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National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Chile

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I. Introduction

1. The Chilean State and Chilean society are determined to strengthen the promotion and protection of all human rights and to foster a culture based on respect and non-discrimination. This forms part of a constant concern to perfect the quality of life in our democracy and is reflected in the various efforts made to comply with the recommendations accepted in 2009. Our interim report, submitted in March 2012, described the high level of progress made in implementing those commitments.
2. This report, which is submitted for the second UPR reporting cycle, sets out our achievements in the field of human rights and also describes the challenges our country has to face in the future (**recommendations 4, 8, 41 and 52**).
3. Chile recognizes that UPR is a key component of the multilateral system for the protection of human rights. It is an instrument for cooperation that seeks to strengthen the effective exercise of all human rights and fundamental freedoms throughout the world.

II. Methodology

4. This report has been jointly drawn up by the Ministry of Justice, the Ministry of Foreign Affairs and the Office of the Minister and Secretary-General of the Presidency. The Ministries of the Interior and Public Security, of the Secretary-General of the Government, of Defence, of Social Development, of Education, of Housing, of the Environment and the National Services for Women, for Older Persons, for Minors and for Persons with Disabilities also took part in the process.
5. Before writing the report, those responsible in each Ministry and Service took part in training organized by specialists from the OHCHR Regional Office for South America. The Government is grateful for the cooperation and technical assistance provided by the Regional Office and appreciates the valuable work it performs in monitoring, promoting and protecting human rights in the region.
6. Chilean society has always played a distinguished role in the field of human rights and this is recognized and encouraged by the Government. In this connection, on 16 May 2013 a meeting was held to engage in an open and cross-cutting dialogue between 96 individuals representing 63 civil-society organizations. The meeting was also attended by representatives of the Regional Office of OHCHR and of the National Human Rights Institution (INDH). The meeting was structured around seven thematic round tables at which the organizations had the opportunity to discuss the recommendations accepted by Chile after the submission of its first report in 2009; they then presented their conclusions at a plenary session.¹ The Government is grateful for and appreciates the participation of civil society with whom it hopes to pursue a constant and constructive dialogue.
7. This report has been structured in conformity with the guidelines of the Human Rights Council² under the following headings: the State's international commitments, institution-building, vulnerable groups and economic, social and cultural rights.

III. The State's international commitments

8. As a result of the entry into force, in December 2010, of the International Convention for the Protection of All Persons from Enforced Disappearance, Chile has become a State party to the nine core treaties of the United Nations system for the protection of human rights (**recommendation 2**). In addition, the ratification of the Rome

Statute of the International Criminal Court, in 2009, is a major milestone in the prosecution of crimes that seriously affect humanity as a whole (**recommendation 1**).

9. Within the framework of the Human Rights Council, Chile promotes the integration of the human rights of women and the gender perspective (Res.6/30), good governance and the work of civil society; it also actively participates in the thematic issues of childhood and disability and in strengthening the human rights treaty bodies and special rapporteurs, whose autonomy and independence it upholds. Chile believes that a constructive dialogue with all the mechanisms is a prerequisite for ensuring the efficacy of the multilateral system of protection.

10. Within the inter-American sphere, Chile is playing an active role in negotiations over the draft inter-American convention for the protection of the human rights of the elderly. It has also supported resolutions on issues relating to sexual orientation, HIV and AIDS, the right to truth, on disability and on education. Chile also participated very actively in the examination of the operation of and ways of strengthening the inter-American system so as to enhance its role in the region and guarantee recognition of its competence and jurisdiction, which led to the amendment of the Rules of Procedure of the Inter-American Commission on Human Rights (IACHR).

IV. Institutional strengthening

11. In order to strengthen human rights institutions, the State has carried out a number of initiatives designed to consolidate the legal and institutional framework underpinning the various actions undertaken by both the State and civil society to promote and protect human rights.

A. National Human Rights Institution

12. The first such step was the establishment, in December 2009, of the National Human Rights Institution (INDH) in accordance with the Paris Principles (Act No. 20.405), as an autonomous body under public law, with its own legal personality and resources (**recommendations 7, 10 and 11**). In November 2012, INDH received accreditation (category A) from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), in recognition of its work, its autonomy and its independence from the other branches of the State.

13. The mandate under which it operates is to promote and to protect the human rights of all persons living in Chile, as laid down in the constitutional and legal norms and in the international treaties signed and ratified by Chile, together with those deriving from the general principles of law recognized by the international community. The establishment of the Institution enhanced the comprehensive protection of human rights in Chile.

14. Its major activities include the following: the preparation of an annual report on the human rights situation in Chile (reports have so far been produced in 2010, 2011 and 2012); to further the harmonization of national legislation with the international treaties; to propose to State bodies any measures it believes necessary to foster the promotion and protection of human rights; to cooperate with the United Nations and competent regional and foreign institutions; to spread knowledge of human rights and, lastly, to initiate legal proceedings before the courts concerning crimes against humanity, torture or the disappearance of persons.

B. Anti-Discrimination Act

15. A second major step forward was the entry into force, in July 2012, of Act No. 20.609 which introduces measures to combat discrimination. The Act defines discrimination as “any distinction, exclusion or restriction that lacks reasonable justification, made by agents of the State or by private individuals and which deprives a person of, or disturbs or threatens the legitimate exercise of the fundamental rights laid down in the Constitution of the Republic or in the international human rights treaties ratified by Chile and which are in force, on grounds of race or ethnic identity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, membership or non-membership of or participation in trade union organizations, sex, sexual orientation, gender identity, filiation, personal appearance, illness or disability”.

16. The Act makes it possible to punish any act of discrimination and introduces a judicial mechanism effectively to restore the rule of law and represents a contribution to the culture of equality and diversity necessary for an inclusive democracy (**recommendations 20 and 28**).

17. Where State administrative bodies are concerned, the Act lays down the obligation to develop and implement such policies as are necessary to guarantee that persons do not suffer discrimination when they exercise their rights. Accordingly, through the Diversity and Non-Discrimination Section, the Office of the Minister and Secretary-General of Government (SEGOB) coordinates relevant intersectoral actions; significant among them are the Good Practices competition, which awards a prize to initiatives by public and civil-society bodies which show respect for diversity and non-discrimination; the provision of training, for 515 persons in 2012, and for 1,222 in 2013 on diversity and non-discrimination for civil servants and civil-society organizations, and the “First civic consultation on discrimination in Chile 2013”, which was translated into the Aymara, Mapudungún and Rapanui languages and which was intended to encourage participation in a public policy on diversity and non-discrimination.

