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Mr. Alfredo Moreno Charme
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Dear Minister,

OPEN LETTER RE: CHILE'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We note your submission election pledges, as indicated in the annex to the *note verbale* dated 18 October 2010 from the Permanent Mission of Chile to the United Nations to the Secretariat, and would encourage you to take this opportunity to further develop your election pledges to include the promotion and protection of human rights at the national as well as the international levels.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.¹ We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² We take this opportunity to make some comments on Chile's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

1. Commitments at the international level:

■ *Ratification of international human rights instruments*

We note that Chile has signed, but not yet ratified, both the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. We encourage your government to take this opportunity to commit to the full ratification of these two instruments. We also note that Chile has yet to make the declaration under Article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to provide for individual communications and urge you to take this step.

■ *Cooperation with the Special Procedures*

We welcome Chile's extension of a standing invitation to the Special Procedures to visit Chile. We note that the Special Rapporteur on the right to education and the Special Rapporteur on the sale of children, child prostitution and child pornography have requested to visit and that visits are forthcoming by the Special Rapporteur on the promotion and protection of human rights while

¹ *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>
² Operative paragraph 9.

countering terrorism and the Special Rapporteur on freedom of religion or belief. We encourage your government to facilitate these visits without delay.

We also note that the Special Rapporteur on the rights of Indigenous peoples in 2004 made a series of recommendations to Chile. We are, however, disappointed at the level of compliance with these recommendations more than six years after they were made. We remind your government that the Rapporteur again in 2009 drew attention to the need to protect the rights of Indigenous people and urge the implementation of policies to respect and promote their human rights.

■ *Cooperation with the treaty monitoring bodies*

We take this opportunity to encourage you to commit to submitting without delay the overdue reports to the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of Persons with Disabilities.

■ *Engagement with the Universal Periodic Review*

Among the recommendations made to Chile during its UPR in 2009 were to nullify the 1978 Amnesty Law (Decree Law 2,191) and to bring the abortion law in line with Chile's human rights obligations and to review legislation criminalizing the termination of pregnancies in all circumstances, including in cases of rape, incest and when the life of a woman or girl is at risk. We consider these of particular importance and urge you to ensure their prompt and full implementation.

■ *Participation in the deliberations of the Human Rights Council*

We note Chile's commitment, expressed in your election pledges, to make the Council efficient including by strengthening the procedures for the early warning of and response to situations of mass violations of human rights, undertaking on-site visits and adopting stronger resolutions on such situations, and improving the system of human rights protection. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

2. Commitments at the national level:

■ *National human rights policy*

Amnesty International is concerned at a number of inconsistencies between the international standards advocated by Chile and their application within the country and we encourage your government to adopt a coherent approach to demonstrate the same standard of accountability to its own citizens as it shows to the international community. It is of paramount importance that Chile addresses its legacy of human rights violations and the deficiencies and incompatibilities between its legal framework and international law. It is of grave concern that the Amnesty Law (Decree Law 2,191) enacted during General Augusto Pinochet's regime in 1978 (and covering the period from 11 September 1973 to 10 March 1978) is still in force.

Chile's vote in favour of the UN Declaration on the Rights of Indigenous Peoples is a welcome development as is its ratification in 2008 of ILO Convention 169 on Indigenous and Tribal Peoples. These developments must now be accompanied by concrete actions to enable Indigenous Peoples to achieve their rights.

We strongly encourage your government to use this opportunity to further strengthen its pledges and commitments including by adding the elements listed above. We encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

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Amnesty International