



# International Covenant on Civil and Political Rights

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## Human Rights Committee 140th session

### Summary record of the 4080th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 6 March 2024, at 10 a.m.

*Chair:* Ms. Abdo Rocholl

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*Seventh periodic report of Chile (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Seventh periodic report of Chile (continued) (CCPR/C/CHL/7;  
CCPR/C/CHL/QPR/7)*

1. *At the invitation of the Chair, the delegation of Chile joined the meeting.*
2. **The Chair** invited the delegation to resume replying to the questions raised by Committee members at the previous meeting.
3. **A representative of Chile** said that additional information on access to justice and the protection of crime victims, the budget of the National Institute of Human Rights and the Office of the Children's Ombudsman, and the implementation of the National Human Rights Plan 2023–2025 would be provided in a follow-up report that would be submitted within 48 hours after the conclusion of the meeting. Regarding the question of sanctioning public medical practitioners who refused to perform voluntary terminations of pregnancy, the right to conscientious objection was protected in Chile, and persons who exercised that right were not penalized.
4. **A representative of Chile** said that, to ensure the proper application of the Act on the Voluntary Termination of Pregnancy, the regional ministerial health departments conducted inspections of health-care facilities throughout the country. In 2023, a total of 34 inspections had been carried out. As a result, a number of improvement plans had been issued, and investigations had been conducted in cases of non-compliance with those plans, including in relation to conscientious objection. In such cases, the sanctions applied were administrative, rather than criminal, in nature and included, for example, salary reductions and suspension from service.
5. **A representative of Chile** said that there were no records of any interference with people's access to information on abortion care or of reprisals taken against civil society organizations for promoting the right of women to the voluntary termination of pregnancy. However, the Coordination Committee for the Criminal Justice System had approved a protocol for the protection of human rights and environmental defenders that would apply to organizations whose work related to the voluntary termination of pregnancy. That protocol would be finalized soon.
6. There were no data on any complaints to the National Disability Service regarding the forced sterilization of women with disabilities. In 2021, a new law containing provisions on the rights of persons with physical and intellectual disabilities had been adopted. That law protected their right to progressive autonomy, to preserve their identity and not to be sterilized without their free and informed consent. The sterilization of children and adolescents with disabilities was prohibited.
7. **A representative of Chile** said that, in 2021, the Attorney General had issued a general directive for public prosecutors on gender-based and domestic violence. Mainstreaming a gender perspective in the organizational culture and work of the Public Prosecution Service was currently a top priority for the Attorney General. In April 2023, the Service had established a specialized unit on gender which provided guidance on gender matters to prosecutors' offices throughout the country. As part of the effort to provide appropriate training on gender-based crimes to officials of the Public Prosecution Service, the Service had issued a manual on the investigation of gender-based physical and psychological violence, Official Memorandum No. 792 on the investigation of gender-based offences, an official memorandum on the application of the Gender Identity Act, a guide on preliminary actions in femicide cases, a guide on the use of inclusive and non-sexist language, a statistical report on cases of homicide that included information on gender-based killings and a manual on the investigation of gender-based violent deaths of women.
8. **A representative of Chile** said that a bill to amend the Anti-Discrimination Act (No. 20609) was currently being considered by the Chamber of Deputies. The bill included amendments relating to reparations for victims of discrimination.

9. **A representative of Chile** said that lodging a claim under Act No. 20609 was not the only way for persons subjected to arbitrary discrimination to bring their case before the courts; they could also file a claim for *amparo* to enforce their constitutional rights. While the number of persons making claims under Act No. 20609 remained small, it had been gradually increasing in recent years. The fact that the number was so small could in part be explained by the existence of other legal mechanisms, such as *amparo*, that served the same purpose. Although the Act did not explicitly require the courts to grant reparation to victims of discrimination, article 12 of that law provided that the courts could take the measures necessary to re-establish the rule of law in such cases. On the basis of that provision, in a number of cases, the courts had ordered reparatory measures, notably the reconduct of medical examinations that had not been carried out with due respect for the patient's disability, the provision of health services that had been denied to patients on discriminatory grounds and the issuance of private and public apologies to the victims of arbitrary discrimination by the infringing institutions. The aggravating circumstances provided for in Act No. 20609 had also been applied in a number of cases.

10. **A representative of Chile** said that, under Act No. 20840, political parties participating in parliamentary elections in Chile were required to ensure that at least 40 per cent of the candidates on their electoral lists were women. As a result, in recent years there had been a gradual increase in the number of women elected to both houses of Congress. Two legislative motions promoting gender equality in politics had been submitted, one in each house. If passed, the motions would allow for the extension of the quota system to regional council elections and would provide for the reimbursement of some of the campaign funds incurred by parties that met the quota in regional council and mayoral elections. Additional resources had been earmarked by the Electoral Service for training for women in political affairs. In addition, a draft bulletin on the establishment of gender-equality quotas in respect of the boards of public companies was currently being discussed in the Chamber of Deputies.

11. **Ms. Tigroudja** said that she would appreciate more detailed information on racial and ethnic discrimination in the judicial system. She wished to remind the State party that the notion of "arbitrary" discrimination was out of step with the Covenant and the American Convention on Human Rights.

12. With regard to the issue of transitional justice and the crimes committed during the dictatorship, and in the light of the fact that the passage of time made it harder to ensure that those responsible for those crimes were held accountable and that victims received reparation, she wished to know whether the Government planned to repeal the Amnesty Act, which, while not applied in practice, was nonetheless considered by the Committee to be contrary to the State party's international human rights obligations. She would be very interested to learn: under what conditions article 103 of the Criminal Code on the time-barring of prosecution could be applied, in particular in respect of serious crimes that were not crimes against humanity; why so few persons had been convicted for acts of torture, enforced disappearance, extrajudicial killings and arbitrary detention committed during the dictatorship and why 90 per cent of the complaints submitted in that regard during the 1990s and 2000s remained pending; and whether the State planned to make public the information it held on serious and massive violations of human rights committed during the dictatorship, as well as witness statements gathered by the National Commission on Political Prisoners and Torture.

13. Regarding children's rights, in the light of reports that several thousand children born on Chilean territory to foreigners residing in Chile had been incorrectly registered as children born to "parents in transit", thereby restricting their access to Chilean nationality and their ability to exercise the right to *jus soli*, and that children born in Chile to Venezuelan parents risked statelessness because it was impossible to correctly register their births, she would welcome updated information on the number of children born to foreign parents who had received Chilean nationality and on the measures taken by the State to ensure that children born on Chilean soil were able to gain Chilean nationality and avoid statelessness, in accordance with the Convention on the Reduction of Statelessness, article 20 of the American Convention on Human Rights and article 24 of the Covenant.

14. **Ms. Šurlan** said that she would appreciate a full explanation of the reasons why the statute of limitations for the offence of torture had not been extended beyond the current limit of 10 years, in spite of previous recommendations in that regard from the Committee, the Committee against Torture and the Special Rapporteur on torture, especially since a number of cases of the use of force potentially amounting to torture by police officers during the 2019/20 protests remained pending, a situation that could lead to impunity for the perpetrators. It would also be useful to learn whether financial resources had been allocated to the national mechanism for the prevention of torture and what action had been taken by that mechanism.

15. She wished to know what measures the State party had taken to combat the trafficking of Chilean nationals, in particular whether it had built shelters and provided legal, social and psychological support to victims, and what measures had been taken to expedite the procedure for identifying victims and potential victims of trafficking and to promote their social reintegration, protect them from revictimization and facilitate their access to the labour market, education and vocational training. Information on reparation awarded to the victims of trafficking would also be welcome. Lastly, she would be grateful if the delegation could provide information on any training concerning trafficking in persons organized for police officers, judges and lawyers and any awareness-raising campaigns carried out to encourage victims to seek protection.

