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Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of Chile (CAT/C/39/Add.5 and Corr.1) by this Committee at its 32nd session on 10 and 11 May 2004.

At the end of this session, the Committee's Conclusions and Recommendations (CAT/C/CR/32/5) were transmitted to your Permanent Mission. In paragraph 8 of those Conclusions and Recommendations, the Committee asked that Chile provide further information regarding areas of particular concern identified by the Committee in paragraph 7, subparagraphs (k), (m), and (q).

Thank you for your Government's communication of 18 April 2007 in which responses concerning the information requested were submitted (CAT/C/38/CRP.4, also issued as CAT/C/CHL/5) and which has now been reviewed. The Committee would be grateful for clarification as to the following matters, where sufficient information is not yet provided to enable it to complete an analysis of the progress made regarding implementation of aspects of the Convention.

With regard to recommendation 7(k) concerning the term and mandate of the National Commission on Political Imprisonment and Torture ("the Commission"), the Committee welcomes the news that there are plans to open a new commission under the auspices of a National Human Rights Institute. Please provide further information on the progress made to date and the timeline for the establishment of the National Human Rights Institute and the new commission to address issues of political imprisonment and torture. In addition to the following clarifications regarding the past work of the Commission, the Committee is interested in how each of these recommendations will be addressed by the National Human Rights Institute.

The Committee appreciates the information regarding Chile's use of the media to publicize the work of the Commission, consistent with recommendation 7(k)(i). The Committee would be grateful for further information regarding the extent and duration of the media campaign, such as the number of radio, television and print ads, the geographical areas that were targeted, and the specific organizations to which the Government

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reached out. What other outreach methods were used to disseminate the findings of the report: did the Government organize or support meetings in communities to discuss the findings of the Commission and the rights of those affected? Did the Government distribute notices of the report and the rights of persons to claim compensation, and if so, to what geographic areas? Please provide information on the responses to the notices, and in particular, information on who is receiving compensation or other reparatory measures, in what amounts, disaggregated by age, gender, and location and identify and explain the underserved populations.

With regard to recommendation 7(k)(i), the Committee requests clarification as to whether the Commission included a non-exhaustive list specifying various forms of torture, including the range of sexual violence, for example, from rape of all kinds to forced nakedness and other forms of humiliation, on the forms that victims completed, as well as detailed information on the responses by victims, disaggregated by age and gender.

The Committee commends Chile's efforts to register rural victims with the Commission and to protect victims' privacy, consistent with recommendation 7(k)(ii). Please provide further information on the measures being taken in the planning of the National Human Rights Institute to ensure that the future commission that will be established to take testimony from torture victims does not suffer from the problem of compromised privacy, as was seen in some cases heard by the former Commission mentioned in paragraph 8 of your response.

With regard to recommendation 7(k)(iii), we would appreciate further information regarding the torture methods documented by the Commission to the extent it is available, understanding that is not verifiable. The Committee suggests that future reports by the National Human Rights Institute disaggregate data by method of torture as well as age and gender.

With regard to recommendation 7(k)(iv) that the Commission's mandate be extended to permit investigations and the initiation of criminal proceedings, please provide information on the planned mandate and competence of the future National Human Rights Institute, specifically on whether it will have the mandate to carry out investigations and initiate criminal proceedings. The Committee recognizes the importance of the Commission's stated purposes of establishing truth and providing compensation, and reiterates its recommendation for consideration of extending the mandate of the future commission to permit investigations and initiation of criminal proceedings.

The Committee notes with interest your confirmation that the overarching obligation of confidentiality imposed on medical professionals takes precedence over the obligation to report crime. While understanding your view that the reporting of cases of abortion by medical professionals has been infrequent, as mentioned in paragraph 17 of your response, the Committee would appreciate further information on the points originally recommended by us on the steps taken by the government to eliminate the practice of extracting confessions for prosecution purposes from women seeking emergency medical care as a result of illegal abortion. For example, has the Government carried out a survey of hospitals and gendarmerie to determine their policies on this matter, and has the Government issued a notice to all hospitals reminding hospital administrators and medical professionals that any obligation to report abortions is secondary to their obligations to preserve doctor-patient confidentiality? If so, the Committee would appreciate receiving copies of all such documents. The Committee would also appreciate receiving detailed information on steps taken to carry out an investigation and review of convictions where statements taken by coercion were admitted into evidence or where the evidence admitted was derived from or discovered because of statements taken by coercion, with a view to nullifying any such convictions as required by Article 15 of the Convention. We urge the Government of Chile to bring the policy into conformity with the international obligation not to utilize the medical context of complications of abortion to coerce information or take other actions that would undermine the confidentiality owed to patients and essential to their access to life-saving medical care in these circumstances.

Your Government provides detailed statistical information in paragraphs 22-35 regarding allegations of torture and ill-treatment against the Carabineros. Please provide statistical data pertaining to the complaints against the Gendarmería, disaggregated by age, sex, and geographical location, complaints against the Carabineros. The Committee would also appreciate information as to the grounds for dismissal of 30 of the 38 administrative proceedings against the Gendarmería and 138 of the 154 complaints against the Carabineros. Please also provide information regarding the investigation of complaints and the grounds for the processing of

complaints through administrative rather than criminal proceedings. In addition, the Committee would appreciate receiving information on the mechanisms established to initiate criminal investigations in Chile.

Upon receipt of this additional information, the Committee will be able to assess whether further action is required. The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Chile on the implementation of the Convention and, in this context, to receiving your response to our enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.

A handwritten signature in cursive script, appearing to read "Felice Gaer".

Felice Gaer
Rapporteur for Follow-up on Conclusions and Recommendations
Committee Against Torture