C. Civic participation Act

18. In February 2011 Act No. 20.500 on associations and participation by citizens in the management of public affairs was promulgated. The Act regulates the constitution of non-profit associations and public-interest organizations.

19. The Act recognizes the right of people to participate in policies, plans, programmes and actions undertaken by the State and outlaws any conduct which excludes them from or discriminates against them, for no justified reason, in exercising this right. Moreover, administrative bodies are required to consider formal and specific means of enabling persons and organizations to participate within their sphere of competence and to update and publish information on those means via electronic and other similar media.

20. Lastly, the Act stipulates that consultative civil-society councils are to be established. The councils are to be diverse in composition, representative and pluralistic and composed of members of non-profit associations with an interest in the area of competence of the respective administrative body.

D. Use of force by the police and national mechanism for prevention of torture

21. In November 2011 the human rights department of the Carabineros de Chile (police) was set up. Its role is to promote the incorporation of human rights into the institutional

culture and practices of the police. In support of this policy, in January 2012 Carabineros signed a memorandum of understanding with ICRC.

22. At the end of 2012, Carabineros defined a protocol on the use of force, based on three universally recognized principles: lawfulness, necessity and proportionality. The protocol has been incorporated into operations to maintain law and order, and first of all into the special forces operations manual. It has subsequently been used to draw up the new protocols for intervention by the police. ICRC provided advice for the review process, which also gave consideration to the views of INDH, UNICEF and of civil-society organizations.

23. Education too is of great importance in promoting the human rights culture within the police force. In 2012, the alliance between ICRC and Carabineros made it possible to draw up human rights plans and programmes covering the whole of their training, including courses on the culture and rights of the indigenous peoples. For its part, in association with the Inter-American Institute of Human Rights, the investigative police (PDI) have adopted a comprehensive human rights training strategy as part of the curricula of the School for Investigative Police, the Higher Academy for Police Studies and the Professional Training Centre. Thanks to this alliance, in 2013 it was possible to hold the first international diploma course on “Human rights and citizens’ security in the framework of policing”, which addressed, among other topics, the use of force (**recommendation 44**).

24. The activities of Carabineros are monitored respectively by the Inspectorate-General’s Internal Affairs Department and by the assessments carried out by the Criminal Analysis Department. Noteworthy in this respect is the establishment, in 2009, of new administrative prosecution departments to investigate breaches of discipline in all Chile’s major police administrative divisions. Closed-circuit television has been installed in police vehicles used to transfer suspects and, since September 2012, observers from INDH have had access to vehicles and barracks holding persons deprived of their liberty (**recommendations 34, 40, 42 and 43**).

25. In December 2009, Chile informed the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that the functions of the national preventive mechanism would be transferred to the recently established INDH (**recommendation 14**). Since December 2012, the institution, in collaboration with the Ministry of Justice, has been drawing up implementing regulations. This task is a challenge that has to be met in order to strengthen Chile’s human rights institutions.

E. Office of the Under-Secretary for Human Rights and national human rights plan

26. The State appreciates that human rights are the foundation on which its relationship with citizens is built, and that respect for and the implementation of human rights is a task that is incumbent upon the State apparatus as a whole. The lack of any body responsible for harmonizing the work of the administration in this area led the Government to propose the creation of an office of the under-secretary for human rights, within the future Ministry of Justice and Human Rights. Apart from its coordinating role, the office will be charged with drafting a national human rights plan (**recommendation 15**), comprising a comprehensive and public document, setting out tangible and measurable objectives and actions, to serve as a guide for action by State agencies to promote and protect human rights. The bill on the establishment of the office of the under-secretary for human rights is currently being discussed in the Senate, in a first reading.

V. Achievements, best practices and challenges

A. Women

Equality

27. In compliance with the obligation of the State to adopt appropriate measures to prohibit all forms of discrimination against women, which is provided for under various international treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the Anti-discrimination Act included women as a protected category.

28. The National Service for Women (SERNAM) is currently implementing the Equal Opportunities Plan 2011–2020: towards a fair and jointly responsible Chile, which includes activities with various ministries and makes it possible further to develop public policies which empower women in society and include the gender perspective (**recommendations 18, 19, 20, 21 and 27**). Also noteworthy are the e-learning training opportunities available to educate civil servants about and improve their awareness of gender issues and the rights of women; 6,068 of them have so far benefited from the opportunities.

29. A bill concerning a range of amendments to the marital property regime has also been before parliament since 2011; the bill establishes equality before the law and the full legal capacity of both spouses (**recommendation 51**). Lastly, where the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women is concerned, the bill on its ratification is currently in a second reading (**recommendation 3**).

Political rights

30. At present, 14 per cent of members of parliament and 24.9 per cent of elected local officials are women. In 2013, in order to promote equality between men and women in political office, the Government presented a bill introducing financial incentives for female candidates, for political parties that support them and for women who are elected (**recommendations 7, 20, 21 and 26**).

31. Between 2009 and 2012, the proportion of members of trade unions who are women increased from 30.6 per cent to 33.5 per cent and the proportion of senior positions held by women from 19.8 per cent to 21.7 per cent. In order further to increase their participation, the Ministry of Labour has focused on the development of trade union skills with a gender perspective, requiring that a minimum of 40 per cent of those enrolled in diploma courses and 25 per cent of those in social dialogue courses run by the Ministry should be women.

Gender violence

32. Act No. 20.480 was promulgated in December 2010. The Act broadens the definition of the crime of parricide to include former spouses and former partners and defines the crime as femicide when the victim is a woman. In March 2013, a bill based on the conclusions of an intersectoral round table was introduced penalizing violence, including sexual and economic violence, in relations between couples who do not live together (**recommendation 22**).

33. SERNAM is responsible for coordinating the National Plan of Action to Combat Domestic Violence, in which it has involved actors from the public sector and from civil society. It works in direct coordination with non-governmental organizations in managing and implementing public resources providing care, protection from and preventing domestic violence, principally through the women's centres and shelters for women victims of violence and the re-education centres for men who resort to violence. Finally, in 2012

SERNAM signed an agreement with INDH to train civil servants, and in particular judicial officials, on gender issues and the human rights of women (**recommendations 23 and 24**).

34. In 2013, a community-based strategy to raise awareness was implemented to strengthen support networks for women who complain of or suffer from violence to ensure that they do not withdraw their complaints and to form a ring of trust around women and community leaders, enabling them to detect cases of violence at an early stage.

35. Where violence experienced by women belonging to the aboriginal peoples is concerned, SERNAM has introduced a mobile intercultural centre in the Araucanía region; the centre, which focuses on the rural Mapuche population, also works among Pehuenche women in the Alto Bío Bío.