16. **Mr. Ndiaye** said that he wished to know what steps the State party planned to take to promote the constitutional recognition of the country's Indigenous Peoples and their individual and collective rights and to establish a representative institution responsible for voicing their demands. In the light of reports that Indigenous Peoples were not consulted in advance concerning all legislative and administrative measures that affected them and given the fact that Supreme Decree No. 66/2014 on the Indigenous consultation procedure was not fully compliant with international standards on the rights of Indigenous Peoples, he wondered whether the Government had considered revising the Supreme Decree in order to ensure that all Indigenous Peoples, whether or not they had received legal recognition, were duly consulted regarding any and all initiatives that could affect them, including legislative bills and proposals for projects that required environmental impact assessments. He would also appreciate the delegation's comments on reports that a permanent state of exception was in place in the Region of La Araucanía and the provinces of Arauco and Biobío, which limited the freedom of movement and assembly of the Indigenous Peoples who resided there. An update on the work of the Presidential Commission for Peace and Understanding with respect to the regularization of Mapuche lands would also be welcome. Lastly, he would appreciate the delegation's comments on reports that the Government had not respected agreements reached during consultations with Afrodescendent tribal peoples and that the procedure for the consultation of Afrodescendent peoples was not in line with international standards.

17. **Mr. Santos Pais** said that, in the light of numerous reports of the excessive use of force, the inappropriate use of less-lethal weapons, arbitrary violence and verbal abuse by police and military officers against protestors, journalists, members of civil society and Indigenous persons during the 2019 student protest movement, he wished to know what steps the State party had taken to prosecute the officers found responsible and what measures it planned to take to ensure that the statute of limitations for the applicable offences did not prevent the authorities from carrying out such prosecutions.

18. The vast majority of some 2,300 complaints of violations of the rights of children and adolescents had reportedly been closed without going through the courts, and only around 1 per cent of those complaints had resulted in charges being brought. Just two persons had been convicted. The Committee would like to hear whether the State party intended to compile information on reports, investigations, judgments and sentences handed down in cases of brutality or excessive use of force by the police. Information would be appreciated on the outcomes of administrative procedures for establishing the responsibility of members of State security forces for human rights violations committed during demonstrations. Did the State party intend to appoint a special prosecutor for offences committed by agents of the State or a centralized system to keep track of such offences? The Committee would like to find out whether measures had been taken to ensure effective and adequate reparation for human rights violations committed during the social uprising and whether the Government

was considering the repeal of Supreme Decree 1086, which dated back to the dictatorship and restricted the legitimate right of citizens to hold protests. Repealing that measure would replace the focus on security with a focus on the protection of citizens' rights.

19. The delegation was invited to inform the Committee of any gun control measures that had been instituted to reduce deaths resulting from domestic violence and violence by non-State actors targeting demonstrators and members of Indigenous Peoples. The delegation was invited to inform the Committee about the measures being taken to reform the legal framework for the Carabineros (the Chilean police force) to ensure that it operated as a civilian, rather than military, body.

20. He would appreciate it if the delegation could comment on the consistency of the Nain Retamal Law with the Covenant and could tell the Committee about any plans to establish effective oversight of law enforcement agencies to ensure respect for human rights principles applicable during protests.

21. Once appointed, judges and prosecutors were reportedly subject to removal if their conduct was deemed unsatisfactory. He would appreciate it if the delegation would set out for the Committee the rules for the designation, transfer and removal of judges. What measures had been taken to ensure transparency and to uphold the independence of the judiciary?

22. The Committee had received reports that the country, in practice, had two justice systems, one for the rich and another for the poor, as persons lacking resources often found it impossible to afford legal assistance. The Committee would therefore like to know whether a new law would be adopted to improve access to justice and what measures had been taken to address corruption among law enforcement agencies, the armed forces and local politicians.

23. Corporal punishment and sexual abuse of children in State institutions were reportedly extremely prevalent. The Committee would like to find out what measures had been adopted to prevent such acts, to train the staff at such institutions properly and to investigate and punish the perpetrators. Finally, the delegation was invited to describe the steps taken to raise awareness of the offence of commercial sexual exploitation of children and of ways of detecting it.

