

CHILE:

OUTSTANDING DEBTS FOR PAST AND Present Human Rights Violations

AMNESTY INTERNATIONAL:

SUBMISSION TO THE 46th session of the UPR working group, may 2024

SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Chile in May 2024. In it, Amnesty International analyses the human rights situation in Chile and the measures taken to comply with the recommendations made to Chile in its previous review, including in relation to human rights violations committed in the past, women's rights, and migrants and refugees' rights.

It also assesses the national human rights framework with regard to human rights violations committed in the past, the security agenda, the right to peaceful assembly, the prohibition against torture and other cruel, inhuman, or degrading treatment, women's rights, migrants and refugee's rights, Indigenous Peoples' rights, the situation of human rights defenders and the regulation of the national institution for human rights.

With regard to the human rights situation on the ground, Amnesty International raises concerns about human rights violations committed in the past, the right to peaceful assembly, the prohibition against torture and other cruel, inhuman, or degrading treatment, and the situation of human rights defenders.

This submission ends with a set of recommendations to Chile which, if implemented, would contribute to improving the human rights situation.

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FOLLOW UP TO THE PREVIOUS REVIEW

- 1. Chile noted one recommendation on ensuring effective investigations about unclarified cases of enforced disappearance.ⁱ There are shortcomings in the implementation of measures announced by the State regarding the identification and search for persons in cases of enforced disappearance. The announcement of the Plan for the Search for Missing Persons is relevant but, to be a real step forward in the search of victims on enforced disappearance, it should have enough resources, consider the participation of victim's relatives in all its stages, and count on the collaboration of the Armed Forces.ⁱⁱ
- Concerning responsibility for past human rights violations, Chile supported one recommendation on strengthening measures to achieve progress in "investigating and punishing perpetrators of human rights violations during the dictatorship"ⁱⁱⁱ. The validity of the Amnesty Law (Decree-Law 2.191) remains an obstacle to justice, truth, and reparation for victims.
- 3. Regarding sexual and reproductive rights, Chile supported one recommendation on guaranteeing "access to health services for women wishing to abort in cases prescribed by law"^{iv}, and noted eight on elimination of barriers for accessing abortion-related health services.^v Chile has not been able to move towards a broader regulation of abortion and to establish a system free of legal and institutional obstacles to guarantee safe and equal access to abortion.^{vi}
- 4. Regarding the rights of migrants and refugees, Chile supported five recommendations to protect them, including the adoption of legislative and policy measures,^{vii} and noted three more.^{viii} As of today, there is not a rights-based approach to situation of the migrants and refugees in Chile. Government authorities and legislators have adopted measures that have led to the criminalization of refugees and migrants and the violation of their rights, including the right to seek asylum.^{ix}
- 5. Concerning Indigenous People's rights, Chile noted five recommendations on guaranteeing that the application of the Anti-Terrorism Law does not violate the human rights of Indigenous Peoples.^x Chile has not amended the Anti-Terrorism Law and application of this law still affects persons of Mapuche origin.^{xi}

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Human rights violations committed in the past

- 6. Regarding enforced disappearances, the government announced the "National Plan to Search for the Victims of Enforced Disappearances During the Civil-Military Dictatorship," which aims to investigate the cases and identify the victims. Regardless, there remains a delay in effectively incorporating obligations provided for in the International Convention for the Protection of All Persons from Enforced Disappearance into national legislation.
- 7. Enforced disappearance in Chile is not yet considered a crime. A bill in place to include it in the Penal Code has not yet been approved.
- 8. It is also of concern that Decree Law 2.191 (Amnesty Law) is still in effect and has not been removed from national legislation, even though it's not being currently applied by judges and tribunals.

Right to peaceful assembly

9. Regarding the right to social protest, there are still challenges associated with its lack of legal regulation. Even though the Chilean Constitution, in its article 19.13, protects the right to assemble peacefully and without arms, meetings in squares, streets and other places of public use continue to be legislated by Supreme Decree 1.086, approved in 1983 and regulatory in nature. The requirement of prior authorization



included in Supreme Decree 1.086, among other issues, renders this regulation inconsistent with the requirements of international standards.

Security agenda and the role of state agents

- 10. Since 2023, there have been concerning developments to the security agenda.^{xii} One of the most worrisome of these was the approval in April 2023 of Law 2.560, known as the "Nain Retamal Law", which aims to protect *Carabineros de Chile* and other policepersons. Amnesty International has serious concerns about this law, given that its application creates tensions with international human rights standards with regards to: a) the involvement of the military in policing activities; b) the administrative investigation of human rights violations; c) the legality presumption of the use of lethal force by state agents and, d) a modification of the legal description of the crime of torture.^{xiii}
- 11. Regarding the functions performed by *Carabineros de Chile*, even though the institution has developed a series of internal instruments to regulate the use of force in the maintenance of public order, ^{xiv} Chile has not fully complied with international standards. This means that the institution continues to use less lethal weapons inadequately.^{xv} The absence of a law regulating the use of force and less-lethal weapons is also a matter of concern.^{xvi} On April 10, 2023, the government submitted a bill "Establishing General Rules on the Use of Force by Law Enforcement and Public Security Forces and Armed Forces Personnel," which seeks to align existing regulations with international standards.

Prohibition against torture and other cruel, inhuman, or degrading treatments

12. The establishment of the Committee for the Prevention of Torture in 2020 as a functionally autonomous body created by Law 21.154 is a positive development. The work of this entity has made it possible to identify and establish facts in which State agents acted in disregard of norms relating to the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment^{xvii}.

Sexual and reproductive rights and protection from gender-based violence

- 13. Although Law 21.030 legalizes abortion on three specific grounds, its implementation is undermined and remains limited due to inadequate legal regulation, with conscientious objection allowing for blanket refusals of provision of lawful services, even by entire institutions. Chile noted six recommendations on this issue in a previous review.^{xviii} Additionally, the partial decriminalization and lack of access to abortion in all circumstances leave many women, girls and pregnant people in need of abortion without access to vital healthcare.^{xix} Chile has failed to adopt a legal framework allowing for abortion more broadly and establish a system guaranteeing equal and barrier-free access to safe abortion services even in cases permitted by the law.
- 14. Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross-sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender-based violence which has negative impact on the situation on the ground.

Migrants and refugee's rights

- 15. In 2021 Chile carried out collective expulsions of migrants.**
- 16. In 2021, Law 21.325 was enacted, establishing the Immigration and Emigration Law. The law aimed to make it easier for authorities to promptly remove and return foreign nationals who tried to enter the country avoiding immigration controls. These provisions may result in the violation of several rights, including the



right to seek asylum and be protected from being returned to a place where one's life and rights may be at risk (non-refoulement), the right to due process and the right to an effective judicial remedy.^{xxi}

- 17. There are also difficulties in the implementation of the Immigration and Emigration Law, including the functioning of the National Migration Service; the issuance of humanitarian visas to survivors of domestic violence, human trafficking, and pregnant women; the full compliance of Chile's obligation to ensure the rights of children and adolescents in human mobility contexts; and the establishment of a formal procedure for the regularization of individuals in an irregular migratory situation.^{xxii}
- 18. There has been a proliferation of legal initiatives that, if passed, would severely restrict the rights of refugees and migrants. These initiatives would entail the expansion of the detention of migrants;^{xxiii} for the facilitation of expulsions, in breach of due process;^{xxiv} they also lay down pre-admissibility procedures for asylum claims and impose tight deadlines^{xxv}. There is a proposal that, if passed, would create the criminal offence of "irregular entry" into the country, which would violate the principle of non-penalization of article 31 of the Geneva Convention on the Status of Refugees, that prohibits States to sanction asylum seekers for irregular entry into a country.^{xxvi} These bills would restrict refugees' and migrants' right to liberty, due process and hamper asylum seekers' right to a fair and effective asylum procedure.
- 19. Chilean authorities continue to apply unlawful measures and practices that hamper access to international protection. They have imposed asylum seekers the requirement to self-report their irregular entry to access the asylum procedure. Authorities have also established a pre-eligibility review of asylum applications. In practice, these measures have resulted in the severe barriers to access the asylum procedure for Venezuelans and extremely low recognition rates, leaving the majority of Venezuelans in a situation of irregularity, with serious difficulties to access to education, health services and employment.^{xxvii}

Indigenous people's rights

20. The Anti-Terrorism Law (Law 18.314) contains elements that violate human rights standards, both in terms of the broadness and lack of clarity of the definition of terrorist crimes and in terms of due process, due to the existing provisions on the extension of the period of judicial control over detentions, the secrecy of parts of the case file and, the use of protected witnesses. Application of this law has particularly affected persons of Mapuche origin that have been criminalized without due process.^{xxviii}

Human rights defenders

21. Human rights defenders have continued to be the target of various attacks.^{xxix} The Escazú Agreement^{xxx} came into force for Chile in 2022. Although a bill for its implementation was presented in 2021, no significant progress has been made so far.

National human rights institution

22. Human rights institutions in Chile were strengthened by the creation and implementation of the Undersecretariat for Human Rights and the presence of the Children's Ombudsman's Office in various regions of the country. Nonetheless, the creation of an Ombudsman's Office with powers in accordance with the Paris principles is still pending.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Human rights violations committed in the past

23. There is still no progress on the approval of a law on memorials, recognizing, protecting, and financing activities to build and maintain the memory of the hundreds of sites used during the human rights violations



committed between 11 September 1973 and 10 March 1978 as detention, torture, and extermination centres.

Right to peaceful assembly

- 24. There has been a lack of due diligence in investigations carried out as part of the judicial response to human rights violations committed during the social upheaval in Chile in 2021. This is largely due to the use of the "provisional archiving" of cases.^{xxxi} Up until August 2023 Amnesty International received information from the National Prosecutor Office that, among 10.568 complaints on human rights violations occurred during the 2021 social upheaval, only 27 convictions have been enacted.^{xxxii} Up until September 2023 no high command authority has faced criminal prosecution regarding their responsibility on human rights violations occurred during the social upheaval.^{xxxiii}.
- 25. There have also been shortcomings in the establishment of a comprehensive strategy to provide effective and adequate reparations for the victims of human rights violations committed during the 2021 upheaval. There is no crosscutting deployment of articulated measures that identify legal aid, physical and mental health services, social security benefits, and mechanisms to enforce the civil liability of those responsible.^{xxxiv}

Prohibition against torture and other cruel, inhuman, or degrading treatments

26. Regarding cases of torture involving persons deprived of their liberty in the context of social upheaval and other contexts (especially in prisons), the Committee for the Prevention of Torture identified cases of physical and psychological ill-treatment, sexual violence, and problems of habitability of detention facilities.xxxv

Human rights defenders

27. There is a lack of protection for human rights and environmental defenders in Chile. As evidenced in some investigations, human rights defenders face risks in the fulfilment of their work because there is no approach that considers their special status and the particular risks they face.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Chile to:

Human rights violations committed in the past

- 28. Make the necessary legal changes to make enforced disappearance criminal under national law, as provided by the International Convention for the Protection of All Persons from Enforced Disappearance to which Chile is a state party to.
- 29. Repeal Decree Law 2.191 (Amnesty Law), regardless of whether it's being applied in concrete cases or not.
- 30. Adopt normative and institutional measures for the effective protection of memorials.