Indigenous women (recommendation 18)

36. The State recognizes the overarching role played by women as the bearers of an intangible heritage. Accordingly, 53 per cent of those who teach the Bearers of Tradition programme, which teaches primary- and secondary-school pupils about the intangible cultural heritage, are indigenous women.

37. The National Indigenous Development Corporation (CONADI) has set up Indigenous Women's Boards in seven of Chile's regions. The boards address issues such as preventive medical care, maternal health, tools to support entrepreneurship, the associative business model and the rights set forth in the ILO Indigenous and Tribal Peoples Convention, 1989, (No. 169). The Corporation has also signed agreements with SERNAM and the Programme to Support Implementation of Human Settlements Policies (PRODEMU) on the coordination and implementation of joint activities to promote the participation of indigenous people in the economic, political, social and cultural spheres so as to reduce the exclusion and discrimination affecting them. Since 2009, ad hoc programmes have been implemented, such as the **Competition for small firms and microenterprises run by indigenous women**, under which a total of 318 Mapuche women, mainly from rural areas, received US\$ 631,986;³ and the **Competition for entrepreneurship among Mapuche women in towns**, under which more than 200 women have so far received US\$ 380,099.

The right to health and sexual and reproductive rights (recommendation 22)

38. In 2010 Act No. 20.418 was enacted. The Act sets norms on information, counselling and services regarding birth control and establishes government policy on sex education and free access to emergency contraceptives in the public-health system. In 2011, 36 per cent of women of childbearing age used contraceptives provided by the Ministry of Health's birth-control programme.

39. SERNAM caters for pregnant women and adolescent mothers through its AMA programme. In addition, the Specialized Centre for Care and Support during Motherhood answers calls and provides free counselling for anyone facing problems relating to motherhood or fatherhood.

Work (recommendations 25 and 26)

40. Chile appreciates the huge importance of work by women in the country. This is why one of the major thrusts of its labour policy has been to encourage women to join the labour market; whereas in February 2010 there were 2,656,626 women in employment, by 2012 the figure had risen to 3,075,105.

41. Action by the Government has been primarily centred on increasing training for women and enhancing their employment and entrepreneurship opportunities and secondly

on helping them to achieve a life-work and on encouraging men and women to share responsibility for family life. This has been implemented via four programmes: **(a) the programme for working women heads of households**, which makes available tools to overcome the main barriers affecting access to the labour market; **(b) the 4 to 7 programme**, which provides support for women caring for children aged from 6 to 13 years of age, in the form of after-school educational and recreational activities for children; **(c) the women in business programme**, which forms networks and alliances to build up and develop the entrepreneurial skills of women so as to foster sustainability and magnify the growth of their businesses; **(d) the good labour practices programme**, intended for public and private organizations, which fosters practices designed to narrow gaps, improve career opportunities and achieve equal access to decision-making positions for women.

42. In September 2013, the Government submitted a bill to introduce social security for pre-primary education at the *cuna* (up to 2 years of age) and *medio menor* (from 2 to 3 years of age) levels; the purpose of the bill is to ensure that pre-primary education is available to all working women.

43. Moreover, Chile is the first country in Latin America to have introduced a certified gender-management model, known as “NCh 3262 management systems-management of gender and equality and the life-work balance”.

B. Children and adolescents

44. Chile Crece Contigo (Chile grows with you) (CHCC) is a comprehensive child-protection subsystem under the responsibility of the Ministry of Social Development. Its purpose is to enhance child development, and in particular the development of vulnerable children (**recommendation 56**). CHCC provides individualized follow-up of the development of children during early childhood and combines benefits and specific services in accordance with their needs at each stage of their growth. It also provides support for the families and communities in which children grow up in order to ensure that they do so in suitable conditions and in an environment that is appropriate, friendly, inclusive and hospitable and which meets the specific needs of each Chilean child. Access to nurseries and kindergartens is one of the specific services for vulnerable children that is guaranteed by the Act governing the subsystem. In 2012, CHCC catered to a total of 895,573 pregnant women and children.

Reintegration of young people (recommendation 50)

45. In June 2013, a total of 14,162 adolescents (1,495 female and 12,667 male) were serving some form of criminal penalty in Chile. Of the total, 12.9 per cent (5.6 per cent of the total number of females and 12.3 per cent of the males) were serving their sentence in a closed or semi-closed centre while the remaining 81.1 per cent were serving their sentence outside.

46. In 2012, as part of the effort to strengthen reintegration, the Adolescent Criminal Responsibility Act was amended so as to allow adolescents to leave closed centres for education, work or training. Another step forward has been the implementation of the 11 measures of the so-called Plan for Youth, which are designed to improve living conditions on premises where they are deprived of their liberty. To this end, among other measures the budget assigned for training young persons serving a sentence either in or outside a closed centre was increased from US\$ 271,834 in 2012 to US\$ 1,152,645 in 2013. In addition, training has constantly been provided for staff, in particular those who work directly with adolescents, with a total amount of US\$ 278,804, being assigned to train 539 staff members in all Chile’s closed centres.

Combating the worst forms of child labour (recommendation 53)

47. Chile is engaged in a variety of efforts to combat the different forms of violence affecting children and adolescents, including the worst forms of child labour and commercial sexual exploitation of children. As well as helping to implement the Second Framework for Action 2012–2014, under the leadership of the Ministry of Justice, SENAME operates 16 specialized projects for the victims of the commercial sexual exploitation of children in 10 of Chile's regions. In 2012, these programmes catered to 1,209 child and adolescent victims – 995 female and 214 male. At the same time, 94 specialized intervention programmes continued to operate throughout Chile along with 120 Offices for the Protection of Rights to prevent commercial sexual exploitation of children.

48. Since 2010, an annual course on the commercial sexual exploitation of children, involving some classroom teaching, has been provided by the Inter American Children's Institute under the technical leadership of SENAME; the course is designed for members of teams dealing with the commercial sexual exploitation of children, teams working with street children, teams from comprehensive intervention programmes and for representatives of relevant public agencies. In 2012, training was provided for 170 professionals.

49. An intersectoral panel deals with the worst forms of child labour; its objectives include the drafting of a protocol on the provision of care for the victims of commercial sexual exploitation of children and the development of agreements to make it possible for them satisfactorily to return to school. A single register of the worst forms of child labour has been developed, which consolidates information on all children and adolescents whose rights have been violated by economic exploitation, in order to coordinate this task. In 2012, the system registered 870 cases, 63 per cent of which concerned males and 37 per cent females. A total of 83 per cent of the cases detected involve persons over 15 years of age.