24. **Mr. Carazo** said that the country's foreign population had increased considerably in just a few years and that the Committee had received reports of backsliding in the application of human rights protections for foreign nationals. The number of deportations and cases of refoulement had reportedly increased, and some of the new laws on immigration apparently placed much tighter restrictions on migrants. The Committee would be interested to hear the delegation's comments on reports that the time frames for appeals in asylum cases were excessively restrictive and that appeals procedures gave short shrift to applicants' claims and the dangers they faced in the event of removal. Further information would be welcome on the detention of undocumented migrants in application of a policy applying the so-called "Valencia criterion".

25. The Committee had repeatedly called for the State party to recognize conscientious objection to military service, but there was no mention of that subject in the periodic report. Had the recommendation been overlooked?

26. **Mr. Ndiaye**, noting that the periodic report stated that 11 police officers had taken part in train-the-trainer sessions on the prevention and investigation of acts of torture, said he would like to know how many trainers had been trained by them and how many police staff members had ultimately received training. He would also like to receive updated information on how many uniformed personnel in each branch of the armed forces had received specialized or basic human rights training and what percentage of all members of the armed forces had received such training. He would appreciate it if the delegation could provide updated information on the number of cases of torture or ill-treatment and of sexual violence perpetrated by law enforcement or military personnel in recent years.

27. According to the periodic report, nearly 1,300 complaints concerning abuses committed by security forces in the context of public demonstrations had been filed since mid-October 2019 and had resulted in the initiation of administrative proceedings.

Information on the status of those procedures and of any reparation provided to the victims would be welcome. The Committee would like to receive disaggregated data on the numbers of students and members of Indigenous groups affected, investigations carried out and persons convicted.

28. The Committee had received reports that a large proportion of prisoners were held in overcrowded facilities and were deprived of access to health care and education. In addition, pregnant women and women with small children were reportedly held together with the general population at women's prisons. He would like to know why they were not provided with separate facilities. He would appreciate information about the status of legislation proposed in 2017 that would ensure that women with small children did not serve their sentences in prisons but at other facilities. According to a 2019 study, some 70 per cent of the cases involving pretrial detention of minors did not ultimately result in sentencing, which would seem to indicate that their detention had not been unnecessary. What was being done to correct that situation?

*The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.*

29. **A representative of Chile** said that the courts continued to hear cases involving crimes against humanity committed during the dictatorship and was continuing to hand down judgments and convictions, enforce prison sentences and award reparation to the victims of such crimes. The jurisprudence was applied relatively uniformly, especially in terms of the statute of limitations applying to different criminal and civil offences. As mentioned in the State party's previous periodic reports, the Amnesty Act had not been applied since 1998 and was considered by the Supreme Court to have been tacitly repealed.

30. **A representative of Chile** said that article 103 of the Criminal Code merely provided judges with the option of reducing sentences under certain circumstances, and the tendency of the Supreme Court was to refrain from doing so. From 2014 to 2023, the Supreme Court had issued 211 rulings rejecting progressive or partial reductions of the statute of limitations and had applied article 103 in 25 rulings. The article had not been applied by the Court since January 2020, and over the past 10 years it had been referenced increasingly sparingly. The number of convictions for crimes against humanity and other crimes committed under the dictatorship had recently been on the rise, increasing from 64 in 2021 to 244 in 2023.

31. **A representative of Chile** said that the case relating to the partial application of the statute of limitations had been taken up by the Inter-American Court of Human Rights in the case of *Vega González and Others v. Chile*. The Inter-American Court was expected to hand down a ruling relating to the application of article 103 of the Criminal Code in the near future.

32. **A representative of Chile** said that in February 2024 the Government had submitted its comments regarding the social uprising of 2019 to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights. The submission included detailed information on the administrative and judicial measures adopted to address human rights violations committed during the uprising and the types of reparation planned. The delegation would submit that document in writing so that the Committee would have the relevant information at its disposal.