Right to peaceful assembly

- 31. Repeal Supreme Decree 1.086 and regulate through a law the right of peaceful assembly accordingly with international human rights standards.
- 32. Strengthen and consolidate the judicial response to cases of human rights violations during the 2021 social upheaval, expedite trials, and determine appropriate sanctions for those found guilty in accordance with due process.



33. Advance towards the consolidation of a comprehensive reparation policy for the victims of human rights violations during the 2021 social upheaval, which determines the nature of measures, steps of the reparation plan, and the necessary financing for the integrality of the measure.

Security agenda and the role of state agents

- 34. Amend Law 21.560 (Nain Retamal Law), aligning its content with international human rights law and standards, particularly in terms of complying with the requirements for the restriction of rights.
- 35. Approve urgently the bill that "Establishes General Rules on the Use of Force by Law Enforcement and Public Security Forces and Armed Forces Personnel" (Bulletin 15805-07).

Prohibition against torture and other cruel, inhuman, or degrading treatment

36. Strengthen and consolidate the mandate of the Committee for the Prevention of Torture as the body responsible for monitoring and recommending a framework for action in the face of violations to the prohibition of torture and other cruel, inhuman, or degrading treatment.

Sexual and reproductive rights and protection from gender-based violence

- 37. Ensure that refusals to provide abortion on the grounds of conscience (so called "conscientious objection") are adequately regulated in law, in compliance with the international human rights law and standards, and that all women, girls and pregnant people can access lawful abortion services without barriers or delays.
- 38. Ensure that the Congress approve the bill on violence against women (Bulletin 11077) as a matter of urgency and establish a cross-sectoral coordinating mechanisms for its implementation.

Migrants and refugee's rights

- 39. Respect the rights of refugees and migrants, and refrain from adopting legislative measures that undermine refugees' right to seek asylum and migrants' rights to liberty and due process. Respect the principle of non-refoulment in all circumstances and repeal the provision of the Immigration Law that legalizes the expulsion of migrants or refugees without due process.
- 40. Ensure that Venezuelan nationals have prompt access to a fair and effective asylum procedure and are promptly recognized as refugees under the Cartagena Declaration. Ensure that they are not rejected at the border, have access to territory, and refrain from forcibly returning them to Venezuela.
- 41. Adopt measures to prevent and tackle xenophobia, and any form of discrimination.

Indigenous Peoples' Rights

42. Amend the Anti-Terrorism Law, abolishing provisions that are inconsistent with due process, including references to the recognition and protection of the rights of Indigenous Peoples, prohibiting any discriminatory application of the law and providing adequate oversight of its implementation.

Human rights defenders

43. Establish an action framework for compliance with the Escazú Agreement to move towards the implementation of comprehensive, relevant, and effective measures that allow for protection against violence and criminalization of human rights defenders.



National human rights institution

44. Adopt actions to consolidate the National Human Rights Institute and the Office of the Ombudsperson for Children, by strengthening their functions, their arrival throughout the national territory, and a relevant allocation of resources.



ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

"Regularization and Protection. International Obligations for the Protection of Venezuelan Nationals", 21 September 2023, <u>https://www.amnesty.org/en/documents/amr01/7130/2023/en/</u>.

"Reparación integral de las violaciones de derechos humanos cometidas en el contexto del estallido social", 31 May 2023, <u>https://amnistia.cl/noticia/amnistia-internacional-y-el-nucleo-interdisciplinario-de-derechos-humanos-presentan-informe-sobre-reparacion-integ.</u>

"Informe sobre proyecto de ley para la regulación del uso de la fuerza", 11 May 2023, <u>https://amnistia.cl/informe/informe-sobre-proyecto-de-ley-para-la-regulacion-del-uso-de-la-fuerza/</u>.

"Informe sobre proyecto de ley que busca tipificar el ingreso clandestino", 17 April 2023, <u>https://amnistia.cl/wp-content/uploads/2023/05/Presentacion_Al_Ingreso-clandestino.pdf</u>.

"No one wants to live in hiding". Lack of protection for Venezuelan refugees in Chile. 6 March 2023, available in: <u>https://www.amnesty.org/en/documents/amr22/6437/2023/en/</u>.

"Informe final sobre Ley Nain Retamal", 2023, https://amnistia.cl/wp-content/uploads/2023/05/Informe-AI-Ley-21.560-Nain-Retamal.pdf.

"Eyes on Chile: Police Violence and Command Responsibility during the Period of Social Unrest", 14 October 2020, <u>https://www.amnesty.org/en/documents/amr22/3133/2020/en/</u>.

"Amnistía Internacional Chile repudia la nueva oleada de detenciones y expulsiones ilegales contra personas migrantes", 27 April 2021, <u>https://amnistia.cl/noticia/detenciones-y-expulsiones-ilegales-en-contra-personas-migrantes/</u>

"Informe jurídico: Responsabilidad penal por omisión de los mandos con ocasión de los crímenes cometidos durante el estallido social", 15 October 2021, <u>https://www.amnesty.org/es/documents/amr22/4851/2021/es/</u>.

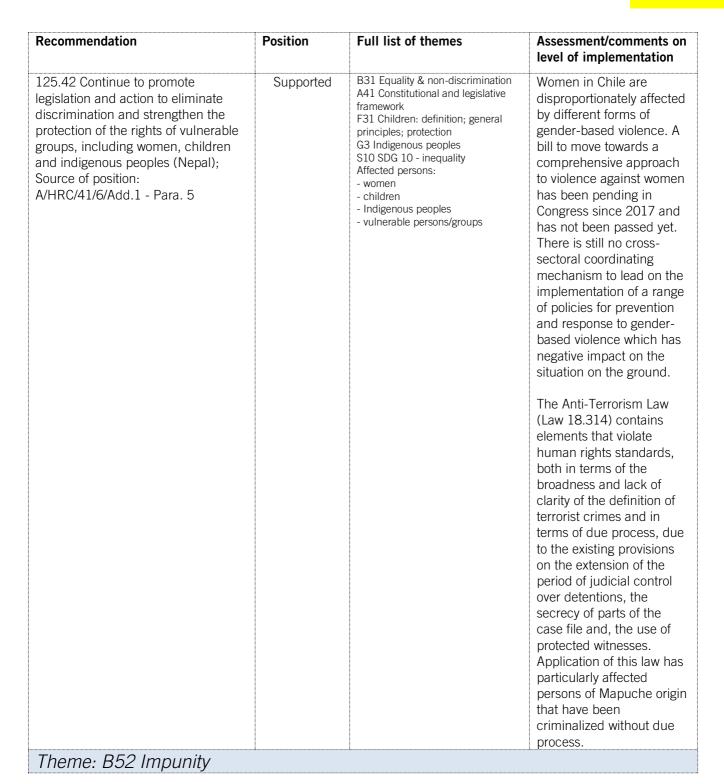
"Pre-Juicios Injustos: Criminalización del Pueblo Mapuche a través de la Ley "Antiterrorista" en Chile", 9 August 2018, <u>https://www.amnesty.org/es/documents/amr22/8862/2018/es/</u>.

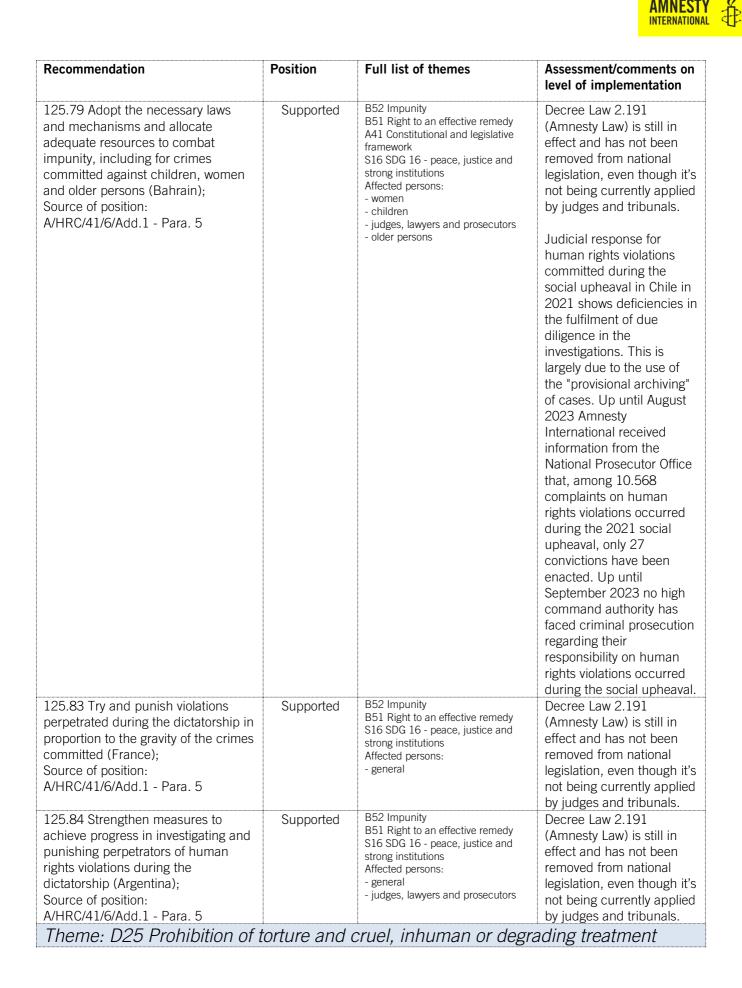
"La reforma a la Ley Antiterrorista de cara a los derechos humanos", 17 November 2014, <u>https://amnistia.cl/wp-content/uploads/2017/06/2014-11-17-Minuta-reforma-ley-antiterrorista-final2.pdf</u>.