Street children and adolescents

50. Between January and June 2013, SENAME attended to 422 street children and adolescents through seven projects nationwide. A technical panel also convenes representatives from the projects in order to review methods of intervention and to further develop the gender and sexual diversity focus in designing joint strategies. For its part, the street children programme of the Ministry of Social Development catered to 178 children in six of Chile's regions.

C. Migrants**Human trafficking (recommendation 36)**

51. In respect of human trafficking, Act No. 20.507 came into force in April 2011. The Act classifies the offences of illegal trafficking in persons and introduces norms to prevent and more effectively prosecute the crime and adapts the norms of criminal law to the Palermo Protocol. The new legislation offers temporary residence for victims and ensures their physical and mental integrity. As of September 2013, 77 victims had obtained a special residence permit.

52. Since the Act came into force, the State has taken a number of initiatives such as the establishment of a special brigade dealing with human trafficking within the investigative police, the inauguration by SERNAM, of a shelter for women victims of trafficking and the inauguration by the Under-Secretariat for Crime Prevention and the Santiago municipal authorities of a specialized centre to care for victims of trafficking. For its part, the Under-Secretariat of the Interior has reactivated the Intersectoral Panel on Trafficking in Persons, composed of public and private bodies, which is currently drawing up and implementing a

national plan of action on trafficking in persons. The Panel has also provided a number of training courses for agencies that play a key role in identifying victims of trafficking.

Refugees (recommendations 56 and 71)

53. Act No. 20.430 on protection of the rights of refugees was promulgated in 2010, thereby fulfilling Chile's international commitments in this area. The new legislation lays down a broad definition of the term refugee, recognizes the principles of non-refoulement, the higher interests of the child, family reunification and cost-free issue of documents. The Act also clearly sets out the rights of refugees, lays down a procedure for awarding refugee status and the grounds on which that status may be withdrawn. Applicants for refugee status are granted temporary resident status while their application is being processed and are entitled to all the social benefits offered by the State; they acquire permanent resident status as soon as they are awarded refugee status. Between August 2009 and August 2013, Chile awarded refugee status to 311 persons.

54. Integration of the refugee population in Chile has progressed since 2010 as a result of the implementation of the Financial Support Programme for Applicants for Refugee Status and Refugees, which is implemented via agreements on the transfer of funds to competent private bodies. From January 2012 to August 2013, 677 aliens benefited from the programme.

The rights of migrants

55. Chile has implemented a policy to accept and integrate migrants by applying the principle of encouraging regular resident status. The State guarantees all migrants certain rights, regardless of their migratory status, such as labour rights, health rights for pregnant women, the right to schooling and preschool education for children and adolescents and access to the Child Protection Network and the Network to Protect Victims of Domestic Violence.

56. In June 2013, the Executive branch submitted to Congress a bill to update legislation on migration by adopting a human rights focus, explicitly recognizing the rights of regular and irregular migrants and establishing the obligation to define a national policy on migration. The bill also strengthens the State's commitment to combat trafficking in persons and is in harmony with the new legislation for the protection of refugees.

D. Indigenous peoples

Improving the situation of indigenous peoples (recommendations 16, 18, 19 and 59)

57. Since 2010, the policy followed towards indigenous peoples has been known as "Historic rediscovery" and focuses on a dialogue with the nine indigenous peoples in Chile in order to ensure they have access to opportunities for development, while fully respecting their rights, traditions, identity and culture.

58. An essential element of this policy is the implementation of the ILO Indigenous and Tribal Peoples Convention, 1989, (No. 169) and recognition of the need for a comprehensive approach by the State to indigenous issues, which led to the establishment, in 2010, of the Council of Ministers for Indigenous Affairs.

Consultation of indigenous peoples and recognition for indigenous peoples in the Constitution (recommendations 62, 63, 64, 66 and 67)

59. A consultation on indigenous institutions began in March 2011. In September of the same year, taking into account the comments of several indigenous peoples' organizations,

the Government introduced changes into the process by altering methodological aspects of the consultation in conjunction with institutions representing indigenous peoples. Both the leaders and the Government felt that without a procedure for consultation, progress was impossible in other areas such as constitutional recognition (**recommendations 57 and 58**); accordingly, the discussion focused on defining a legislative and methodological framework for organizing the consultations and at the same time defining a tool capable of incorporating a prior and distinct consultation of indigenous people into the System for Environmental Impact Assessment (SEIA).

60. Against this new background, for more than a year SEIA carried out a consultation to incorporate consultation of indigenous people into its new regulations whenever a project within its remit concerns indigenous peoples. As a result of the introduction of the regulations in August 2013, for the first time the new environmental legislation includes a prior and distinct consultation of indigenous peoples.⁴

61. At the same time, following a dialogue with various indigenous organizations, in August 2012 the Government presented its “Proposal on Norms for Consultation and Participation”. After more than a hundred workshops, at which they were advised by experts — and with the support of the Government — the indigenous organizations put forward their counterproposals, after which a round table for consensus was formed by representatives of the organizations and the Government. The United Nations system and INDH were invited to attend as observers.

62. When the representatives of the indigenous peoples and the Government had completed their work they signed a protocol setting out the agreements reached on 17 of the 20 articles that will comprise the new norms. Noteworthy among them are the repeal of Supreme Decree No. 124, the definition of the term “consultation”, the bodies responsible for carrying out a consultation, the representative persons and institutions to be consulted, the role to be played by CONADI during the consultation, definition of the term “good faith” and of appropriate procedures, designation of the person responsible for the consultation process, the requirement for the consultation to be held prior to a project, evaluation of the appropriateness or relevance of holding a consultation and, above all, the required form, stages and deadlines for holding a consultation. The protocol also sets out the issues over which full agreement was not reached; they include definition of what constitutes “directly affecting”, the measures subject to consultation and the projects or activities that fall within the remit of SEIA. The main outcome of the process was the establishment of an opportunity for dialogue which has made it possible to progress towards building a multicultural country in an effort to restore confidence between the indigenous peoples, the State and the rest of society.⁵

Application of the Counter-Terrorism Act to indigenous peoples (recommendations 68, 69 and 70)

63. Under the Counter-Terrorism Act (No. 18.314), the Ministry of the Interior and the regional and provincial governors are authorized to bring criminal proceedings against anyone responsible for the acts covered by the Act. The Ministry of the Interior has in no circumstances drawn up guidelines or policies to apply the Act to the indigenous peoples. The Act is applied solely to offences under investigation which come under the categories defined by the Act and not to participation by members of the aboriginal peoples or specific groups. This is confirmed by the fact that only 3 of the 111 complaints lodged by the Ministry concerning the Araucanía region invoke Act No. 18.314, on account of the seriousness of the incidents and the existence of elements constitutive of criminal offences.