33. **A representative of Chile** said that, by the end of September 2023, over 10,000 cases involving allegations of human rights violations committed during the social uprising of 2019 had been opened, and approximately 80 per cent of them had been resolved. Of the remainder, charges had been brought against 242 people in 150 cases. As of January 2024, 40 of those persons had been convicted and 11 had been acquitted.

34. The database did not identify the specific units or institutions to which the persons who had been convicted belonged. However, Human Rights Unit of the Prosecution Service had reviewed the cases in which a final judgment had been reached and, in those cases, 57 of the convicted persons had been members of the Carabineros, 3 were from the army and 11 from the navy, while 33 members of the Carabineros had been acquitted. A number of factors had played a part in the fact that so many of the cases had been resolved by non-judicial means: the huge number of complaints that had been filed had greatly exceeded the capacity of the investigation units, courts, health centres and forensic medical services, despite the fact that they had taken on extra personnel to help deal with the workload;

technical difficulties had been compounded by the fact that very little information had been supplied in many of the cases reported by the health services; the circumstances surrounding the coronavirus disease (COVID-19) pandemic had complicated the task a great deal; and the fact that the relevant legislation had only recently been adopted meant that the jurisprudence on which the courts had to rely was scanty. Steps taken to build up the capacity of those services included the recruitment and training of prosecutors specializing in human rights cases and engagement of human rights experts to provide advisory services to prosecutors at the regional level. The Human Rights Unit was also preparing a manual on the investigation of violent offences, including cases of sexual violence.

35. The Nain Retamal Law, one of whose many provisions established a special plea of legitimate self-defence for State agents, had been applied by the courts in just one case, where the persons in question had been absolved of the charges, in the context of the social uprising. The courts had also handed down numerous other rulings rejecting the existence of circumstances giving rise to a special plea of that type.

36. **A representative of Chile** said that, as part of the strategic plan for the reform of the Carabineros, which had been drafted with support from the Pontifical Catholic University of Chile, almost 500 trainers had delivered training on human rights to 88,212 officials since 2014. The Carabineros had worked with the National Committee for the Prevention of Torture to organize seminars for almost 1,000 prefects and superintendents in 2022. The National Committee conducted inspections of facilities run by the Carabineros with the aim of identifying situations that might give rise to human rights violations.

37. Under an agreement with the Public Criminal Defender Service, public defenders were interviewing detainees within the first few hours of their detention. That initiative had reduced the number of complaints of ill-treatment of persons while in police custody to almost zero.

38. **A representative of Chile** said that, between 2019 and 2023, 3,435 police officers, including those working in border areas, had received training on the prevention of torture. In addition, in 2022 and 2023, 11 training programmes had been delivered to 629 investigative police officers posted to the country's border crossings.

39. **A representative of Chile** said that the Presidential Commission for Peace and Understanding was striving to achieve fundamental change in the authorities' relationship with Indigenous Peoples. The Commission, which had been created in June 2023 and enjoyed the support of all of the political parties represented in Congress, was responsible for advising the President on long-term solutions for resolving the conflict between the State and the Mapuche people in the La Araucanía, Biobío, Los Lagos and Los Ríos regions. The eight commissioners included deputies and senators and the country's first Mapuche mayor, and the Commission's secretariat was part of the Office of the Minister and Secretary General of the Presidency. The Committee of Experts on Indigenous Rights included representatives of the National Indigenous Development Agency and of the Indigenous Affairs Coordination Unit, both of which were part of the Ministry of Social Development and the Family. The Commission had held 21 meetings involving 22 organizations and 223 individuals, the majority of them Mapuche, and was preparing to hold wide-ranging dialogue sessions in the La Araucanía, Biobío, Los Lagos and Los Ríos regions between March and June 2024. The aim of the sessions was to make an assessment of the land demands and existing land grants of the Mapuche people and to promote dialogue between the political actors in the relevant regions with a view to building a consensus and proposing mechanisms for the enactment of reforms and the provision of reparations for victims of the conflict. The Commission was determined to institute a State process that could be followed by any future Government, irrespective of its political ideology, in order to provide stability for the Mapuche people. The Commission would issue a report at the end of 2024 that would be used as a reference document for the recognition of other Indigenous Peoples in Chile.

