



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

29 November 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the sixth periodic report of Chile, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 64th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/CHL/CO/6, para. 56) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 17, 37 (a) and (b) and 39 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 14 August 2019 providing your Government's response on the above-mentioned paragraphs (CAT/C/CHL/CO/6/Add.1) and to make the following comments:

National torture prevention mechanism (para. 17)

The Committee welcomes the adoption of Law No. 21154 establishing the National Preventive Mechanism (NPM), which entered into force on 25 April 2019. In this regard, it observes with concern that, pursuant to the above-mentioned law, the selection and appointment process of the NPM members would be completed only by April 2021, thereby preventing the mechanism from being fully operational until that date. The Committee also notes with concern that Law No. 21154 contains provisions exempting the NPM members and support staff from any obligation to report crimes and ordinary offenses of which they may become aware in the exercise of their functions, despite the fact that they would have to report to the Public Prosecutor's Office those instances that "pose a vital risk to persons deprived of their liberty" or "some of the acts defined as torture" (art. 10). Lastly, while noting that Law No. 21154 provides for a separate budget of the NPM, the Committee would appreciate receiving detailed information on the allocation of resources, in order to be able to assess their adequacy (3/B1).

.../...

H. E. Mr. Frank Tressler Zamorano
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Deaths of minors and allegations of torture, ill-treatment and sexual abuse in residential protection centres belonging to the National Service for Minors network (paras. 37 (a) and (b))

The Committee takes note of the measures adopted by the State party to ensure that cases of deaths of children and adolescents placed within the network of residential centres managed by the National Service for Minors (SENAME) are promptly investigated, as well as the information on the ongoing investigations concerning such deaths which occurred between January 2005 and June 2016. Nevertheless, the Committee regrets that no information has been provided on whether any of those investigations have resulted in prosecutions and convictions and/or disciplinary action against officials and the staff at the centres.

While welcoming general instruction No. 37 issued by the Public Prosecutor on 15 January 2019 concerning the investigation of allegations of torture and other ill-treatment, including sexual abuse, of children placed in residential centres managed by SENAME, the Committee remains concerned about the very low number of convictions in such cases (5.5 percent of the reported cases between January 2017 and June 2019, see Annex VIII of the State party's follow-up submission). The Committee values the information provided by the State party about the closure of the *Centro de Reparación Especializada de Administración Directiva (CREAD)* in Playa Ancha, in response to the precautionary measures granted by the Inter-American Commission on Human Rights) (2/B2).

Ill-treatment of persons with disabilities and older persons (para. 39)

The Committee takes note of the information included in the State party's follow-up replies regarding the use of restraints in residential facilities for the care of the elderly, including the frequent use of psychosocial interventions to avoid recourse to physical restraint or pharmacological methods. However, it regrets not having received complete and detailed statistical data on the number of prosecutions, convictions and sentences handed down in cases of ill-treatment of older persons in residential institutions and persons with disabilities (see Annex IX of the State party's follow-up submission) (2/B2).

Implementation plans (para. 56)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Chile is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the sixth periodic report of Chile.



The Committee looks forward to a continued constructive dialogue with the authorities of Chile on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Abdelwahab Hani', is written over a horizontal line.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture