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REFERENCE: jmn/mm/fg/follow-up/CAT

17 February 2006

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, from 3 to 21 May 2004. At the end of that 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, pursuant to its rules of procedures, that Chile provide, within one year (by May 2005), further information regarding areas of particular concern identified by the Committee in paragraph 7, subparagraphs (k), (m) and (q) (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Conclusions and Recommendations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Chile on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

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

A handwritten signature in cursive script, reading "Felice D. Gaer".

Felice D. Gaer
Rapporteur for Follow-up on Conclusions and Recommendations
Committee against Torture

H.E. Mr. Juan Martabit
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture
(Extracts for follow-up)**

CHILE

(...)

E. Recommendations

7. The Committee recommends that the State party should:

(...)

(k) Extend the term and mandate of the National Commission on Political Imprisonment and Torture to enable victims of all forms of torture, including victims of sexual violence, to file complaints. To this end:

(i) Initiate measures to better publicize the work of the Commission, utilizing all media, and clarifying the definition of torture by including a non-exhaustive list specifying various forms of torture, including sexual violence, on the forms victims must complete;

(ii) Ensure that victims will be afforded privacy when registering with the Commission, and that persons in rural areas or otherwise unable to file in person can register;

(iii) Include in the final report of the Commission data disaggregated by gender, age, type of torture, etc;

(iv) Consider extending the Commission's mandate to permit investigations and, where warranted, the initiation of criminal proceedings against those allegedly responsible for the actions reported;

(...)

(m) Eliminate the practice of extracting confessions for prosecution purposes from women seeking emergency medical care as a result of illegal abortion; investigate and review convictions where statements obtained by coercion in such cases have been admitted into evidence, and take remedial measures including nullifying convictions which are not in conformity with the Convention. In accordance with World Health Organization guidelines, the State party should ensure immediate and unconditional treatment of persons seeking emergency medical care;

(...)

(q) Provide detailed statistical data, disaggregated by age, gender and geographical location, on complaints related to torture and ill-treatment, allegedly committed by law-enforcement officials, as well as the related investigations, prosecutions, and sentences.

8. The Committee requests that the State party provide, within one year, information on its response to the Committee's recommendations contained in paragraph 7, subparagraphs (k), (m) and (q) above.