40. With regard to the Chilean tribal people of African descent, the Ministry of Social Development and the Family had recently concluded consultations on the establishment of a consultation mechanism that would be aligned with the tribal people's forms of organization. The related regulatory instrument had been submitted to the Office of the Comptroller General for constitutional review.

41. Act No. 21606, on the recognition of the Selk'nam People, had been adopted in October 2023, and bills on the recognition of other original Peoples were before Congress. With regard to the revision of Supreme Decree No. 66, in 2023 the Indigenous Affairs Coordination Unit had begun an evaluation of the consultation processes undertaken with 11 different Indigenous Peoples with a view to identifying the issues on which they wished to be consulted. To date, a total of 105 consultation processes had been registered, 41 of which were still under way, and a further 57 consultations had been undertaken within the framework of the Environmental Impact Assessment System.

42. **A representative of Chile** said that human rights were a cross-cutting theme in the Migration and Aliens Act (No. 21325) of 2021. The Act upheld the principles of equality and non-discrimination and set out a range of new humanitarian visas for victims of human trafficking, domestic violence or gender-based violence. In 2023, 26,536 humanitarian visas had been granted to children, who were entitled to such visas in their own right, irrespective of the migration status of their parents.

43. Pursuant to the Act, the country's first national migration policy had been published in December 2023. The policy set out 11 objectives, 3 of which incorporated a human rights perspective, namely the regularization of migration status, family reunification and international protection, including for groups requiring special protection. The policy also identified specific criteria for granting complementary protection status to persons whose asylum application had been denied and who faced a risk of domestic or gender-based violence if returned to their home country. The policy allowed for protection in almost any situation of vulnerability, thereby upholding the principle of non-refoulement.

44. Chile had faced unprecedented levels of migration in recent years. In application of the Global Compact for Safe, Orderly and Regular Migration, residence permits could now be obtained only outside the country. Procedural standards for expulsions had been improved: anyone who received an expulsion order had 10 days in which to lodge a complaint with the migration authorities and a further 10 days to file an *amparo* appeal before the courts.

45. The aim of the use of the "Valencia criterion" had been to resolve the difficulties involved in identifying irregular migrants. Fingerprinting was increasingly being used as an alternative method of identification, meaning that placement in pretrial detention was now often avoided. The Supreme Court had issued a protocol designed to prevent pushbacks at the border; persons requesting asylum at the border would now be provided with the contact details of the migration authorities and information on the proper procedure. Since the entry into force, in 2010, of Act No. 20430 on the protection of refugees, approximately 30,000 people had requested asylum; of those, 966 had been granted refugee status.

46. The new Migration and Aliens Act included regulations that were consistent with the Convention on the Reduction of Statelessness. Under the Act, it was now possible for children born in Chile to non-resident aliens and who would otherwise be rendered stateless to be registered as Chilean nationals. The Act provided for the establishment of a committee to examine potential cases of statelessness, and the operating regulations for that committee would soon be approved.

47. An intersectoral body had been in place since 2008 that worked to prevent trafficking in persons, protect trafficking victims and prosecute the perpetrators. That body had drafted a protocol on victim support. Since 2011, 347 victims had been identified, only 3 of whom had been Chilean nationals. While there was no legislative provision for reparations, an action plan would soon be published that would set out the arrangements for certain forms of redress.

48. **A representative of Chile** said that, between 2021 and 2023, 4,246 prison officials had received training on the prevention of torture and 915 officials had received training concerning the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and domestic legislation concerning Indigenous Peoples. In addition, 3,029 prison officials had received training on gender identity and on the human rights of prisoners, and 7,964 officials had received training in areas such as the prevention of gender-based violence and obstetric violence and the protection of pregnant and breastfeeding women. The training academy for prison officials was undergoing an



accreditation process that would provide a basis for ensuring that all such officials received human rights training.

