



MISIÓN PERMANENTE DE CHILE ANTE LAS
ORGANIZACIONES INTERNACIONALES EN GINEBRA

Universal Periodic Review

Statement

**by Mr. Bruno Baranda,
Minister of Social Development**

on the occasion of the presentation of the

Chile's Second National Report

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*Mr. President of the Human Rights Council, State representatives and representatives of the civil society and of the National Institute for Human Rights,
Ladies and gentlemen,*

We are here today to present our second National Report, aware of the importance of this exercise, since the UPR marked a major step forward towards the universalization of human rights. This second cycle should lead us to increased sophistication of this assessment and cooperation tool.

Chile attributes high priority to the implementation of the UPR recommendations. This report shows the main progress achieved in meeting those made to our country in 2009. We are here today with renewed energy to take on new commitments and reiterate our willingness to address the remaining challenges.

This aspect is important for the definition of crosscutting public policies that lead towards a culture of human rights in our society.

We believe that the inputs of human rights institutions and organizations and today's dialogue contribute to shaping better and more integrated policies aimed at promoting the cultural changes pursued by any society committed to the respect of human rights, and thus to enhance our democracy. Under this logic we submit to you this report.

Various Ministries and Public Services have participated in its preparation. Meetings were held with the National Institute of Human Rights and with representatives of the civil society. We are grateful for the assistance provided by the Office of the High Commissioner for Human Rights, particularly by its regional representation based in Santiago de Chile. I wish to underscore the invaluable support and contribution of these instances to the promotion and protection of human rights. Their input, suggestions and constructive criticism are elements to foster a culture of respect for human rights.

For Chile, the UPR is an exercise that involves all branches of government. Therefore, I am accompanied by a high level delegation, comprised of two Ministers of State, a Judge of the Supreme Court of Justice, two Congressman, as well as experts from different Ministries, with due regard for the gender perspective.

Mr. President,

In 2009, Chile accepted 71 recommendations made by 51 countries. We are pleased to report that most of these recommendations have been implemented or are currently under implementation. Even though there are still challenges that remain to be met, the presentation of this Second Report focuses on the State's efforts to modernize and strengthen the human rights institutional infrastructure, with a view to consolidating an



MISIÓN PERMANENTE DE CHILE ANTE LAS
ORGANIZACIONES INTERNACIONALES EN GINEBRA

institutional framework that supports the observance, promotion and protection of human rights as a key component of sound governance.

In line with the suggestion of Brazil, Spain, France and Argentina, Chile ratified, in December 2010, the **International Convention for the Protection of All Persons from Enforced Disappearances**. Today, we are proud to note that Chile forms part of the small group of countries that have ratified the nine core treaties of the United Nations System for the protection of human rights.

The establishment of the **National Human Rights Institute**, in December 2009, and its implementation in 2010, responded to the recommendations made by Nicaragua, Peru, Malaysia, Pakistan, Uzbekistan, Morocco and Bangladesh. Chile established an independent audit authority to ensure accountability for the exercise of state power. Its creation is without doubt the backbone of the human rights institutional improvement in Chile. In 2012, the National Human Rights Institute was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions, which ensures its full consistency with the Paris Principles.

The UK, Italy, Ukraine, Mexico and New Zealand put forward recommendations on discrimination. As a second milestone on the way of putting human rights at the center of state duties, we wish to mention the enactment of Law No. 20,609, which "**Establishes Measures against Discrimination**", in force since July 2012. This law punishes all forms of discrimination based, inter alia, on grounds of race, ethnicity, nationality, socioeconomic status, language, ideology or political opinion, religion or belief, adherence or non-adherence to trade unions, sex, sexual orientation, gender identity, civil status, age, filiation, personal appearance and the illness or disability of the person. This law provides for a judicial mechanism to effectively restore the rule of law and represents a contribution to the necessary culture of equality and diversity proper to an inclusive democracy. Its adoption was a key step forward towards building together a more tolerant, more inclusive, more respectful and fairer society for each and every one of our citizens.

A third milestone in terms of institutional mechanisms, is the **Law on Associations and Citizen Participation in Public Management**, enacted in February 2012, which recognizes people's right to participate in state policies, plans, programs and actions, and considers illegal any conduct that excludes or discriminates, without valid reason, the exercise of this right. For the present UPR, Chile included as an annex to its National Report, the document that contains the conclusions of the meeting with Civil Society, held in last May.

Ladies and Gentlemen,



MISIÓN PERMANENTE DE CHILE ANTE LAS
ORGANIZACIONES INTERNACIONALES EN GINEBRA

In terms of institutional challenges, our ratification of the Optional Protocol to the Convention against Torture obliges us to establish the **National Prevention Mechanism**. The UK recommended in 2009 its early implementation. Chile has progressively worked on the fulfillment of this obligation, which will be assumed by the National Human Rights Institute. Since December 2012, the said institution, together with the Ministry of Justice, is working on the regulations which will enable the implementation of the mechanism.

In order to centralize the design and implementation of human rights public policies, the Government of Chile has promoted the creation of a **Subsecretariat – Viceministry - for Human Rights**, which is under discussion in the Parliament. Its first objective is drafting a **National Human Rights Plan**, according to the suggestion of Peru and Ghana in 2009. This plan will contain cross-cutting objectives and concrete actions to guide state bodies in the implementation of human rights' observance, promotion and protection.

Mr. President,

With regard to indigenous institutions, our country received in 2009 recommendations from Uzbekistan, Vietnam, Bolivia, Brazil, Denmark, Austria, Mexico, Guatemala, Bangladesh, New Zealand, Finland, Uruguay, Canada, Sweden, Azerbaijan, Spain, Algeria and Slovenia.

Chile is aware of its historical debt to the Indigenous Peoples. Therefore the current indigenous policy, applied since 2010, has been called "**Dialogue for Historic Re-encounter**". It seeks dialogue with the nine indigenous peoples present in our country (aymaras, atacameños, quechuas, collas y diaguitas, rapa nui, mapuche, kawashkar and yamanas) , in order to ensure their access to development opportunities, with full respect for their rights, traditions, identity and culture. The need for a comprehensive and inclusive approach led to the creation of the Council of Ministers for Indigenous Affairs.

Much of our efforts are devoted to provide spaces for permanent and effective dialogue, so that the design of policies and projects affecting indigenous peoples is properly consulted with them, so that their views and proposals are incorporated in the development of country.

The implementation of **ILO Convention 169**, ratified in 2008, has further deepened the commitment to participation and involvement of indigenous communities: opportunities for dialogue, building greater understanding and trust, which translates into more and better opportunities for effective participation.

Since its entry into force, we have carried out more than 43 consultations on matters related to draft legislation, administrative measures and investment projects. One of the most relevant ones concerns the topics, the procedure and stages of a consultation. We



MISIÓN PERMANENTE DE CHILE ANTE LAS
ORGANIZACIONES INTERNACIONALES EN GINEBRA

are referring to the Prior Consultation, that in Chile we called it the "Consultation on Consultations". During the nearly three years of work, we conducted over 300 workshops of direct dialogue between government authorities and indigenous leaders, and of inter-community dialogue. All indigenous communities and institutions were invited to participate, without excluding any of them. Self-convened indigenous congresses were held with the participation of international organizations and independent consultants chosen by the indigenous peoples themselves, with the logistical, technical and financial support of the state.

This new prior consultation procedure having been duly established, the Government of Chile, with a view to fulfilling its commitment of working towards the achievement of a multicultural society, will apply this mechanism to three relevant issues: the constitutional recognition of the Indigenous Peoples, the creation of a Council representing the Indigenous Peoples, and the design of a new institutional framework for a more efficient implementation of public policies regarding indigenous peoples.

Ladies and Gentlemen,

In the first cycle of the UPR, Azerbaijan, the Netherlands, the Czech Republic and Uzbekistan made recommendations related to **police action and law enforcement procedures**. Chile has made significant progress in this area. The Chilean police force (Carabineros), the Criminal Investigation Police (la Policía de Investigación) and the institution in charge of the prison system (Gendarmería) have been provided with specialized human rights units, in charge of bringing the action of these bodies into line with the principles set out in the relevant international instruments. To this purpose, a course on human rights and non-discrimination was included in the training curriculum for police officers, investigation officers and prison officers. Chile is aware of the importance of developing policies for continuous human rights training for all civil servants.

Mr. President,

The Report we present today, as well as the submission of a mid-term report in 2012, reveal our determination and the efforts deployed by our country to turn into realities the recommendations made on the occasion of the first cycle of the UPR. Progress as outlined is tangible. However the challenges are multiple and we are well aware of that. We believe that the spirit of good will to comply is essential to fulfilling our commitments. It is precisely at this stage, where the observations and recommendations in the context of cooperation with the UPR take on special significance.



MISIÓN PERMANENTE DE CHILE ANTE LAS
ORGANIZACIONES INTERNACIONALES EN GINEBRA

Our delegation appreciates the questions put forward by various countries, which we will try to respond to in the course of the present session. As for those we will not be able to respond to, due to lack of time, we commit ourselves to do so at latest by next March.

I would like to conclude this presentation underscoring our decision to provide, with absolute clarity and transparency, an account of the work carried out by Chile in defense of Human Rights and our readiness to address any question raised by the distinguished participants of the present session.

Thank you very much.