

ADVANCE QUESTIONS TO CHILE

CZECH REPUBLIC

- Has the Government of Chile considered issuing a standing invitation to the Special Procedures of the Human Rights Council?
- What are the measures the Government of Chile has been taking in order to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women signed back in 1999?
- What type of human rights education and training is there for members of the police force (carabineros)? What kind of accountability is there for abuses by the police/carabineros?
- Has the Government of Chile considered measures to end civilians being tried before martial courts?
- The national report notes an intention to reform the system of elections to ensure better minority participation, can you inform us how this reform is progressing?

GERMANY

- The Special Rapporteur on indigenous people highlighted that a serious long-standing problem affecting indigenous peoples concerns their ownership of land and territorial rights, particularly in the case of Mapuche. In 2007, the Human Rights Committee noted with concern the slow progress made in demarcating indigenous lands, which has caused social tensions. It was dismayed to learn that "ancestral lands" are still threatened by forestry expansion and mega projects in infrastructure and energy. It recommended that Chile make every possible effort to ensure that its negotiations with indigenous communities lead to a solution that respects their land rights. It also recommended that Chile expedite procedures to recognize such ancestral lands; revise any sectoral legislation that may contravene the rights spelled out in the Covenant; consult indigenous communities before granting licenses for the economic exploitation of disputed lands, and guarantee that in no case will exploitation violate the rights recognized in the Covenant. The Special Rapporteur on indigenous people made similar recommendations.
- Germany would be interested to learn how Chile will deal with this conflict concerning the ownership of land and territorial rights in future, also taking into account the recent ratification of the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and the obligations thereby incurred by Chile.

SWEDEN

- In 2004, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people made an urgent appeal to the Chilean Congress to agree to the constitutional recognition of indigenous peoples and their rights. The Committee on Economic, Social and Cultural Rights as well as the Committee on the

Rights of the Child made similar recommendations. The Special Rapporteur on indigenous people highlighted, further, that a serious long-standing problem affecting indigenous peoples concerns their ownership of land and territorial rights, particularly in the case of Mapuche. In its conclusions from its latest consideration in 2007 of Chile, the Human Rights Committee noted with concern the slow progress made in demarcating indigenous lands, which has caused social tensions. The Committee was disappointed to learn that “ancestral lands” are still threatened by forestry expansion and megaprojects in infrastructure and energy. It recommended that Chile make every possible effort to ensure that its negotiations with indigenous communities lead to a solution that respects their land rights.

- Could the Government of Chile elaborate on its position with regard to the legal protection of the human rights and fundamental freedoms of members of indigenous groups?

- In its conclusions from its latest consideration in 2007 of Chile, the Human Rights Committee expressed its concern about the restrictive abortion laws in Chile. CEDAW raised similar concerns and added that clandestine abortions are a major cause of maternal mortality. The Committee on the Rights of Children urged the State to review its criminalization of the termination of pregnancies in all circumstances, including in cases of rape, incest and situations where the life of the mother is at risk.

- Could the Government of Chile elaborate on its position with regard to its abortion laws and, including with regard to any plans to amend these laws and ensure that they are in line with Chile’s human rights obligations? How does the government work to prevent clandestine abortions?

THE NETHERLANDS

- The successive Concertación governments have tried several times to change the electoral law over the last two decades. Early April 2009 substantial changes with regard to automatic inscription, as well as the freedom to elect instead of the obligation to vote were approved by both Houses of Parliament. The present Government announced that these changes would not apply to the forthcoming elections in 2009. Why is it not possible for the Chilean government to accelerate the implementation of the new law thus allowing it to be effective before the next general and presidential elections of December 2009?
- Why is no mention made in the National Report of the proposed Anti Discrimination Law, that has been pending already for a long time in Parliament? How does the Chilean government respond to the observations made by Treaty bodies, as documented in report A/HRC/WG.6/5/CHL/2) under numbers 12-15, 26 and 33 as well as to the allegations made by stakeholders (NGO’s) in report (A/HRC/WG.6/5/CHL/3) under II, numbers 17-19, 24, 33 and 40?
- Expressing regrets that Chile has not ratified OP-CEDAW, the Netherlands would appreciate to hear the Chilean government’s view on the remarks made by the Treaty Bodies in report A/HRC/WG.6/5/CHL/2) under numbers 12, 30, 33 and especially 38 (abortion) as well as the points brought forward by stakeholders (NGO’s) in report (A/HRC/WG.6/5/CHL/3) under numbers 22, 37, and especially 42 – 44.

- Recognizing the progress Chile has made in its social policies towards ethnic minorities, the Netherlands would like to know why the Chilean government does not address any of the allegations of infringements to the rights of ethnic minorities made by both the Treaty Bodies as well as the stakeholders and NGO's in its National Report. The Netherlands would like to know what action the Chilean government will take in order to curb the use of disproportional violence by police forces towards protesters in general and to members of ethnic communities in particular. Furthermore the Netherlands would like to know why the Anti-Terrorism Law 18.314 has not yet been amended and been brought in line with earlier HRC recommendations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you tell us what steps have been taken to implement a national human rights institution in Chile in compliance with the Paris Principles?
Could you tell us what Chile is doing to address the discrimination some people are subjected to because of their sexual orientation in accessing health care and before the courts?
- What steps is Chile taking to address the discrimination faced by indigenous children in accessing healthcare and education? Has the bilingual intercultural programme for indigenous people been expanded?
- We would be grateful for further information on the support Chile is providing for teenage mothers to continue their education?
- Could you tell us if Chile has adopted a definition of torture in conformity with Article 1 of the Convention Against Torture?
- We would be grateful for further information on the measures being taken by Chile to address over-crowding in prisons and whether a system has been introduced to monitor the conditions of detention and prisoner-on-prisoner violence?
- Could you tell us how Chile is progressing on efforts to overcome the political obstacles to the amendment of the Constitutional Act on Popular Votes and Vote Counts, in order to guarantee the right to equal and universal suffrage?
- In line with the 2004 CESCR recommendation what is Chile doing to improve the standards of living amongst the indigenous community and people living in rural areas? What steps have Chile taken to integrate these people into society?
- What measures have Chile taken to promote the right to housing for those living in slum areas? Has a priority been placed on ensuring there is access to clean drinking water and sewage disposal in rural areas?

- In line with the ILO Committee of Experts findings in 2007 what is Chile doing to improve access to education for indigenous people, refugees and children living on poverty and rural areas?
- What action has Chile taken to increase access to emergency contraception for all women particularly for adolescents and victims of rape?
- Has Chile carried out any investigations into the cases of women suffering from HIV/Aids being subjected to forced sterilisation?
- What plans does Chile have to issue a standing invitation to the UN Special procedures?