Land claims (recommendations 65, 66 and 68)

64. The Government has developed transparent mechanisms to transfer land; this has involved drawing up a list of communities with land claims, based on how old the claims are.

65. There are two mechanisms whereby land may be purchased for indigenous communities. The first relates to claims or demands for restitution of lost land (article 20.a of the Indigenous Peoples Act) and the second involves an annual selective application process for land awards to socially vulnerable families (article 20.b of the Indigenous Peoples Act). The latter programme has been considerably developed because it is perceived as a fair and transparent process — based on annual selective applications using objective criteria — for awarding land to communities that apply and qualify as vulnerable.

Table 1

Summary of the area purchased by CONADI, 2010 – 1st semester 2013 (hectares)

<i>Year</i>	<i>Surface purchased</i>		<i>Total</i>
	<i>20 a)</i>	<i>20 b)</i>	
2010	–	3 305	3 305
2011	3 683	10 334	14 017
2012	3 756	15 989	19 745
August 2013	3 343	2 579	5 922
Total	10 782	32 207	42 989

Efforts to combat poverty (recommendations 54, 60 and 61)

66. In Chile, according to the 2011 National Social and Economic Survey (CASEN) there are 1,369,563 indigenous people, equivalent to 8.1 per cent of the estimated population of Chile. The survey was used as a basis for measuring attainment of the Millennium Development Goals (MDGs) among the indigenous population. The findings of the survey were very valuable in setting priorities and targeting policies for the indigenous peoples.

Indigenous development and entrepreneurship

67. Between 2009 and 2012, the number of families covered by the Indigenous Territorial Development Programme increased from 3,000 to 30,000; the Programme fosters the development of land and its cultivation by landholders through training and grants to provide working capital and investment.

68. In 2012, the first Mapuche Chamber of Commerce was set up and support continued to be provided for the National Mapuche Assembly, which brings together Mapuche professionals from various walks of life. The Government has also encouraged the creation of a nursery for indigenous women's production projects and has done the groundwork for an indigenous investment fund to provide support for the development of projects.

69. In the same year the Social and Economic Development Plan for the Araucanía Region was adopted; the plan provides for a 4.5 million dollar investment of public funds, over four years and has so far produced an average economic growth of 5.4 per cent in the region, created 38,508 jobs and reduced poverty among the indigenous population from 27.1 per cent in 2009 to 22.9 per cent in 2011.

70. In addition, in respect of compliance with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), mention should be made of the amendment to Decree Law

No. 701 on the development of the forestry sector whereby two major changes were made: payment of a grant for land purchased with funds provided by CONADI and the possibility of using the land for other purposes if the owners so wish.

71. In order to fund these and other programmes, CONADI has considerably increased its budget:

Table 2

Budget overview CONADI 2010–2013 (US dollars)

	2010	2011	2012	2013
Land and water fund	55 497.20	58 301.09	59 933.53	61 671.60
Development fund	4 210.23	6 811.31	7 231.34	9 069.86
Cultural fund	1 279.85	1 582.41	1 626.77	2 319.44
Scholarships	15 185.99	21 112.76	21 703.92	26 252.29
Total budget⁶	86 998.81	99 066.12	119 447.20	127 096.68

Health and education

72. The Ministry of Health (MINSAL) operates the Special Programme for Indigenous Peoples, whose aim is to incorporate the knowledge and practices of indigenous peoples into health care. The Programme operates in 26 health services nationwide. In the Araucanía region five intercultural health centres operate and in December 2012 the Easter Island Hospital, which is adapted to provide traditional medicine, was opened. Act No. 20.584, which was promulgated in 2012, regulates peoples' rights and duties in respect of health care and provides recognition for and protects the knowledge and healing practices of indigenous peoples.

73. In respect of culture and education (**recommendation 64**), the Language Rescue Plan was launched in 2012 after it had been found that only 11 per cent of the indigenous population speak and understand their language. Ten thousand people were trained during the Programme's first year. In addition, more than 150 intercultural kindergartens, which use teaching tools based on the culture of the indigenous peoples, have been established. The teaching of indigenous languages is provided in 44 of them.

74. The bilingual intercultural programme (**recommendation 55**) has made it possible to teach the indigenous language in schools. In 2013, its coverage extended to 500 schools and more than 60,000 pupils. In addition, between 2010 and 2013 five secondary schools of multicultural excellence were established all of them in the Araucanía region.

75. In 2012, the number of scholarships awarded to indigenous students rose significantly to the historic figure of 69,758 worth a total of US\$ 24,186. The funds allocated to the 13 indigenous students' homes increased by US\$ 331,776.

E. Persons with disabilities

76. In Chile, one out of every eight people has some form of disability. Act No. 20.422 on equal opportunities and social inclusion of persons with disabilities came into force in February 2010, in order to incorporate the new standards deriving from the adoption of the United Nations Convention on the Rights of Persons with Disabilities. This legislation introduced a new institutional framework comprising the **Consultative Council**, whose main function is to ensure effective participation and a social dialogue, the **Interministerial Social Development Committee**, charged with ensuring compliance with the law, its consistency and coordination between different sectors, and the **National Disability**

Service, which is responsible for promoting equal opportunities, social inclusion, participation and ease of access for persons with disabilities.

77. During 2012 and 2013, a process of consultation and consensus-building took place with civil-society actors and public and private institutions concerned by disability to develop a draft national policy for the social inclusion of persons with disabilities and a draft national plan of action for the social inclusion of persons with disabilities (2012–2020).

78. In addition, the National Service for Persons with Disabilities (SENADIS) has signed a number of agreements to ensure that disability is included as a variable in the programmes and policies of public and private bodies. Noteworthy among them are the agreement with the Ministry of Education (MINEDUC), which in 2012 alone made it possible to award more than 300 scholarships exclusively to higher-education students with disabilities and the implementation, in 2013, of projects worth more than US\$ 679,009 to improve access for higher-education students with disabilities. Equally noteworthy is the agreement with the administrative corporation of the judiciary to ensure that persons with disabilities have access to justice and to publicize their rights, involving efforts to adapt courts and the court environment to their particular needs and appropriate training for judicial officials and judges.

79. Act No. 20.422 recognizes sign language as the natural means of communication of the community of deaf persons. In 2011, the regulations establishing norms for the use of audiovisual media to provide access to television programmes for persons with hearing disabilities were adopted.