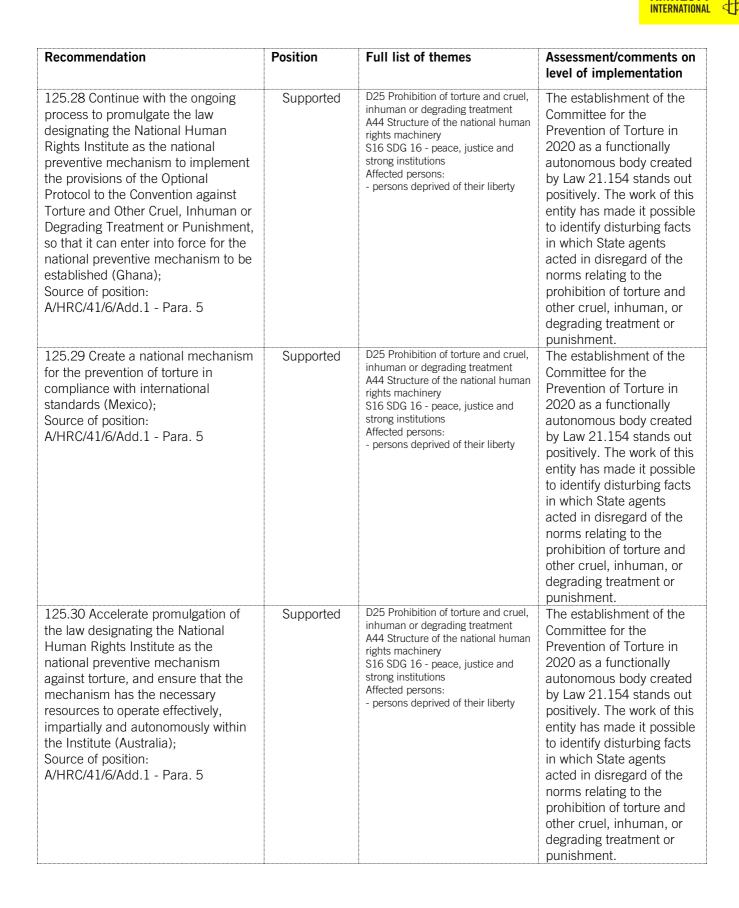
ANNEX 2 MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
<i>Theme: B31 Equality & nor</i> 125.185 Progress towards a comprehensive legal definition of all forms of discrimination and reform the Domestic Violence Act to include all forms of violence against women and girls, removing the requirement of "habitual ill-treatment" (Spain); Source of position: A/HRC/41/6/Add.1 - Para. 5	<i>-discrimina</i> Supported	tion B31 Equality & non-discrimination A41 Constitutional and legislative framework D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has
			based violence which has negative impact on the situation on the ground.





Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.33 Expedite the process for the adoption in Congress of the bill on the designation of the National Human Rights Institute as the national preventive mechanism (Turkey); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework A44 Structure of the national human rights machinery S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	The establishment of the Committee for the Prevention of Torture in 2020 as a functionally autonomous body created by Law 21.154 stands out positively. The work of this entity has made it possible to identify disturbing facts in which State agents acted in disregard of the norms relating to the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment.
125.32 Adopt as soon as possible the law designating the national mechanism for the prevention of torture and allocate the necessary resources for its proper functioning (Switzerland); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	The establishment of the Committee for the Prevention of Torture in 2020 as a functionally autonomous body created by Law 21.154 stands out positively. The work of this entity has made it possible to identify disturbing facts in which State agents acted in disregard of the norms relating to the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment.
125.27 Establish a national preventive mechanism (Russian Federation); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A44 Structure of the national human rights machinery S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	The establishment of the Committee for the Prevention of Torture in 2020 as a functionally autonomous body created by Law 21.154 stands out positively. The work of this entity has made it possible to identify disturbing facts in which State agents acted in disregard of the norms relating to the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment.



Chile: Outstanding debts for past and present human rights violations Submission to the 46th session of the UPR Working Group, May 2024



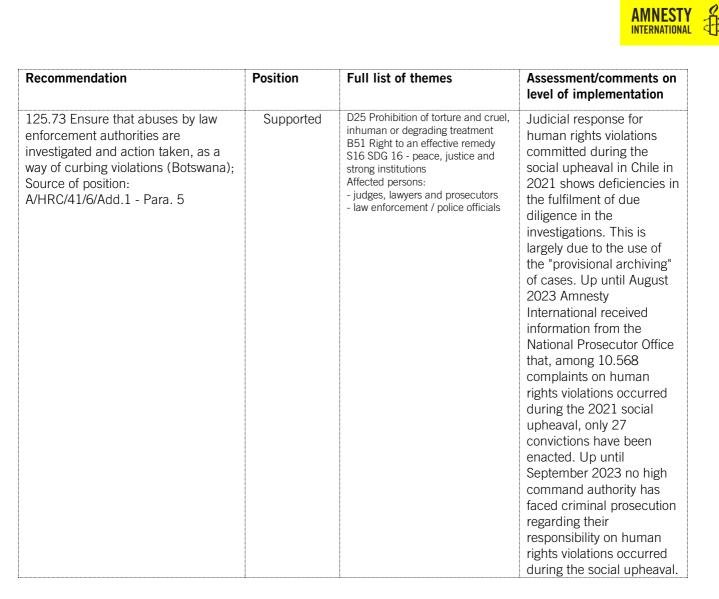
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.35 Establish the national preventive mechanism in compliance with all requirements under the Optional Protocol to the Convention against Torture (Ukraine); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A44 Structure of the national human rights machinery S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	The establishment of the Committee for the Prevention of Torture in 2020 as a functionally autonomous body created by Law 21.154 stands out positively. The work of this entity has made it possible to identify disturbing facts in which State agents acted in disregard of the norms relating to the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment.
125.34 Address the concerns raised about the future operation of the national preventive mechanism in accordance with the Paris Principles (Turkey); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	The creation of an Ombudsman's Office with powers in accordance with the Paris principles is still pending.
125.78 Ensure that all reports of police violence are duly investigated by the specialized unit in the Attorney General's Office that investigates cases of police violence and torture involving police officers, and increase awareness of human rights in law enforcement by providing human rights education, especially to the forces tasked with interventions in marginalized neighbourhoods (Greece); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy A53 Professional training in human rights S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - human rights defenders - law enforcement / police officials	Judicial response for human rights violations committed during the social upheaval in Chile in 2021 shows deficiencies in the fulfilment of due diligence in the investigations. This is largely due to the use of the "provisional archiving" of cases. Up until August 2023 Amnesty International received information from the National Prosecutor Office that, among 10.568 complaints on human rights violations occurred during the 2021 social upheaval, only 27 convictions have been enacted. Up until September 2023 no high command authority has faced criminal prosecution regarding their responsibility on human rights violations occurred during the social upheaval.

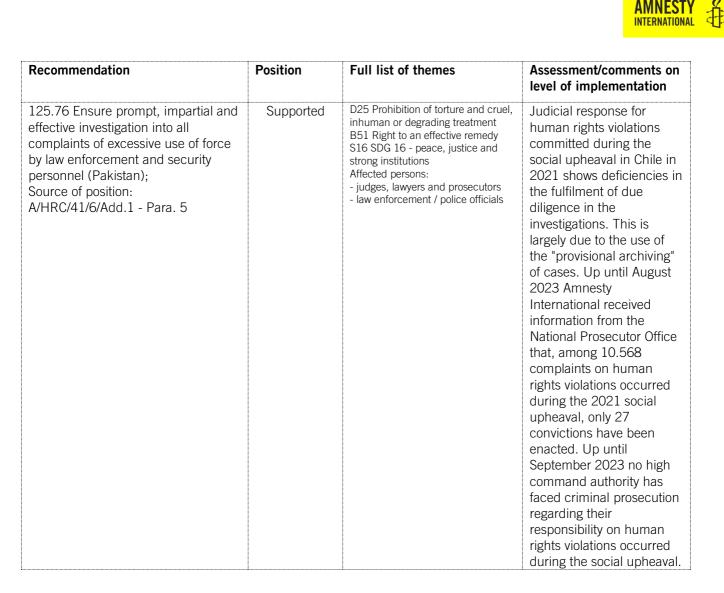


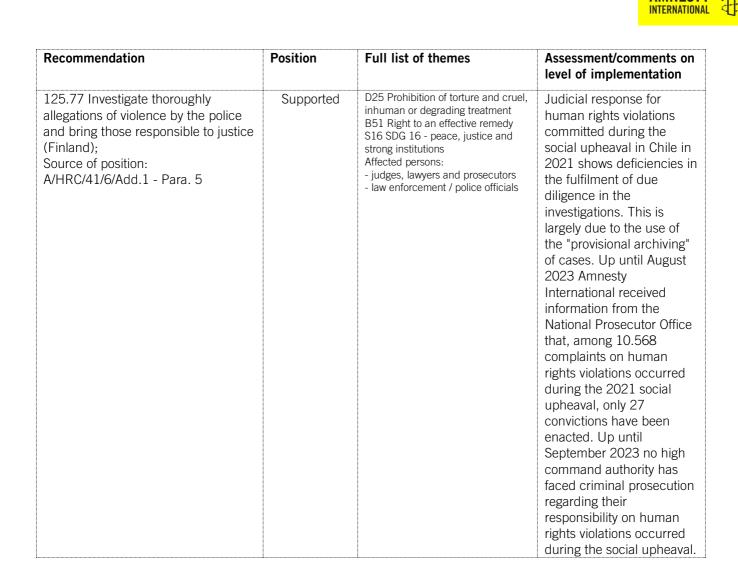
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.71 Investigate all accusations of unlawful killings, excessive force, abuse, and cruel, inhuman or degrading treatment by law enforcement officers, including against indigenous Mapuche persons, and hold those responsible accountable (United States of America); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy G3 Indigenous peoples S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples - judges, lawyers and prosecutors - law enforcement / police officials	Judicial response for human rights violations committed during the social upheaval in Chile in 2021 shows deficiencies in the fulfilment of due diligence in the investigations. This is largely due to the use of the "provisional archiving" of cases. Up until August 2023 Amnesty International received information from the National Prosecutor Office that, among 10.568 complaints on human rights violations occurred during the 2021 social upheaval, only 27 convictions have been enacted. Up until September 2023 no high command authority has faced criminal prosecution regarding their responsibility on human rights violations occurred during the social upheaval.

