to emergency contraception, and develop public health strategies to increase knowledge of contraceptive methods, placing an emphasis on emergency contraception.⁸⁶ HRW further recommended that Chile take all necessary measures to increase access to emergency contraception for all women, with a special emphasis on rape survivors and adolescents.⁸⁷

44. JS4 referred to a study carried out in 2004 which had documented cases of forced sterilization, and sterilizations performed without consent, of Chilean women living with HIV/AIDS, with 31 per cent of the women interviewed having been sterilized; 29 per cent of these women due to pressure from health services and 12.9 per cent without consent. It also found that 66 per cent of women receiving gynecological care had received inadequate information with regard to the idea that women with HIV should not become pregnant.⁸⁸ JS4 recommended that Chile thoroughly investigate those cases of forced sterilization which have been presented, and undertake special measures to guarantee that women living with HIV receive sexual and reproductive health services which meet their needs.⁸⁹

45. JS3 recommended that health policies should be devised at the national level to meet the needs and requirements of the transvestite, transsexual and transgender population, including evaluations, treatment and operations, based in all cases on free and informed consent and without compulsion.⁹⁰

8. Minorities and indigenous peoples

46. JS1 indicated that constitutional recognition of the indigenous peoples was still pending,⁹¹ despite undertakings made in 1990.⁹² JS1 pointed out that, although several proposals had been considered by Congress since 1991, there had been no consultation with the indigenous peoples on any of them.⁹³

47. JS1 also said that the Chilean State's ratification of ILO Convention No. 169 entailed the obligation to adjust domestic law. Adjustments were now urgently required in respect of water rights, mining rights natural resources in general, justice and electoral legislation, for example, where the law conflicted with the provisions of the Convention.⁹⁴

48. UNPO reported that 700,000 hectares were returned to the Mapuche through land reform during the Government of Salvador Allende; however, they were for the most part dispossessed during Augusto Pinochet's dictatorship. According to UNPO, as communal land rights were dissolved and native lands were divided into private properties, much of this land has been passed to non-indigenous entrepreneurs, through individual sale and lease arrangements. Large land-owners would today be planting timber plantations of fast growing trees in the primeval forests that once belonged to the Mapuche, with eucalyptus using up an enormous quantity of water, damaging the soil, lowering the water table and leading to erosion.⁹⁵ UNPO urged the Government to allow the Mapuche community to become active partners in whatever business is to be undertaken on their lands.⁹⁶

49. JS1 reported that the implementation of sectoral policies to address indigenous peoples' land issues and promote indigenous communities' economic and social development had been very slow, which had created social tensions.⁹⁷ The delay in delimiting indigenous lands meant that the lands remained vulnerable to mega-investment projects in the extractive and production sectors, (e.g. mining, timber and hydroelectricity). JS1 also stated that projects of that kind had been approved by the State without appropriate consultation and without seeking the consent of the communities affected, and those communities did not share in the profits they themselves generated.⁹⁸

50. JS1 reported that hundreds of indigenous people had been put on trial in recent years for taking part in action to defend their ancestral lands, dozens of them under emergency laws that seriously undermined their due process guarantees.⁹⁹ JS2 reported that, in the last 10 years, members of Mapuche communities had been prosecuted, with the active support of the Public Prosecutor's Office and the Government, for alleged involvement in acts of violence during conflicts over land in the south of the country. According to JS2, emergency laws such as the Counter-Terrorism Act were frequently invoked for that purpose.¹⁰⁰ JS1 reported that a dozen indigenous people had been given sentences of up to 10 years and one day's imprisonment for offences defined as terrorism under that Act.¹⁰¹ UNPO asked that the Mapuche population be given proper access to political structures and legal assistance.¹⁰²

51. According to JS1 and JS2, the Observatory for Indigenous Peoples' Rights had in recent years documented an average of 20 cases a year of serious police violence against people of Mapuche origin. They included large-scale raids on communities, with violence against individuals and their property, and disproportionate use of firearms, which had left three people dead,¹⁰³ criminal offences that were reportedly still unpunished.¹⁰⁴ According to CDHUDP, what was wrongly called the "Mapuche conflict" had led to the deaths of two young Mapuche, in 2002 and 2008, yet the perpetrators had still not been convicted.¹⁰⁵ UNPO asked for a fair and considered treatment of Mapuche communities, as police raids conducted under the pretext of terrorist investigations are commonplace in their communities.