49. The number of prisoners had risen from 45,513 in 2021 to 53,450 in 2023. The prison system had capacity for 41,829 prisoners, and the overcrowding rate was therefore 128.4 per cent. To alleviate overcrowding, capacity was to be increased to 56,009 by 2030. By 2025, 2,525 places would be added thanks to the construction of new facilities. During the COVID-19 pandemic, 1,570 prisoners had had their sentences commuted.

50. There were six women's prisons and 27 women's sections in other facilities, as well as 30 mother-and-child units. Such units were separate from the general prison population, and their inmates were segregated according to whether they had been charged or convicted. Since 2017, the Prison Service had operated the "Growing Together" (Creciendo Juntos) programme with the aim of addressing family-related issues as part of the social reinsertion process. Mothers with children aged under 2 years and pregnant and breastfeeding women in prisons had access to social workers, psychologists and occupational therapists; they received the same health care as was provided to other prisoners.

51. **A representative of Chile** said that the fundamental aim of the National Service for the Specialized Protection of Children and Adolescents was to ensure compliance with Act No. 21430, on guarantees and comprehensive protection for the rights of children and adolescents, and to help to ensure decent treatment for all children. In 2023, the Service had produced a manual designed to improve technical processes in various areas, including the provision of care and trauma support. The Service had issued Exempt Resolution No. 155 on the procedure that should be followed in potential cases of offences committed against children under the Service's protection.

52. Act No. 21430 provided for the establishment of coordination bodies for children's services at the national, regional and local levels. A commitment had been made to establish 345 local offices for children's services throughout the country by the end of 2025.

53. **A representative of Chile** said that guidelines for the National Service for Minors on reporting possible offences had been introduced in 2019 and included a series of measures for assisting victims. A national human rights policy had been adopted with a focus on torture prevention, and regional plans would be carried out in 2024 under that policy. The Service was in the process of analysing the visit and other reports of the National Committee for the Prevention of Torture to identify any necessary improvements.

54. Work was ongoing with the Office of the Public Defender to provide training to adolescents on their rights in the criminal justice process. Personnel of the National Service for Minors would undertake training on how to follow a gender and human rights approach when dealing with young people in conflict with the law.

55. Juvenile detention centres were not overcrowded. The occupancy rate in the open centres was 52.4 per cent, and in the closed centres it was 23.6 per cent. There were no pregnant girls in those facilities, but the appropriate measures would be taken should such a case arise.

56. **Ms. Tigroudja** said that she would like to know why the State party had not repealed the Amnesty Act, since it was no longer being applied. Its repeal would be of great symbolic importance. Written information would be appreciated on the matter of statelessness, including on the number of children to whom Chilean nationality had been granted since the submission of the periodic report. She wondered whether any specific rules or measures were envisaged or in place for transgender or older persons deprived of their liberty.

57. **Mr. Santos Pais** said that, given the troublingly low rate of convictions for human rights violations, the Committee was concerned about the apparent impunity that existed for such violations and wished to learn more about the actual extent to which laws were applied in practice by public prosecutors, the judiciary and the police. It would be useful to learn whether there were any plans to establish a victim classification committee to guarantee reparations for victims of human rights violations. He wondered whether the State party intended to adopt new legislation on the right to assembly that might lead to a different police approach to demonstrations. Information would be welcome on any measures envisaged to

reduce the number of firearms in circulation. Were there any plans to adopt the necessary legislative measures to ensure the independence and impartiality of judges and prosecutors?

58. **Mr. Ndiaye** said that he was awaiting an answer to his question as to whether no allegations of sexual violence had yet been made against police officers. Information would be welcome on any plans to provide for the constitutional recognition of Indigenous Peoples and to set up a national council for Indigenous Peoples. It would be interesting to know why, in the context of measures for the benefit of persons of African descent, reference had been made to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) rather than to the Durban Declaration and Programme of Action, which covered persons of African descent who did not consider themselves to be Indigenous.