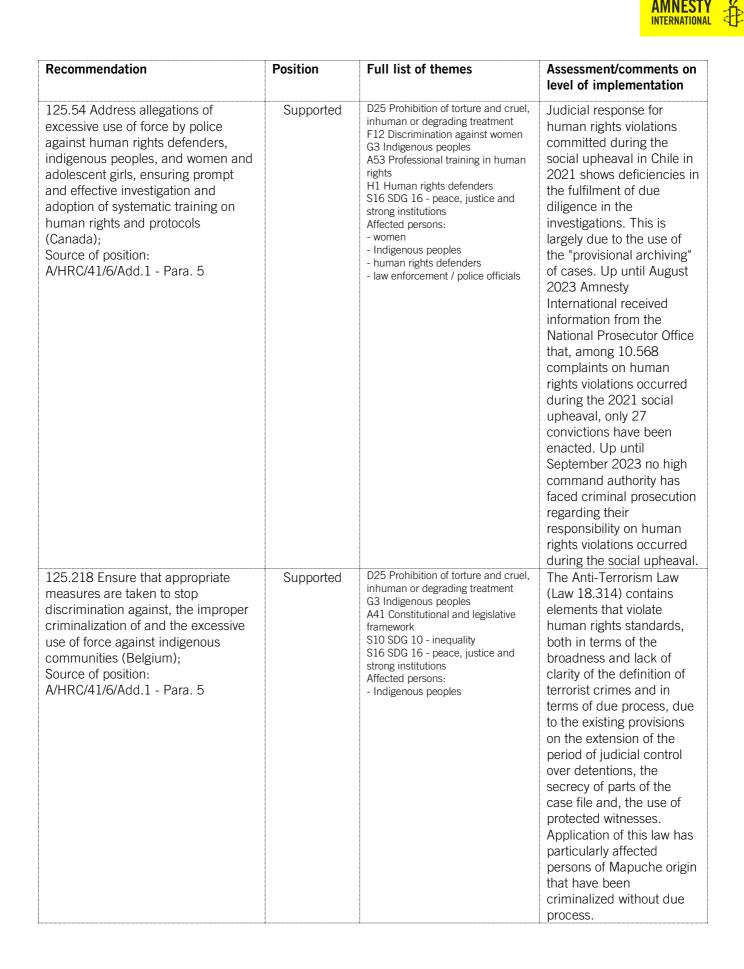


Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.72 Ensure that all complaints of excessive use of force by law enforcement and security personnel are subject to a prompt, impartial and effective investigation (Azerbaijan); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials	Judicial response for human rights violations committed during the social upheaval in Chile in 2021 shows deficiencies in the fulfilment of due diligence in the investigations. This is largely due to the use of the "provisional archiving" of cases. Up until August 2023 Amnesty International received information from the National Prosecutor Office that, among 10.568 complaints on human rights violations occurred during the 2021 social upheaval, only 27 convictions have been enacted. Up until September 2023 no high command authority has faced criminal prosecution regarding their responsibility on human rights violations committed during the social upheaval.



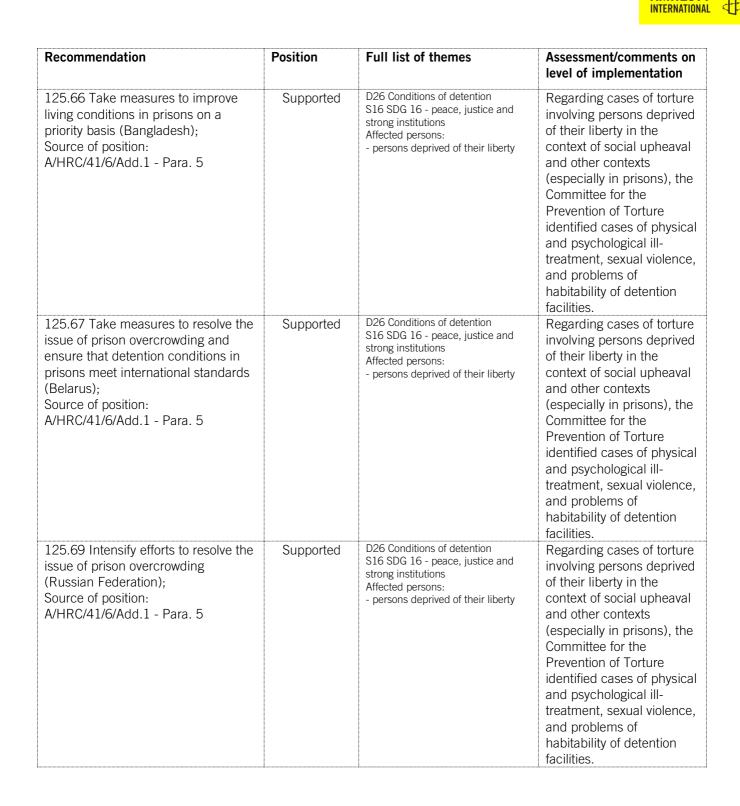








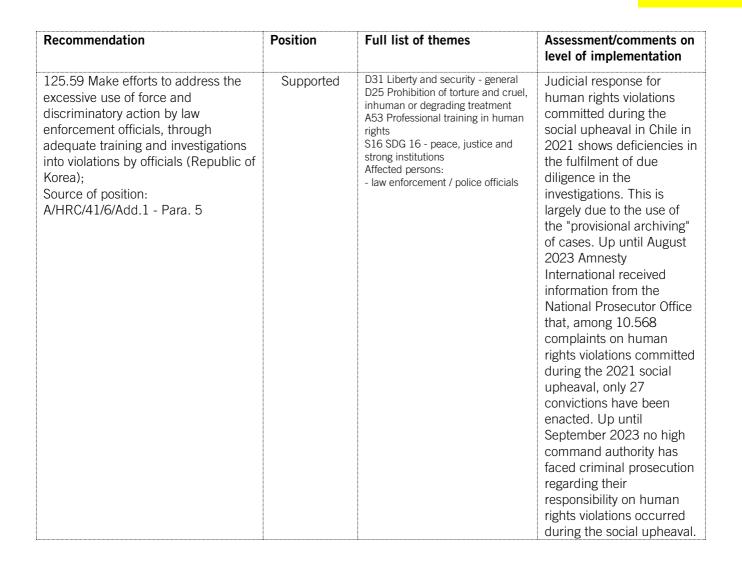
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.63 Further enhance measures to combat torture and other inhuman or degrading treatment (Armenia); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials - prison officials	Regarding cases of torture involving persons deprived of their liberty in the context of social upheaval and other contexts (especially in prisons), the Committee for the Prevention of Torture identified cases of physical and psychological ill- treatment, sexual violence, and problems of habitability of detention facilities.
Theme: D26 Conditions of a	detention		1
125.68 Incorporate in the reform of the prison system a gender perspective, and the possibility of making greater use of non-custodial sanctions and measures for women in detention centres (Panama); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D26 Conditions of detention A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - persons deprived of their liberty	Regarding cases of torture involving persons deprived of their liberty in the context of social upheaval and other contexts (especially in prisons), the Committee for the Prevention of Torture identified cases of physical and psychological ill- treatment, sexual violence, and problems of habitability of detention facilities.
125.65 Take further measures to alleviate overcrowding in detention centres (Azerbaijan); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Regarding cases of torture involving persons deprived of their liberty in the context of social upheaval and other contexts (especially in prisons), the Committee for the Prevention of Torture identified cases of physical and psychological ill- treatment, sexual violence, and problems of habitability of detention facilities.

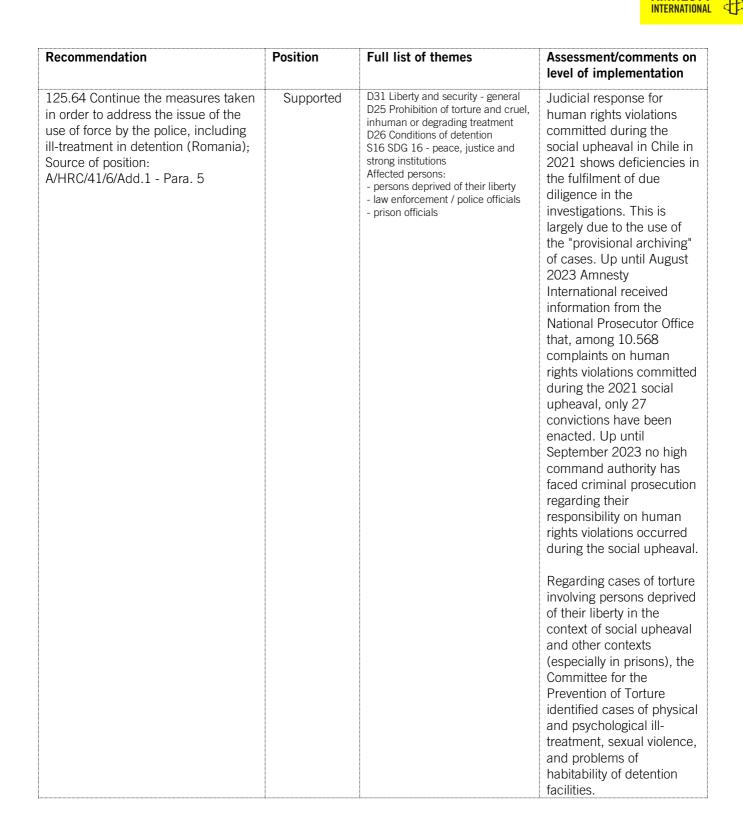


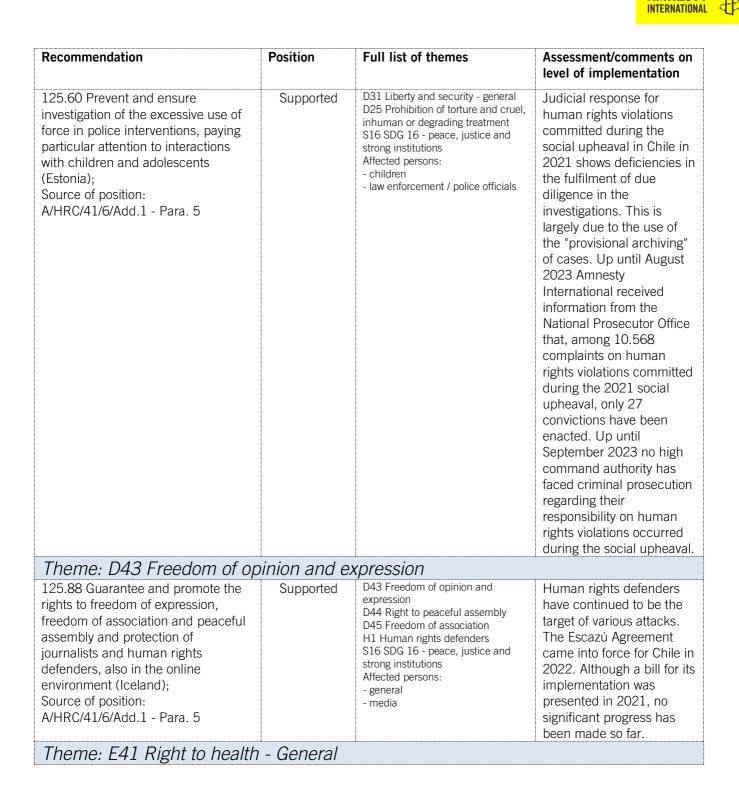


Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.70 Step up efforts to reduce prison overcrowding and adopt urgent measures to overcome the shortcomings observed in the general living conditions in prisons (Senegal); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Regarding cases of torture involving persons deprived of their liberty in the context of social upheaval and other contexts (especially in prisons), the Committee for the Prevention of Torture identified cases of physical and psychological ill- treatment, sexual violence, and problems of habitability of detention facilities.
Theme: D29 Domestic viole	nce	y	
125.186 Make efforts to prevent violence against women and domestic violence (Tunisia); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	D29 Domestic violence F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

Theme: D31 Liberty and security - general







Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.168 Take further steps to ensure the full enjoyment of all human rights by women and girls, including regarding sexual and reproductive health and rights, and to accelerate the approval of the bill on the right of women to a life free of violence (Estonia); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services F13 Violence against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women - girls	Although Law 21.030 legalizes abortion on three specific grounds, its implementation is undermined and remains limited due to inadequate legal regulation, with conscientious objection allowing for blanket refusals of provision of lawful services, even by entire institutions. Additionally, the partial decriminalization and lack of access to abortion in all circumstances leave many women, girls and pregnant people in need of abortion without access to vital healthcare. Chile has failed to adopt a legal framework allowing for abortion more broadly and establish a system guaranteeing equal and barrier-free access to safe abortion services even in cases permitted by the law.
Theme: E43 Access to sexu	al and repro	oductive health and se	rvices

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.128 Guarantee access to health services for women wishing to abort in cases prescribed by law (France); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	E43 Access to sexual and reproductive health and services F12 Discrimination against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Although Law 21.030 legalizes abortion on three specific grounds, its implementation is undermined and remains limited due to inadequate legal regulation, with conscientious objection allowing for blanket refusals of provision of lawful services, even by entire institutions. Additionally, the partial decriminalization and lack of access to abortion in all circumstances leave many women, girls and pregnant people in need of abortion without access to vital healthcare. Chile has failed to adopt a legal framework allowing for abortion more broadly and establish a system guaranteeing equal and barrier-free access to safe abortion services even in cases permitted by the law.
Theme: F12 Discrimination	against wor	nen	
125.155 Adopt a comprehensive definition of discrimination against women in accordance with the article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (Botswana); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

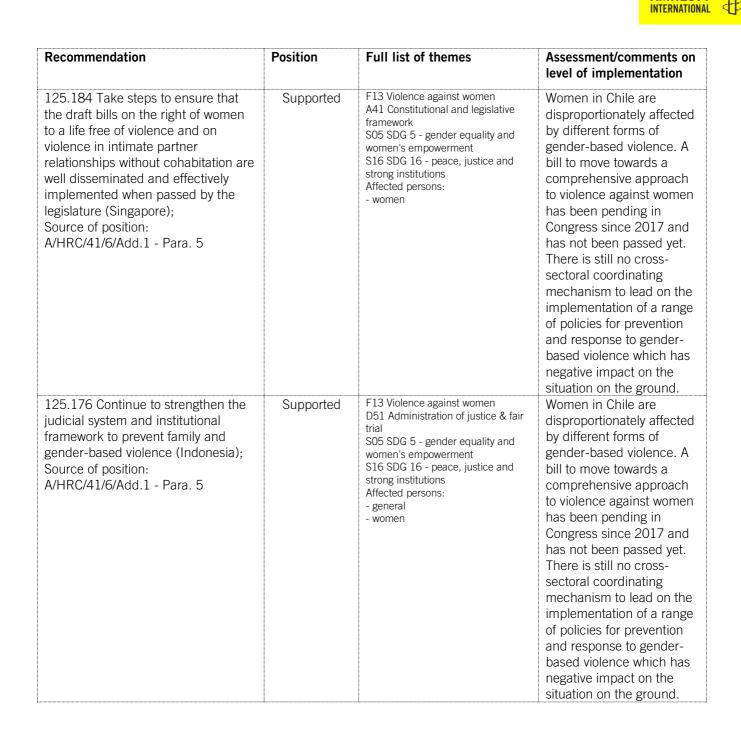
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.156 Adopt a legal definition of all forms of discrimination against women, covering direct and indirect discrimination (Bulgaria); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
125.157 Adopt a comprehensive legal definition of all forms of discrimination against women and establish the principle of formal and substantive equality between women and men (Croatia); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.158 Adopt a comprehensive legal definition of all forms of discrimination against women and establish the principle of equality in legislation (Iceland); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
125.160 Strengthen measures to further address discrimination against women in law and in practice including by reviewing laws, customs and practices that may constitute discrimination against women and girls (Rwanda); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - women - girls	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.173 Strengthen efforts aimed at tackling all forms of discrimination and violence against women and girls (Guyana); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
125.175 Review and revise laws, policies and regulations to address violence against women, including in digital contexts, in compliance with international human rights obligations (Iceland); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.159 Continue efforts to combat all forms of discrimination against women (Tunisia); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
125.182 Make gender equality effective in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, throughout the process of implementing the 2030 Agenda for Sustainable Development (Panama); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.163 Approve the bill on the right of women to a life free of violence (Ireland); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
125.166 Ensure that women can live a life free of violence, including in digital contexts, through appropriate legislation, preventative measures, education and adequate resources, including services for survivors (Canada); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

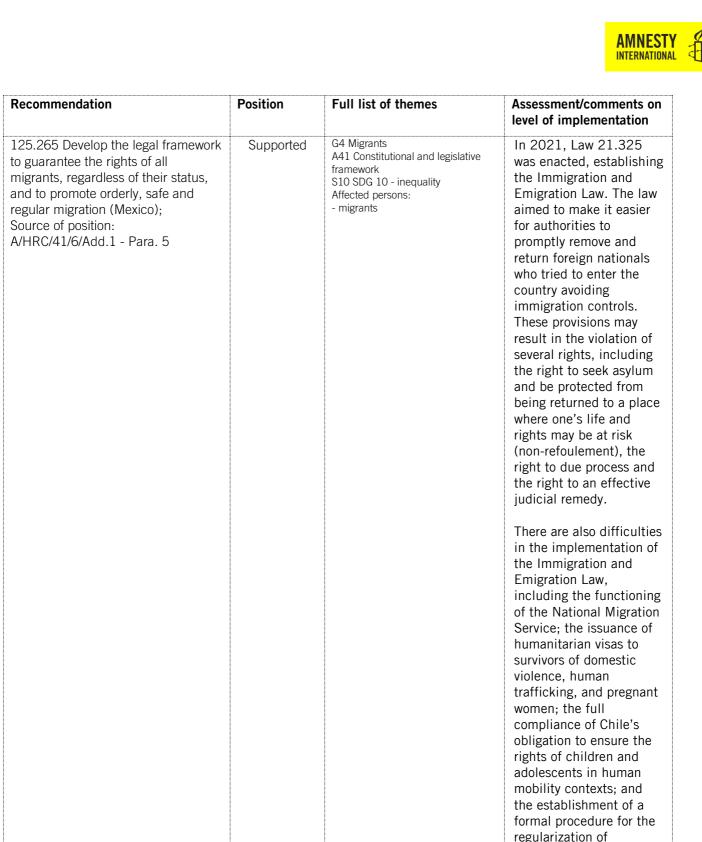


Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.164 Continue efforts to eradicate violence and discrimination against women through effective implementation of the relevant laws (Bangladesh); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F13 Violence against women F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
125.178 Enhance efforts to prevent and eradicate all forms of violence against women and girls, as well as discrimination, including by expediting the adoption of the bill on the right of women to a life free of violence and by conducting a review of the current anti-discrimination law (Lithuania); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F13 Violence against women F12 Discrimination against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.174 Take specific measures to prevent and combat violence and ill- treatment against women in all spheres (Honduras); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
125.177 Continue and enhance efforts to combat all forms of gender- based violence against women (Liechtenstein); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.162 Adopt an effective strategy to prevent discrimination and violence against women (Uzbekistan); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	F13 Violence against women S16 SDG 16 - peace, justice and strong institutions S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Women in Chile are disproportionately affected by different forms of gender-based violence. A bill to move towards a comprehensive approach to violence against women has been pending in Congress since 2017 and has not been passed yet. There is still no cross- sectoral coordinating mechanism to lead on the implementation of a range of policies for prevention and response to gender- based violence which has negative impact on the situation on the ground.
Theme: G4 Migrants	A		



individuals in an irregular migratory situation.



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125.262 Ensure that measures under	Supported	G4 Migrants A42 Institutions & policies - General	In 2021, Law 21.325
the migration policy in Chile		B32 Racial discrimination	was enacted, establishing
guarantee the protection of the basic		S10 SDG 10 - inequality	the Immigration and
rights of migrants, in accordance with		Affected persons:	Emigration Law. The law
its international commitments (Haiti);		- migrants	aimed to make it easier
Source of position:			for authorities to
A/HRC/41/6/Add.1 - Para. 5			promptly remove and
			return foreign nationals
			who tried to enter the
			country avoiding
			immigration controls.
			These provisions may
			result in the violation of
			several rights, including
			the right to seek asylum
			and be protected from
			being returned to a place
			where one's life and
			rights may be at risk
			(non-refoulement), the
			right to due process and
			the right to an effective
			judicial remedy.
			There are also difficulties
			in the implementation of
			the Immigration and
			Emigration Law, including
			the functioning of the
			National Migration Service;
			the issuance of
			humanitarian visas to
			survivors of domestic
			violence, human
			trafficking, and pregnant
			women; the full
			compliance of Chile's
			obligation to ensure the
			rights of children and
			adolescents in human
			mobility contexts; and the
			establishment of a formal
			procedure for the
			regularization of
			individuals in an irregular
			migratory situation.
			Chilean authorities
			continue to apply unlawful
			measures and practices
			that hamper access to
			international protection.
			They have imposed
			asylum seekers the
			requirement to self-report
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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			their irregular entry to access the asylum procedure. Authorities have also established a pre-eligibility review of asylum applications. In practice, these measures have resulted in the severe barriers to access the asylum procedure for Venezuelans and extremely low recognition rates, leaving the majority of Venezuelans in a situation of irregularity, with serious difficulties to access to education, health services and employment.