9. Human rights and counter-terrorism

52. JS2 reported that the Counter-Terrorism Act defined offences very broadly and undermined due process guarantees. The Act had apparently been used to repress the Mapuche protest until 2006 and, more recently, in October 2008, to prosecute two university students accused of terrorist offences in the Araucania region.¹⁰⁶

53. UNPO said it was gravely concerned at Chile's use of anti-terrorist laws against the Mapuche community.¹⁰⁷ According to UNPO, the anti-terrorism law allows the use of anonymous witnesses, and Mapuches tried under this law are not given access to free assistance by interpreters in their language Mapudungun. When convicted of "terrorist arson", a minimum sentence of 10 years is applied, which is double the sentence provided for "ordinary" arson in the Criminal Code.¹⁰⁸

54. CDHUDP reported that, although the Government had ceased prosecuting Mapuche leaders under the Counter-Terrorism Act in 2007, in 2008 the Public Prosecutor's Office had announced that it would apply the special counter-terrorism legislation to investigate ordinary offences committed during the conflict between the State and the Mapuche people.¹⁰⁹ JS2 recommended that the Counter-Terrorism Act should be amended to give more precise definitions of the offences covered and should confine itself to offences that deserved to be treated as terrorism because of the seriousness of their consequences.¹¹⁰

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

N/A.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

AI	Amnesty internacional*, London, UK
CDHUDP	Centro de Derechos Humanos de la Universidad Diego Portales, Santiago, Chile
CPTI	Conscience and Peace Tax International*, Leuven, Belgium
GIEACPC	The Global Initiative to End All Corporal Punishment of Children
HRW	Human Rights Watch*, New York, USA
ICJ	Comisión Internacional de Juristas*, Geneva, Switzerland
JS1	Corporación Humanas, Santiago, Chile (Joint submission)
JS2	Observatorio Ciudadano, Temuco, Chile (Joint submission)
JS3	Iniciativa por los Derechos Sexuales, Santiago, Chile (Joint submission)
JS4	Center for Reproductive Rights* and the Centro de Derechos Humanos of the Universidad Diego Portales (Joint submission)
UNPO	Unrepresented Nations and Peoples Organization, The Hague, Netherlands

Regional intergovernmental organization

Red	Red de Instituciones Nacionales de Derechos Humanos del Continente Americano, México D.F., México
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² Corporación Humanas: Corporación Humanas, Corporación Interés Público, Fundación Ideas, Domos, Movimiento de Emancipación de la Mujer Chilena (MEMCH), Red de Salud de las Mujeres Latinoamericanas y del Caribe, Programa de Derechos Humanos de la Universidad Diego Portales, Centro de Estudios de la Mujer (CEM), Observatorio de Género y Equidad, Fundación Participa y Observatorio de Derechos de los Pueblos Indígenas.

³ JS1, p. 1.

⁴ JS1, p. 1.

⁵ AI, p. 6.

⁶ AI, p. 6.

⁷ JS1, p. 2.

⁸ JS1, p. 2.

⁹ JS1, p. 6.

¹⁰ JS1, p. 1.

¹¹ AI, p. 7.

¹² JS1, p. 2, 3.

¹³ Observatorio Ciudadano: Observatorio Ciudadano, Asociación Americana de Juristas, CODEPU (Corporación de Defensa de los Derechos del Pueblo), Corporación OPCIÓN, Comisión Ética contra la Tortura, CINTRAS (Centro de Salud Mental y Derechos Humanos), Coordinador de Derechos Humanos de los Colegios Profesionales de Chile, Red de ONGs Infancia y Juventud Chile.

¹⁴ JS2, p. 7, 8.

¹⁵ JS2, p. 6.

¹⁶ JS1, p. 3.

¹⁷ JS2, p. 6.

¹⁸ JS1, p. 3.

¹⁹ Red, p. 1.

²⁰ AI, p. 6; JS2, p. 8.

²¹ JS2, p. 8.

²² JS2, p. 8.

²³ AI, p. 3.

²⁴ JS2, p. 5.

²⁵ JS2, p. 9.

²⁶ JS1, p. 6.

²⁷ CDHUDP, p. 5.

²⁸ CDHUDP, p. 5.

²⁹ JS1, p. 8.

³⁰ Iniciativa por los Derechos Sexuales: Action Canada for Population and Development; CREA-India; Mulabi-Espacio Latinoamericano de Sexualidades y Derechos; Polish Federation for Women and Family Planning, Organización de Transexuales por la Dignidad de la Diversidad, (OTD, Chile), y otras.

³¹ JS1, p. 2.

³² UNPO, p. 1.

³³ JS2, p. 4.

³⁴ JS2, p. 4.

³⁵ JS2, p. 4.

³⁶ JS1, p. 5.

³⁷ AI, p. 6.

³⁸ GIEACPC, p. 2.

³⁹ JS3, p. 1.

⁴⁰ JS1, p. 8.

⁴¹ JS1, p. 8.

⁴² JS1, p. 4, 5.

⁴³ AI, p. 6.

⁴⁴ ICJ, p. 2.

⁴⁵ CDHUDP, p. 3.

⁴⁶ HRW, p. 2.

⁴⁷ ICJ, p. 5; AI, p. 6.

⁴⁸ ICJ, p. 3.

⁴⁹ JS2, p. 3.

⁵⁰ ICJ, p.5; JS2, p. 7.

⁵¹ ICJ, p. 5.

⁵² HRW, p. 5.

⁵³ JS1, p. 4.

⁵⁴ HRW, p. 1.

⁵⁵ JS2, p. 3.

⁵⁶ ICJ, p. 1, 2.

⁵⁷ JS2, p. 3.

- 58 CDHUDP, p. 2.
- 59 HRW, p. 3.
- 60 JS2, p. 7.
- 61 JS2, p. 2.
- 62 JS1, p. 4.
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