59. **Ms. Šurlan** said that the delegation was invited to provide further information about the training provided to police officers, judges and prosecutors in relation to human trafficking. She wondered whether there were shelters for victims of trafficking and what kind of assistance for social reintegration was available for them.

60. **Mr. Carazo** said that the Committee on Economic, Social and Cultural Rights, in its 2015 concluding observations (E/C.12/CHL/CO/4), had expressed concern that the measures taken to combat poverty were insufficient and had recommended the adoption of a comprehensive poverty reduction plan. He wondered whether the State party was committed to taking action to reduce poverty and ensure the entire population's enjoyment of social and economic rights.

61. **Mr. El Haiba** said that he would like to know to what extent the State party's authorities planned to work with the national human rights institution to shed light on historic cases of human rights abuses and those committed in 2019 and to seek reparation for victims.

62. **A representative of Chile** said that the legislature had discussed repealing the Amnesty Act, but other urgent processes had been prioritized, since the Act was no longer applied in practice. The authorities in the State party were well aware of the importance of the issue.

63. The Chilean authorities were discussing many different aspects of reparations for human rights violations in addition to the measures announced with regard to the National Search Plan. The President of the Republic had recently mandated an intersectoral initiative to delve into the events that had taken place in the country from the 1950s to the 1990s. An announcement was soon to be made by the President of Chile regarding the issue of truth and justice in past cases of institutional violence perpetrated against children in the care of the State. In line with decisions taken by the Supreme Court, victims of human rights violations, especially in cases of torture, could bring legal action against the State, even if they had not been recognized as victims by previous victim classification committees.

64. The State had recognized that the right to freedom of assembly needed to be upheld by legal, rather than administrative, regulations, and draft legislation for that purpose had been submitted. The use of force was addressed in the operational plans for police officers, and there was an ongoing and highly publicized debate in Congress and in the public arena on that issue. There was also an ongoing heated debate at the national level concerning the use of firearms. Rules issued by Congress in recent years had further restricted access to firearms, and a policy was in place on the reduction of the circulation of such weapons.

65. There were ongoing investigations into allegations of sexual violence committed by police officers. Further information in that respect would be provided in writing. There was a broad agreement in place for the comprehensive care of victims of trafficking. Three different ministries had protection programmes for victims of different kinds of crimes, and the authorities were therefore seeking to consolidate the mechanisms for access to justice and victim protection. The draft legislation on that subject was expected to be approved in 2024.

66. While issues related to human rights remained to be resolved, determined efforts had been made in Chile to move forward on social issues, as was demonstrated by the two constitutional review processes undertaken in the past few years. Although those processes had not been successful, they bore witness to the commitment to human rights of the Chilean State and society.

67. **A representative of Chile** said that there was no clear differentiation between the jurisdictional and non-jurisdictional functions of the judiciary, both of which fell under the authority of the Supreme Court. That structure was enshrined in the Constitution. Nevertheless, since 2014, the Supreme Court had consistently stated that such a differentiation was needed, and detailed provisions for that purpose had been included in both constitutional review processes. The Administrative Department of the Judiciary managed matters relating to career advancement, performance and disciplinary action in respect of the judiciary, but substantive decisions fell within the purview of the Court itself. The Supreme Court had issued a series of regulations designed to make the processes involved in judicial appointments, promotions, qualifications and discipline more participatory and transparent.

68. **A representative of Chile** said that his country was making every effort to resolve pending human rights issues in a way that would ensure the consolidation of those achievements and ensure their continuity. The national plan for the search for truth and justice had received broad political support. On 5 March 2024, the Chamber of Deputies had unanimously approved a declaration condemning the crimes of the dictatorship and supporting measures to find the victims. That declaration was of enormous importance to the Chilean people. Chile stood ready to address any shortcomings in its mechanisms of redress and would work to that end over the coming years. Significant institutional inroads had been made over the preceding decade, and civil society had played a decisive role in that respect.

*The meeting rose at 1.05 p.m.*