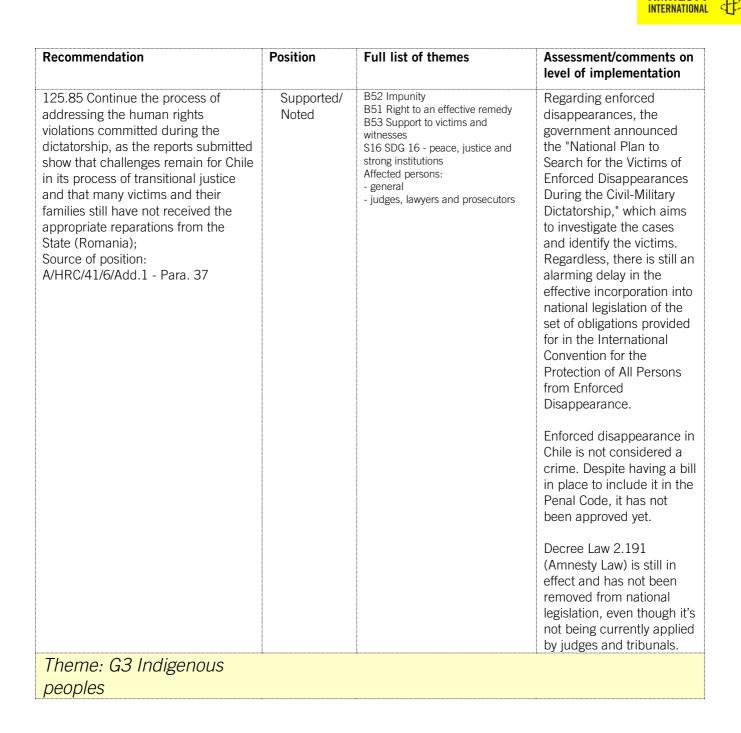
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.263 Strengthen the necessary legislative and policy measures to combat discrimination against migrants, asylum seekers and refugees in all spheres (Honduras); Source of position: A/HRC/41/6/Add.1 - Para. 5	Supported	G4 Migrants G5 Refugees & asylum seekers B31 Equality & non-discrimination A41 Constitutional and legislative framework S10 SDG 10 - inequality Affected persons: - migrants - refugees & asylum seekers	There has been a proliferation of legal initiatives that, if passed, would severely restrict the rights of refugees and migrants. These initiatives would entail the expansion of the detention of migrants; for the facilitation of expulsions, ir breach of due process; they also lay down pre- admissibility procedures for asylum claims and impose tight deadlines. There is a proposal that, if passed, would create the criminal offence of "irregular entry" into the country, which would violate the principle of non-penalization of article 31 of the Geneva Convention on the Status of Refugees, that prohibits States to sanction asylum seekers for irregular entry into a country. These bills would restrict refugees' and migrants' right to liberty, due process and hamper asylum seekers' right to a fair and effective asylum procedure.

125.266 Scale up its efforts in ensuring the protection and	Supported	G4 Migrants S10 SDG 10 - inequality	In 2021, Law 21.325 was enacted, establishing
promotion of the rights of migrants (Nigeria).		Affected persons: - migrants	the Immigration and Emigration Law. The law
Source of position: A/HRC/41/6/Add.1 - Para. 5			aimed to make it easier for authorities to
			promptly remove and return foreign nationals who tried to enter the
			country avoiding immigration controls.
			These provisions may result in the violation of
			several rights, including the right to seek asylum
			and be protected from being returned to a place
			where one's life and rights may be at risk
			(non-refoulement), the right to due process and the right to an effective
			judicial remedy.
			There are also difficulties in the implementation of
			the Immigration and Emigration Law, including
			the functioning of the National Migration Service; the issuance of
			humanitarian visas to survivors of domestic
			violence, human trafficking, and pregnant
			women; the full compliance of Chile's
			obligation to ensure the rights of children and
			adolescents in human mobility contexts; and the
			establishment of a formal procedure for the regularization of
			individuals in an irregular migratory situation.
			Chilean authorities
			continue to apply unlawful measures and practices
			that hamper access to international protection.
			They have imposed asylum seekers the
			requirement to self-report

Chile: Outstanding debts for past and present human rights violations Submission to the 46th session of the UPR Working Group, May 2024



acc pro hav pre asy pra hav bar asy Ver exti rate	I of implementation
with acc hea	r irregular entry to ess the asylum cedure. Authorities e also established a eligibility review of um applications. In ctice, these measures e resulted in the sever iers to access the um procedure for ezuelans and emely low recognition s, leaving the majority enezuelans in a ation of irregularity, serious difficulties to ess to education, th services and ployment.



AMNESTY

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.233 Continue its action to improve the situation of indigenous peoples, including by implementing consultation mechanisms and by considering revising the antiterrorism law (Italy); Source of position: A/HRC/41/6/Add.1 - Para. 39	Supported/ Noted	G3 Indigenous peoples B8 Human rights & counter- terrorism A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	The Anti-Terrorism Law (Law 18.314) contains elements that violate human rights standards, both in terms of the broadness and lack of clarity of the definition of terrorist crimes and in terms of due process, due to the existing provisions on the extension of the period of judicial control over detentions, the secrecy of parts of the case file and, the use of protected witnesses. Application of this law has particularly affected persons of Mapuche origin that have been criminalized without due process.
Theme: B51 Right to an eff	fective reme	dy	
125.52 Consider abrogating the amnesty law (Italy); Source of position: A/HRC/41/6/Add.1 - Para. 15	Noted	B51 Right to an effective remedy A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Decree Law 2.191 (Amnesty Law) is still in effect and has not been removed from national legislation, even though it's not being currently applied by judges and tribunals.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.236 Ensure that the implementation of the antiterrorism law is non-discriminatory, including as regards indigenous peoples (Sweden); Source of position: A/HRC/41/6/Add.1 - Para. 25	Noted	B8 Human rights & counter- terrorism A41 Constitutional and legislative framework B31 Equality & non-discrimination G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - Indigenous peoples	The Anti-Terrorism Law (Law 18.314) contains elements that violate human rights standards, both in terms of the broadness and lack of clarity of the definition of terrorist crimes and in terms of due process, due to the existing provisions on the extension of the period of judicial control over detentions, the secrecy of parts of the case file and, the use of protected witnesses. Application of this law has particularly affected persons of Mapuche origin that have been criminalized without due process.
125.237 Apply the antiterrorism law in accordance with international human rights norms so that it does not target the peaceful claims of indigenous peoples and of human rights defenders (Switzerland); Source of position: A/HRC/41/6/Add.1 - Para. 25	Noted	B8 Human rights & counter- terrorism G3 Indigenous peoples H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples - human rights defenders	The Anti-Terrorism Law (Law 18.314) contains elements that violate human rights standards, both in terms of the broadness and lack of clarity of the definition of terrorist crimes and in terms of due process, due to the existing provisions on the extension of the period of judicial control over detentions, the secrecy of parts of the case file and, the use of protected witnesses. Application of this law has particularly affected persons of Mapuche origin that have been criminalized without due process.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.89 Refrain from applying the antiterrorism law in the context of social protests by Mapuche peoples seeking to claim their rights (Czechia); Source of position: A/HRC/41/6/Add.1 - Para. 31	Noted	B8 Human rights & counter- terrorism G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples - judges, lawyers and prosecutors	The Anti-Terrorism Law (Law 18.314) contains elements that violate human rights standards, both in terms of the broadness and lack of clarity of the definition of terrorist crimes and in terms of due process, due to the existing provisions on the extension of the period of judicial control over detentions, the secrecy of parts of the case file and, the use of protected witnesses. Application of this law has particularly affected persons of Mapuche origin that have been criminalized without due process.
125.241 Review the antiterrorism law to remove its application to indigenous land activism (Australia); Source of position: A/HRC/41/6/Add.1 - Para. 35	Noted	B8 Human rights & counter- terrorism G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	The Anti-Terrorism Law (Law 18.314) contains elements that violate human rights standards, both in terms of the broadness and lack of clarity of the definition of terrorist crimes and in terms of due process, due to the existing provisions on the extension of the period of judicial control over detentions, the secrecy of parts of the case file and, the use of protected witnesses. Application of this law has particularly affected persons of Mapuche origin that have been criminalized without due process.

Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.244 Ensure that the application of the antiterrorism law does not violate the human rights of indigenous peoples (Norway); Source of position: A/HRC/41/6/Add.1 - Para. 25	Noted	B8 Human rights & counter- terrorism G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	The Anti-Terrorism Law (Law 18.314) contains elements that violate human rights standards, both in terms of the broadness and lack of clarity of the definition of terrorist crimes and in terms of due process, due to the existing provisions on the extension of the period of judicial control over detentions, the secrecy of parts of the case file and, the use of protected witnesses. Application of this law has particularly affected persons of Mapuche origin that have been criminalized without due process.
Theme: D25 Prohibition of	torture and	d cruel, inhuman or deg	rading treatment



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.75 Ensure the prompt and impartial investigation of all complaints of excessive use of force by law enforcement and security personnel, as well as appropriate compensation to victims (Czechia); Source of position: A/HRC/41/6/Add.1 - Para. 20	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy B53 Support to victims and witnesses S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials	Judicial response for human rights violations committed during the social upheaval in Chile in 2021 shows deficiencies in the fulfilment of due diligence in the investigations. This is largely due to the use of the "provisional archiving" of cases. Up until August 2023 Amnesty International received information from the National Prosecutor Office that, among 10.568 complaints on human rights violations committed during the 2021 social upheaval, only 27 convictions have been enacted. Up until September 2023 no high command authority has faced criminal prosecution regarding their responsibility on human rights violations occurred during the social upheaval. Regarding cases of torture involving persons deprived of their liberty in the context of social upheaval and other contexts (especially in prisons), the Committee for the Prevention of Torture identified cases of physical and psychological ill- treatment, sexual violence, and problems of habitability of detention facilities.