F. Elderly persons

80. In response to the rapid ageing of Chile's population, the National Service for Older Persons (SENAMA) has developed a comprehensive policy for positive ageing for the years 2012 to 2025. The policy is the outcome of cooperation among all ministries and pursues three major objectives: to protect the functional health and the self-sufficiency of elderly persons; to improve their integration into social, cultural and economic life and to increase their perceived level of well-being.

81. Two noteworthy measures have been implemented in support of this policy: firstly, since November 2011, exemption from payment of the statutory 7 per cent health-care contribution or, since December 2012, the reduction of the contribution from 7 to 5 per cent, for elderly persons who meet the requirements set by law; the contribution is borne by the State and more than 740,000 persons benefit from the measure. Secondly, the adoption, in 2010, of Act No. 20.427 whose purpose is to penalize the ill-treatment of elderly persons and which explicitly obliges the State to adopt policies to prevent domestic violence against elderly persons and to provide assistance to the victims. As a result, since 2012, SENAMA has operated a national programme to combat ill-treatment and abuse of the elderly; as of August 2013, the programme had provided assistance to 698 persons and has carried out 254 activities throughout Chile.

82. Other noteworthy measures are the programmes providing day-care centres and home care and the grants available for non-profit long-term residential establishments, all of which are intended to cater for and rehabilitate dependent elderly persons. The Government will shortly submit to Congress a bill to establish a competitive grant fund for the benefit of vulnerable elderly persons or elderly persons who are the victims of ill-treatment.

83. SENAMA has played an active role on behalf of Chile at international forums such as the follow-up meetings on the Brasilia Declaration, the Third Regional

Intergovernmental Conference on Ageing in Latin America and Caribbean, the sessions of the United Nations Open-ended Working Group on Ageing for the purpose of strengthening the protection of the human rights of older persons and the sessions of the OAS Working Group on a draft inter-American convention for the advancement and protection of the rights of older persons.

G. Lesbians, gays, bisexuals, transsexuals and transgender persons

84. The Antidiscrimination Act provides specific protection for sexual orientation and gender identity. As an illustration, the first sentence handed down by a court, in December 2012, in response to a case brought under the Act condemned the discrimination suffered by a lesbian couple.

85. In the legislative sphere, the Government has submitted a bill to establish a civil partnership agreement — currently at the first stage of consideration — governing the legal aspects of life as a couple for both heterosexual and homosexual couples.

H. Persons deprived of liberty

86. Chile has taken a number of steps to ensure that persons deprived of their liberty are able to serve their sentence under decent conditions that help to prepare them for reinsertion into society (**recommendation 35**). A first measure was the 11-step plan to improve conditions in prisons — involving an investment of US\$ 4,903,952 — dealing with problems of prison facilities, security, living conditions, sanitation and food.

87. The review and optimization of the layout of privately-run prison facilities and a policy to rationalize the use of custodial penalties has made it possible to reduce overcrowding from 57.5 per cent in 2010 to less than 23 per cent in 2013. During the same period, a total of US\$ 34,170,271 was invested to provide prisons with safety features and equipment and US\$ 29,266,319 to renovate facilities and to equip prison fire brigades.

88. Chile has developed a new approach towards social intervention and reinsertion, as a result of which persons deprived of their liberty are able to develop cognitive, psychosocial and occupational skills. In 2011, the Ministry of Justice issued regulations on work by persons deprived of their liberty to encourage and regulate productive work by detainees in prisons. Since the regulations came into force, the proportion of the prison population engaged in work has risen from 13.2 to 18 per cent, including an increase in the number of prisoners working under contract for firms in prisons from an average of 613 to 898 in 2013.⁷ Lastly, there are 98 educational establishments providing primary and secondary education in prisons; thanks to these establishments, in 2012 some 15,225 prisoners completed the school year.

89. In Chile, in 2012 women made up 8.7 per cent of the prison population. In the same year, a round table of State and civil-society institutions was organized to address prison policy from a gender perspective. The round table gave rise to a number of initiatives, such as the social skills for women programme — designed to develop their personal empowerment and reduce the likelihood of them becoming repeat offenders — and the Open Roads programme — a comprehensive strategy to provide support for the children in the womb or breastfed children whose mother is deprived of her liberty.

90. Lastly, in 2012 Act No. 20.603 was adopted in order to ensure that custodial sentences are actually used as a last resort. The Act establishes a new system of penalties in place of custodial penalties or penalties restricting liberty. The main purpose of the system

is to strengthen monitoring of the alternative penalties, to foster social reinsertion and to afford protection for victims.

I. Access to justice

91. As part of the modernization of Chile's system of civil procedure (**recommendations 5, 12, 13 and 37**) and in order to ensure that the civil courts are more egalitarian and accessible, in March 2012 the Government submitted to Congress a draft new code of civil procedure, which is currently at a first reading.

92. With the same aim of developing more citizen-friendly means of resolving litigation, since 2011 the Ministry of Justice has been carrying out a practical trial-run of a programme of neighbourhood justice units, whose purpose is to offer means of resolving neighbourhood or community conflicts using procedures for reconciliation, arbitration or derivatives of them (referral to a local police court or networking). In August 2013, the programme was operating in the Metropolitan Area through 4 offices catering for 20 communes. The offices had heard 13,919 cases and taken 39 days on average to settle them.

93. In the field of criminal justice, in January 2013 the Government submitted a bill to improve the Code of Criminal Procedure. The bill gives victims and complainants greater control over the progress of the criminal prosecution and introduces specific conditions for organizing identification parades of suspects in order to ensure they are valid and impartial. In addition, since 2013 the Ministry of Justice has been preparing a new Criminal Code (**recommendations 6 and 29**), the main thrust of which is to introduce legislation that matches the nature of contemporary crime, inter alia by restoring the systematic basis of criminal legislation, incorporating contemporary theories of criminal law in respect of criminal involvement, perpetration of a crime and causality and adopting a standard criterion as a basis for setting theoretical penalties. In preparing the new Criminal Code, attention was paid to improving the definition of torture contained in Chilean legislation (**recommendations 32 and 33**).

94. The tax and customs courts and the environmental courts have been established to ensure that people are able to turn to impartial and properly trained bodies to hear highly complex litigation.⁸ The tax and environmental courts, which came into being between 2010 and 2013, are courts under the authority of the Supreme Court, whose remit is to settle tax and customs claims lodged by natural or legal persons against decisions taken by the internal revenue or customs administration.