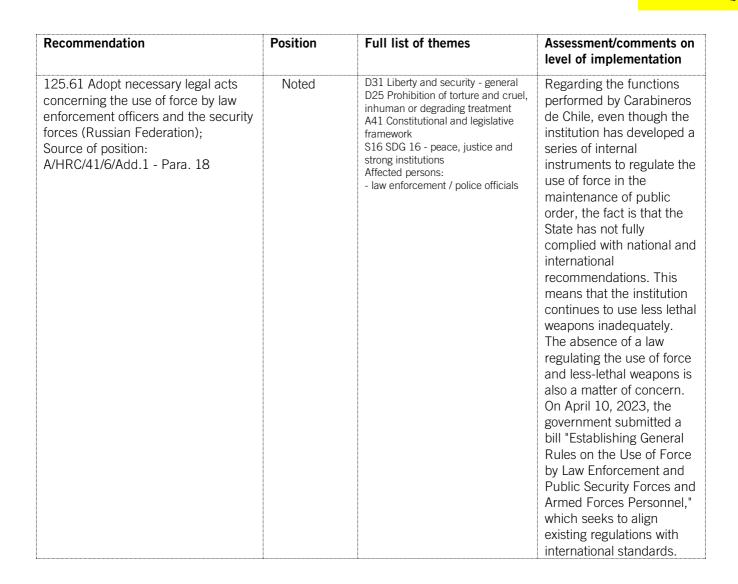


Recommendation	rosition	T un list of themes	level of implementation
125.74 Work to eliminate and combat impunity for acts of violence by law enforcement personnel, including sexual violence, against peaceful demonstrators (Cuba); Source of position: A/HRC/41/6/Add.1 - Para. 29	Noted	D25 Prohibition of torture and cruel, inhuman or degrading treatment B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials	Judicial response for human rights violations committed during the social upheaval in Chile in 2021 shows deficiencies in the fulfilment of due diligence in the investigations. This is largely due to the use of the "provisional archiving" of cases. Up until August 2023 Amnesty International received information from the National Prosecutor Office that, among 10.568 complaints on human rights violations committed during the 2021 social upheaval, only 27 convictions have been enacted. Up until September 2023 no high command authority has faced criminal prosecution regarding their responsibility on human rights violations occurred during the social upheaval. Regarding cases of torture involving persons deprived of their liberty in the context of social upheaval and other contexts (especially in prisons), the Committee for the Prevention of Torture identified cases of physical and psychological ill- treatment, sexual violence, and problems of habitability of detention facilities.
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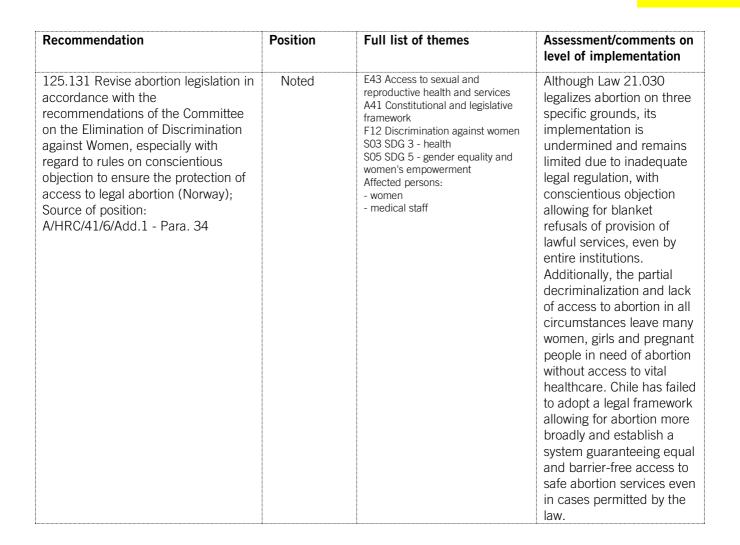


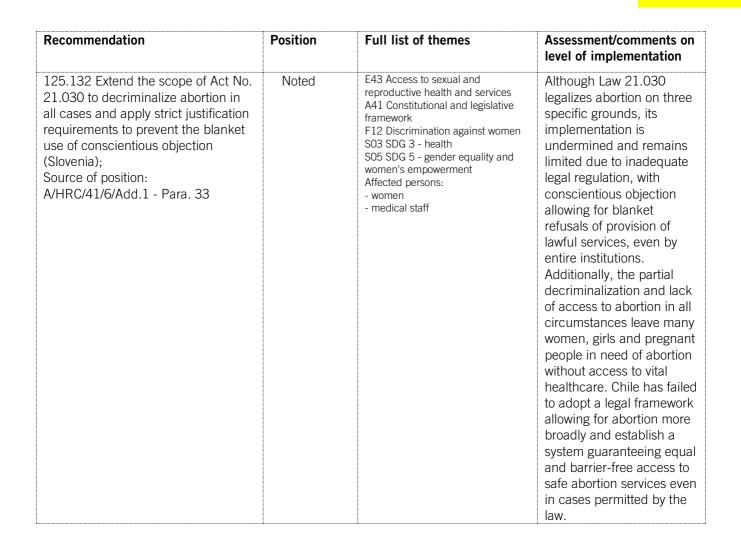
Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
125.62 Uphold procedures to ensure that law enforcement agencies follow the rule of law and prevent abusive practices, particularly against the Mapuche community (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/41/6/Add.1 - Para. 19	Noted	D31 Liberty and security - general D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples - vulnerable persons/groups - law enforcement / police officials	Regarding the functions performed by Carabineros de Chile, even though the institution has developed a series of internal instruments to regulate the use of force in the maintenance of public order, the fact is that the State has not fully complied with national and international recommendations. This means that the institution continues to use less lethal weapons inadequately. The absence of a law regulating the use of force and less-lethal weapons is also a matter of concern. On April 10, 2023, the government submitted a bill "Establishing General Rules on the Use of Force by Law Enforcement and Public Security Forces and Armed Forces Personnel," which seeks to align existing regulations with international standards.
Theme: D32 Enforced disa	opearances		
125.81 Ensure the effective investigation of all unclarified cases of disappearance and regular dialogue with the Working Group on Enforced or Involuntary Disappearances of the Human Rights Council (Belarus); Source of position: A/HRC/41/6/Add.1 - Para. 21	Noted	D32 Enforced disappearances B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - disappeared persons	Regarding enforced disappearances, the government announced the "National Plan to Search for the Victims of Enforced Disappearances During the Civil-Military Dictatorship," which aims to investigate the cases and identify the victims. Regardless, there is still an alarming delay in the effective incorporation into national legislation of the set of obligations provided for in the International Convention for the Protection of All Persons from Enforced Disappearance.

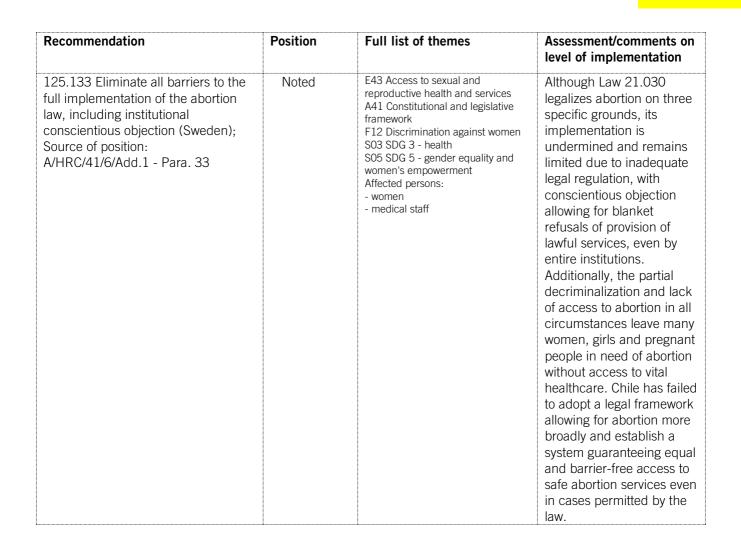
Chile: Outstanding debts for past and present human rights violations Submission to the 46th session of the UPR Working Group, May 2024

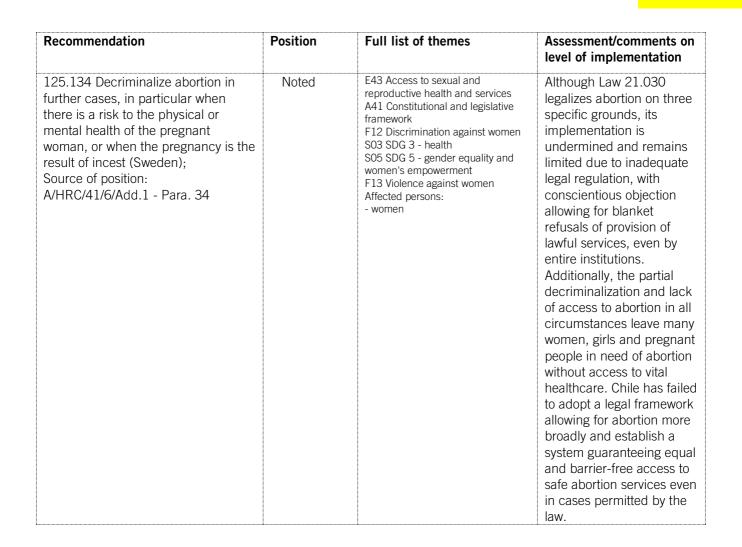
A/HRC/41/6/Add.1 - Para. 30 its article 19.13, protects the right to assemble peacefully and without arms, meetings in squares streets and other places of public use continue to be legislated by Supreme Decree 1.086, approved in 1983 and regulatory in nature. Also, the requirement of prior authorization included in Supreme Decree 1.086, among other issues, renders this regulation inconsistent with the	Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
Alter a construction of all people to freedom of expression and freedom of peaceful assembly and association (Cuba); Source of position: A/HRC/41/6/Add.1 - Para. 30 A/HRC/41/6/Add.1 - Para.	Theme: D43 Freedom of op	inion and	expression	
international standards.	125.87 Take the necessary measures to ensure the rights of all people to freedom of expression and freedom of peaceful assembly and association (Cuba); Source of position:		D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association S16 SDG 16 - peace, justice and strong institutions Affected persons:	social protest, there are still difficulties associated with its lack of legal regulation. Even though the Chilean Constitution, in its article 19.13, protects the right to assemble peacefully and without arms, meetings in squares, streets and other places of public use continue to be legislated by Supreme Decree 1.086, approved in 1983 and regulatory in nature. Also, the requirement of prior authorization included in Supreme Decree 1.086, among other issues, renders this regulation inconsistent with the requirements of

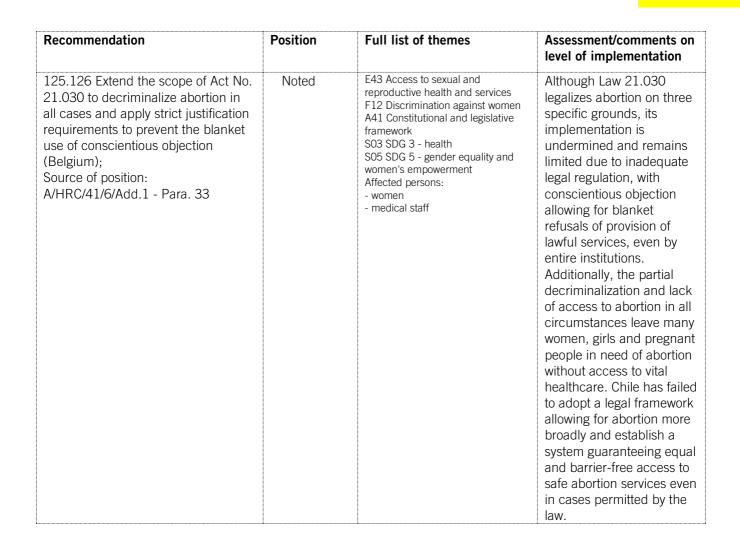


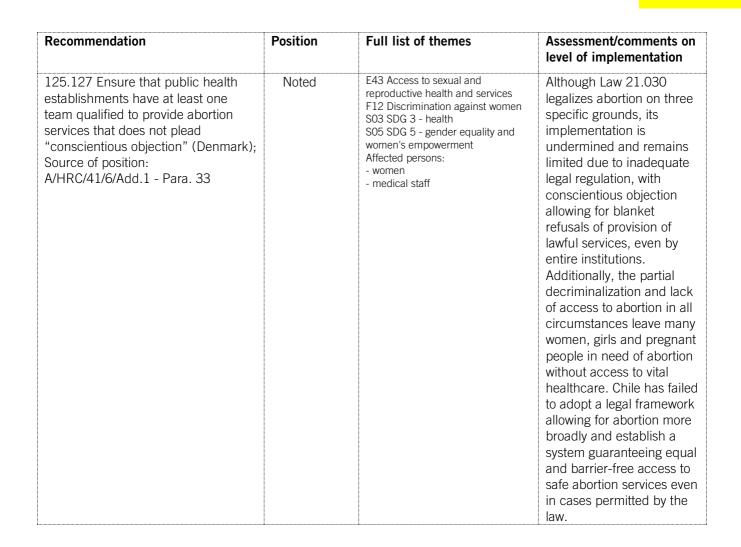


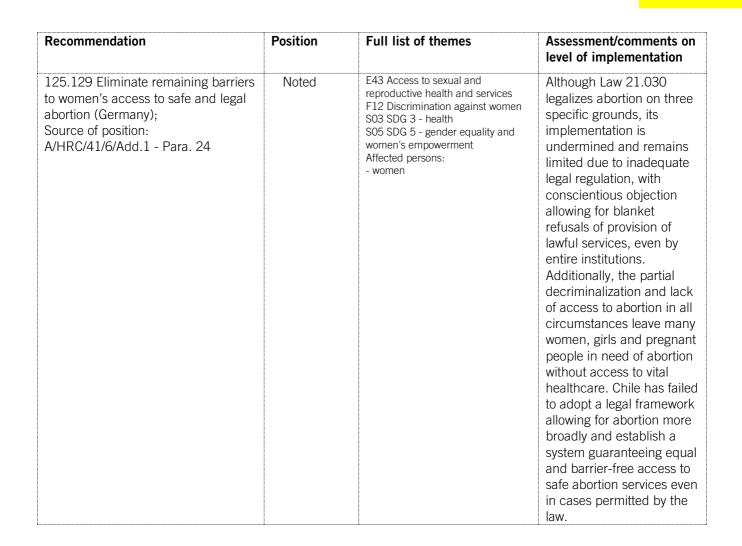


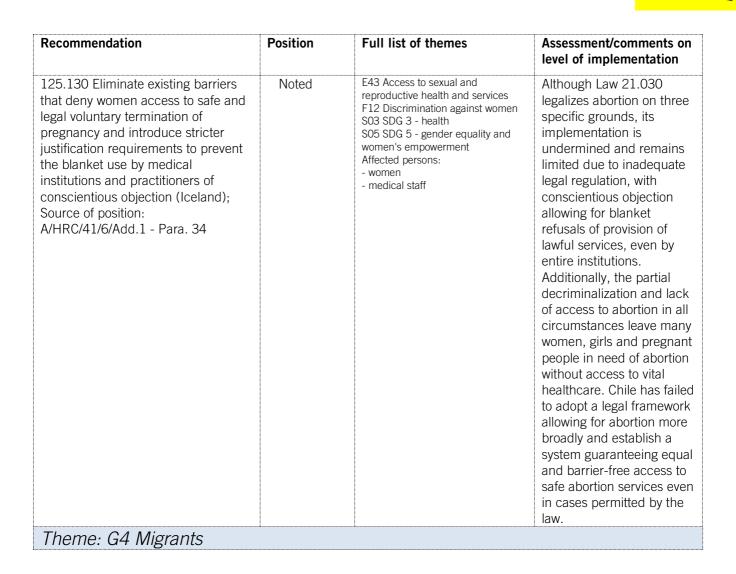










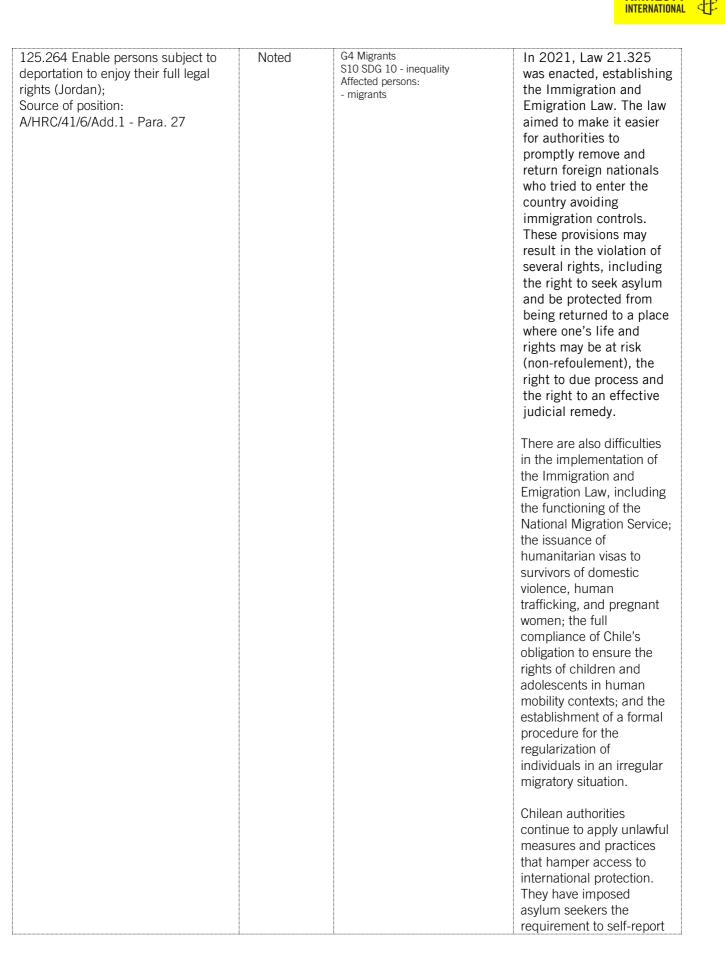




125.259 Formulate with a rights- based approach comprehensive and inclusive public policies concerning migrants and their families, ensuring access to housing, education, health and employment (Bangladesh); Source of position: A/HRC/41/6/Add.1 - Para. 26	Noted	G4 Migrants E23 Right to adequate housing E31 Right to work E41 Right to health - General E51 Right to education - General A42 Institutions & policies - General S10 SDG 10 - inequality Affected persons: - migrants	In 2021, Law 21.325 was enacted, establishing the Immigration and Emigration Law. The law aimed to make it easier for authorities to promptly remove and return foreign nationals who tried to enter the country avoiding immigration controls. These provisions may result in the violation of several rights, including the right to seek asylum and be protected from being returned to a place where one's life and rights may be at risk (non-refoulement), the right to due process and the right to an effective judicial remedy. There are also difficulties in the implementation of the Immigration and Emigration Law, including the functioning of the National Migration Service; the issuance of humanitarian visas to survivors of domestic violence, human trafficking, and pregnant women; the full
			Chilean authorities continue to apply unlawful measures and practices that hamper access to international protection. They have imposed asylum seekers the requirement to self-report



Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
			their irregular entry to access the asylum procedure. Authorities have also established a pre-eligibility review of asylum applications. In practice, these measures have resulted in the severe barriers to access the asylum procedure for Venezuelans and extremely low recognition rates, leaving the majority of Venezuelans in a situation of irregularity, with serious difficulties to access to education, health services and employment.



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Recommendation	Position	Full list of themes	Assessment/comments on level of implementation
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https://www.amnesty.org/en/latest/news/2023/09/chile-50-years-coup-historical-memory/

- iii A/HRC/41/6/Add. 1, recommendation 125.84 [Argentina].
- iv A/HRC/41/6/Add. 1, recommendation 125.128 [France].

v A/HRC/41/6/Add. 1, recommendations 125.131 [Norway], 125.132 [Slovenia], 125.133 [Sweden], 125.134 [Sweden], 125.126 [Belgium], 125.127 [Denmark], 125.129 [Germany], 125.130 [Iceland].

vi Amnesty International. Annual Report 2022/2023, The State of the World's Human Rights, p. 146. Humans Corporation, Lack of knowledge, limited training, and persistent barriers: The problems of the three-cause abortion law, 2023, available at: <u>https://www.humanas.cl/falta-de-conocimiento-limitada-capacitacion-y-persistencia-de-barreras-las-problematicas-de-la-ley-de-aborto-en-tres-causales/</u>.

vii Å/HRC/41/6/Add. 1, recommendations 125.265 [Mexico], 125.262 [Haiti], 125.263 [Honduras], 125.261 [Egypt], 125.266 [Nigeria].

viii A/HRC/41/6/Add. 1, recommendations 125.260 [Plurinational State of Bolivia], 125.259 [Bangladesh], 125.264 [Jordan].

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x A/HRC/41/6/add. 1, recommendations 125.233 [Italy], 125.89 [Czechia], 125.244 [Norway], 125.236 [Sweden], 125.237 [Switzerland].

xi Amnesty International. Unfair Prejudices: Criminalization of the Mapuche People through the "Antiterrorist" Law in Chile. 9 August 2018, available in:

https://www.amnesty.org/es/documents/amr22/8862/2018/es/.

xii Security agenda in Chile is led by the Ministry of the Interior and Public Security and has centred fundamentally in implementing regulatory changes through legislation. Details can be found in: <u>https://www.interior.gob.cl/media/2023/04/Agenda-priorizada-de-Seguridad.pdf</u>.

xiii Amnesty International. Final report on Nain Retamal's Law. 2023, available in: <u>https://amnistia.cl/wp-content/uploads/2023/05/Informe-Al-Ley-21.560-Nain-Retamal.pdf</u>. xiv Carabineros drafted and approved the following instruments: i) OG N° 2870, regulations for maintaining and restoring Public Order, 8 September 2021; ii) Circular N° 1832, Carabineros' General Direction, on the use of force, 1 March 2019; iii) OG N° 2635, regulations on maintaining public order, 1 March 2019; iv) OG N° 2780, regulations on maintaining public order, use of the anti-riot shotgun, 14 July 2020; v) Policing Intervention Techniques Handbook, Level 1, August 2019.

xv Interamerican Commission of Human Rights. Report on the Situation of Human Rights in Chile. 2022, para. 157-172. Some recent cases: Human Rights National Institute. HRNI announces legal action for clarification of protest ending with five injured persons after Carabinero's intervention in Río Bueno. 23 February 2023, available in: <u>https://www.indh.cl/indh-anuncia-acciones-judiciales-para-esclarecer-manifestacion-que-acabo-con-cinco-heridos-tras-intervencion-de-carabineros-en-rio-bueno/</u>. 24Hours. Women suffers eye injury on incidents in La Victoria. 12 September 2023, available in: <u>https://www.24horas.cl/actualidad/nacional/mujer-sufre-lesion-ocular-en-medio-de-incidentes-la-victoria#:~:text=Medianoche-</u>

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xviii A/HRC/41/6/Add. 1, recommendations 125.131 [Norway], 125.132 [Slovenia], 125.133 [Sweden], 125.126 [Belgium], 125.127 [Denmark], 125.130 [Iceland]. xix. Committee on Children's Rights. Concluding observations on Chile's combined sixth and seventh periodic report. 22 June 2002, par. 30.

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