95. With regard to access to justice by specific groups, we should mention the inter-agency round table on access by migrants to criminal justice, which comprises the Public Prosecution Service, the Public Criminal Defender Service, the Ministry of Justice, the Ministry of Foreign Affairs, Carabineros and the Investigative Police, which has agreed to implement 3 measures: firstly, the 10 commandments setting out the rights of victims and detainees, which are publicly displayed in every police station and which, thanks to the work of the round table, mentions the right of aliens to receive assistance from their consulate and are displayed on posters in Spanish and English. In addition, each police station has a copy of these 10 commandments translated into English, French, German, Portuguese and Chinese, as well as into the Mapudungun, Quechua, Aymara and Guaraní indigenous languages. The second measure is a new version of the document used to inform detainees and victims of their rights, which is available in the same languages. Lastly, the third measure is the implementation of a system whereby the police directly inform the Ministry of Foreign Affairs in order for it to notify consulates whenever one of their citizens has been the victim of an offence or has been detained in connection with an offence, provided the victim or detainee have given their assent to such notification.

96. As regards indigenous peoples, the Public Criminal Defender Service has extended the scope of its Mapuche Criminal Defender Service to that of Indigenous Criminal Defender Service, thereby expanding its service to the whole of Chile. In 2010, the Service assisted a total of 1,776 suspects of indigenous origin; the figure rose to 7,074 in 2011 when the Service was expanded to 16 offices nationwide. In 2012, the Service represented 5,636 persons of indigenous origin. The Service is operated by specially trained professionals including intercultural facilitators who belong to indigenous peoples. In 2011 more than 140 defenders were trained to provide assistance taking into account the relevant cultural factors and in 2012 an academy of indigenous criminal defence was held. The academy was attended by 51 defenders and involved 500 hours teaching covering the use of expert investigation, the world view of the indigenous peoples and the standards set by ILO Convention No. 169 and other international treaties. CONADI also operates a legal defence programme for civil matters which provides assistance to individuals and communities at their request.

97. Regarding military justice (**recommendations 46, 47, 48 and 49**), in December 2010 Act No. 20.477 was promulgated. The purpose of the Act is to adapt the system of military justice to international standards in order to guarantee the right to a fair trial. The Act amends the sphere of competence of the military courts, limits military jurisdiction and totally precludes the possibility of civilians and minors being tried by the military courts.

98. At the time of writing no civilians are accused, facing trial or have been convicted by any army, navy or air force prosecution service or by the military courts; after the introduction of the reform, a six-month deadline was set for the transfer to the civilian courts of any trials under way or pending before the military courts. A total of 2,195 cases were thus transferred.

99. Lastly, a working group is considering ways of furthering a substantive and procedural reform of military justice; the group is examining the restriction of the death penalty in the few circumstances in which the Code of Military Justice provides for it and which solely concern offences by military personnel in time of war (**recommendation 30**).

J. Truth, justice and reparation

100. In December 2009 Act No. 20.405 was adopted in order to continue the process of truth, justice and reparation for the victims of human rights violations during the military dictatorship. The Act extends the remit of the Ministry of the Interior and Public Security's human rights programme and authorizes it to bring legal proceedings with, as a priority, investigations into acts that affected the victims of extrajudicial executions or murders and enforced disappearances or abductions in the context of crimes against humanity and/or war crimes. The programme actively participates in the relevant trials and assists, informs and accompanies the relatives of victims whenever necessary (**recommendations 9 and 45**). Between May 2009 and September 2013 the programme lodged 737 criminal complaints for human rights violations committed between 1973 and 1990. The complaints concerned 1,000 victims recognized by the National Commission of Truth and Reconciliation and the National Compensation and Reconciliation Board. The programme is currently involved in 837 criminal trials concerning a total of 1,672 victims. During the same period, 83 final sentences, 78 of them convictions, were handed down.

101. We should also mention the work of the brigade responsible for investigating human rights offences of the Investigative Police and the Forensic Legal Service, whose work has been highlighted by bodies such as the United Nations Working Group on Enforced or Involuntary Disappearances.⁹

102. In 2010, the Presidential Advisory Commission on recognition of the status of political prisoners who disappeared and were executed and the victims of political imprisonment and torture was established. Its report was submitted to the President of the Republic in August 2011. The document recognizes 30 new cases of political detainees who disappeared and were executed and 9,795 political prisoners who were tortured.

103. Amnesty Decree-Law No. 2.191 (**recommendations 38 and 39**) is not applied by Chile's courts, which have universally held that it does not apply to crimes and offences involving human rights. Without prejudice to the foregoing, we should mention that a bill whose sole article is intended to set the actual meaning and scope of the grounds for extinction of criminal liability established in article 93 of the Criminal Code, is currently in a second reading. The bill stipulates that amnesty, pardon and the statute of limitations for criminal actions and penalties shall not apply to crimes and offences classified by international law as genocide, crimes against humanity and war crimes.

104. Chile has unswervingly pursued a policy of providing reparation for the victims of human rights violations (**recommendation 31**). Accordingly, the Human Rights Programme has attended to and advised 2,317 victims including persons recognized as political prisoners and persons not recognized as such, exiles, returnees and people dismissed from their jobs on political grounds. The Programme has also provided assistance to 5,876 relatives of victims who were executed or who disappeared and has been the lead agency in carrying out 23 symbolic reparation projects with a budget of US\$ 420,435. The policy of reparation has also been pursued via the award of pensions and through health, education and other programmes. In 2012 the number of beneficiaries of these programmes was 104,805 and a total of US\$ 348,134,724 was spent on reparatory pensions alone.

105. Lastly, in fulfilment of the State's duty towards historical memory, which is fundamental to averting a repetition of serious human rights violations, in January 2010 the Museum of Memory and Human Rights was inaugurated in Santiago. The Museum marks an act of moral reparation to the victims of human rights violations by the dictatorship and has made it possible for thousands of people to reflect on that past. During the first year after it was opened, the Museum received more than 103,000 visits, a figure which rose to 202,145 in 2012.

K. Economic, social and cultural rights

Education

106. Education has been one of the main thrusts of the Government's efforts. Since 2010, a strategy to resolve three of the main problems facing education in Chile — funding, coverage and quality — has been deployed; this has involved an increase of more than US\$ 3,300 million¹⁰ in resources allocated to education between 2010 and 2014, equivalent to an increase of 35.3 per cent. In 2014, the Ministry of Education will have the largest budget of all the ministries, US\$ 9,445,866 million, representing 21 per cent of the entire annual budget of the central Government.

107. In the legislative sphere, there have been several significant steps: the adoption of Act No. 20.501 on quality and equity in education; of Act No. 20.529 establishing the national system to ensure the quality of and to supervise preschool, basic and intermediate education; of Act No. 20.536 on violence in schools and of Act No. 20.637 to increase State subsidies to educational establishments. The draft constitutional reform, which was submitted in June 2013, is also vital to the attainment of these objectives. Under the reform, preschool education, which is the stage during which the principal cognitive and non-cognitive developments take place, will become mandatory.

Education in rural areas

108. The level of coverage of basic education in rural areas in Chile is 94 per cent. The challenges requiring a response in this area mainly concern the attainment of national standards of learning, the provision of better technical and educational facilities and expanding the coverage of preschool education. In order to take up these challenges, a range of policy measures have been implemented. These include the nationwide presence of 379 “Rural Microcentres for Teachers”, which are local support networks for teachers in rural areas, covering 62 per cent of rural schools; the “*Escuela +*” (School +) programme, which offers access to virtual teaching tools; the *Enlaces* (Links) programme, which supplies and updates computer equipment for rural schools and develops specialized interactive teaching tools for rural schools, thus enhancing the connectivity of education in rural areas; rural school transport to help overcome absenteeism because of distance or accessibility and the preschool and nursery school programme whose aim is to ensure that the obligation to provide education and full formal educational coverage for children aged from 4 to 5 is attained by 2015. In addition, a range of preferential benefits have been maintained to guarantee the education of the most vulnerable children in rural areas, together with special bonuses for teachers who teach in rural schools (**recommendations 55 and 56**).

Human rights education

109. The second article of the General Education Act, which was adopted in 2009, stipulates that “Education is the process of permanent learning that embraces the different stages of peoples’ lives and which (...) is based on respect for and appreciation of human rights and fundamental freedoms.” Accordingly, the primary education curriculum includes teaching pupils to understand and appreciate the natural, social and cultural environment, together with specific classes on the rights of the child. Secondary education explores these subjects in greater depth and also includes the study and examination of the human rights violations that occurred under the dictatorship. Lastly, a survey carried out in higher education establishments as part of the World Programme for Human Rights Education of the Office of the United Nations High Commissioner for Human Rights (OHCHR), found that 48.2 per cent of them include the development of human rights as a subject in their strategic corporate plans and that 63.5 per cent have included it as a specific subject in the curriculum (**recommendation 17**).

Health

110. The greatest challenge is to improve access to and the quality of health services for everyone and especially for the most vulnerable. Noteworthy among the measures adopted to achieve this are the steps taken to eliminate the waiting lists for the AUGE (Universal Access with Explicit Guarantees) health-care plan, and the inclusion of 11 new illnesses into AUGE as from 1 July 2013, bringing the number of conditions covered to 80. Another important development was the promulgation of Act No. 20.584 regulating the rights and duties of individuals in respect of the provision of health care; these include rights such as the right to be treated with dignity, to receive timely and clear information on one’s state of health, to agree to or to refuse any treatment and voluntarily to request that treatment be ended and the right to receive visits, to companionship and to spiritual support.

Housing

The main lines of the Government’s housing policy

111. The Government’s housing policy pursues several objectives which include the reduction of the housing shortage among the most vulnerable sectors of the population, the

reduction of inequity and encouragement for the social reintegration and rehabilitation of districts, making good the lack of communal areas and of social networks.

112. As regards the reduction of the housing deficit, there are a number of programmes to reduce the deficit in quantitative terms by building new housing and purchasing existing housing (the support fund to assist in the choice of housing and the comprehensive subsidies system), together with programmes designed to reduce the deficit in qualitative terms by improving or extending homes (the programme to protect family property and the Segunda Oportunidad (Second Chance) programme to rehabilitate social housing.

Reconstruction

113. The earthquake and tsunami which struck Chile on 27 February 2010 destroyed more than 220,00 homes, making it necessary to implement a building programme to provide housing for the families affected by the natural disaster, either through the purchase of a new home or the repair of an existing one. In addition, an effort was made to introduce better standards in respect of urbanism, housing and quality of life into the programme.

114. The state of progress of reconstruction as of September 2013 is shown below:

Figure 1

Progress in awarding reconstruction grants and state of completion of work



(Grants awarded, work started, work completed)

L. The right to an environment free of pollution

115. In 2010 a new institutional framework for the environment came into being, comprising the Ministry of the Environment, which is responsible for environmental policy and regulations, the Environmental Assessment Agency, with responsibility for operating the environmental assessment system and the Office of the Environmental Superintendent, which monitors various environmental management tools and imposes penalties.

116. Another important body is the Council of Ministers for Sustainability, a collegiate body composed of 11 ministers. The role of the Council is, inter alia, to suggest to the President of the Republic policies for the management, use and sustainable exploitation of renewable natural resources, to put forward criteria for determining sustainability, which are to be included in the drafting of policies and in the planning process of ministries and related bodies and to issue views on draft legislation and administrative decisions proposed

to the President of the Republic, regardless of from which Ministry they emanate, and which contain norms relating to the environment. This latter function ensures the consistency of legislation in respect of the environment.

117. In 2012, environmental courts were established to complete the new environmental institutional structure. The courts have broad powers to settle environmental conflicts.

118. Furthermore, the 2010 legislative changes strengthened civic participation in the environmental impact assessment system by incorporating new management tools such as the strategic environmental assessment and environmental information.

Notes

- ¹ Anexo 1. Documento con conclusiones del Encuentro con la Sociedad Civil.
- ² Decisión 17/119 del Consejo de Derechos Humanos, de 17 de Junio de 2011 A/HRC/DEC/17/119.
- ³ Todas las cifras en dinero se presentan en dólares de Estados Unidos de Norteamérica, según el tipo de cambio acuerdo (US\$717,35), publicado por el Banco Central de Chile el 28 de octubre de 2013, Serie de indicadores diarios, disponible online en: <http://si3.bcentral.cl/Indicadoressiete/secure/Indicadoresdiarios.aspx> (Consultado el 28 de octubre de 2013).
- ⁴ Anexo 2. Nuevo Reglamento de Evaluación de Impacto Ambiental.
- ⁵ Anexo 3. Pre-Informe del proceso de consulta sobre el nuevo reglamento de consulta indígena.
- ⁶ No representa una suma de los ítems señalados en la tabla, sino que incluye el presupuesto total de la CONADI.
- ⁷ Anexo 4. Proporción de internos trabajadores. Ministerio de Justicia.
- ⁸ Sobre los Tribunales Ambientales se hace referencia en el párrafo 116.
- ⁹ Informe Visita del GTDFI a Chile 2012, párrafos 17 y 34.
- ¹⁰ Fuente: Dirección de Presupuesto, Prioridades en la Ley de Presupuesto 2014, disponible online en: http://www.dipres.gob.cl/594/articulos-109104_Prioridades_2014.pdf (Consultado el 28 de octubre de 2013).