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Summary record of the 4079th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 5 March 2024, at 3 p.m.

Chair: Ms. Abdo Rocholl

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant

Seventh periodic report of Chile ([CCPR/C/CHL/7](#); [CCPR/C/CHL/QPR/7](#))

1. *At the invitation of the Chair, the delegation of Chile joined the meeting.*
2. **The Chair**, welcoming the delegation of Chile to the meeting, said that Mr. Quezada Cabrera, as a Chilean national, had not participated in the consideration of the State party's report and would be absent from the Committee for the duration of the constructive dialogue.
3. **A representative of Chile** said that his country's commitment to democracy and multilateralism was reflected by the presence in the delegation of members of all three branches of government. In the 10 years that had passed since its previous constructive dialogue with the Committee, Chile had strengthened its human rights institutions through the creation of the Office of the Undersecretary for Human Rights, the Office of the Ombudsman for Children's Rights and the National Committee for the Prevention of Torture. However, it had also faced serious challenges, including a period of widespread social unrest in October 2019 that had led to the drafting of a new constitution, which had twice been rejected in referendums. The country had also had to cope with the coronavirus disease (COVID-19) pandemic, to which it had responded with a vaccination programme that had successfully delivered a first dose to 95 per cent of the population.
4. The Government recognized that, despite the progress it had made, it still faced challenges on certain issues relating to its obligations under the Covenant. In particular, further action was needed to implement the recommendations received from international bodies concerning the social protests, to strengthen human rights training for law enforcement and security officials and to address the structural challenges associated with the unprecedented increase in the prison population.
5. However, a number of steps forward had also been made. Specific measures were being taken to bring domestic regulations concerning terrorism offences into line with international standards. The systems in place to protect the rights of children and adolescents had been strengthened, and the principle of the best interests of the child had been incorporated into various pieces of national legislation. Sustained progress had been made on environmental matters, including the ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) in 2022. Under the National Plan on the Search for Missing Persons, which had been formulated by means of an unprecedented participatory process, measures had been taken to step up the investigations being carried out by the courts to shed light on the circumstances surrounding past cases of enforced disappearance and to uphold the right of families to truth and justice.
6. Between 2011 and 2023, a great deal of progress had also been made towards guaranteeing the right to equality and non-discrimination, including by providing protection and comprehensive reparation for the families of victims of femicide, by increasing the representation of women in management positions in the public sector and by enacting laws on equal marriage, gender identity and abortion. The National Congress was currently studying legislative proposals to strengthen the institutional framework for promoting equality and non-discrimination and to modernize the marital regime. Furthermore, the Presidential Commission for Peace and Understanding had been set up to analyse the land claims of the Mapuche People, to promote dialogue with the various stakeholders and to advise the President on the process involved in reaching a long-term solution for unresolved land issues.
7. The arrival of migrants on an unprecedented scale in recent years had presented Chile with a new set of challenges. The Government had put in place exceptional mechanisms designed to contain and channel the flow of people trying to enter the country at a time when much of the public discourse concerning migration associated it with criminality. In that regard, the repeal of Decree-Law No. 1094, which had been replaced with new legislation on foreign nationals that was more compatible with international standards, had represented a significant step forward. The Government also faced demands from the public for greater

security against the threat of organized crime. In responding to those demands, it was aware of the need to demonstrate that public security and respect for human rights were not mutually exclusive and that it could protect its citizens while fulfilling its international obligations.

8. **A representative of Chile** said that the Covenant had been invoked over 1,500 times by the Supreme Court. It had been invoked in judgments handed down by the Criminal Chamber on cases related to issues such as the obligation to redress the harm caused by an offence, the right to be tried within a reasonable period of time, the right to judicial guarantees and the dignified treatment of persons deprived of their liberty. The Constitutional Chamber, for its part, had invoked the Covenant in cases related to the right to an effective remedy, freedom of conscience and religion, the right to social reintegration, freedom of expression and the right to honour. A number of measures had been taken to strengthen the judiciary and promote human rights, including the creation of the Technical Secretariat for Gender Issues and Non-Discrimination, the adoption of a protocol on access to justice for vulnerable groups and the development of a set of human rights training courses and activities by the Judicial Academy. Lastly, the position of the Minister of the Supreme Court in charge of human rights had been created the previous year to coordinate all related activities within the judiciary.

9. **A representative of Chile** said that the Government was committed to ensuring that all of its branches were working to fulfil the country's international human rights obligations in a coordinated manner and in accordance with the degree of independence that each institution enjoyed. For its part, the National Congress was responsible for discussing and amending the legislative proposals put forward by either the executive branch or Congress itself. Within a month of the outbreak of social unrest in October 2019, Congress had provided an institutional avenue for addressing the concerns of the protestors through the adoption of the Agreement for Social Peace and a New Constitution. That swift response and the subsequent referendums on the new constitution had demonstrated that citizen consultation, within the parameters of the rule of law, was a guiding principle for the State.

10. **Ms. Šurlan** said that the Committee would welcome updated information on the State party's plans to replicate the Paraguayan system for following up on international human rights recommendations, known as SIMORE Plus. If that system had already been created and implemented, it would be useful to hear more about its impact and, in particular, to know whether the State party felt that its understanding of the concerns of human rights bodies and its capacity to implement their recommendations had been strengthened as a result.

11. A number of cases concerning human rights violations committed during the military dictatorship had still not been resolved, and there had been reports that the Supreme Court had reduced the number of judges assigned to such cases. The Committee was worried that, as time wore on, the sentences handed down to the perpetrators were becoming less effective and victims were increasingly unlikely to receive full reparation. The delegation might like to comment on those concerns. The Committee was also aware that the Government had announced plans to declassify the records on testimony collected by the National Commission on Political Prisoners and Torture. She wished to know what measures it had taken to do so. It would also be helpful to receive updated information on the steps taken to repeal the Amnesty Act (Decree-Law 2191).

12. She would be interested to know whether the State party had adopted the second National Human Rights Plan and, if so, what its main objectives were. The Committee would also welcome further information on the activities of the National Reparation and Reconciliation Board. In particular, she would like to know whether the transfer of responsibility for the Board's functions and activities from the Ministry of the Interior and Public Security to the Human Rights Secretariat had had a beneficial impact on the overall protection and promotion of civil and political rights. It would be useful to know whether the budget of the National Institute of Human Rights had been increased to enable it to effectively discharge its mandate in all regions of the country and what other measures were being taken to promote its activities. The Committee would also welcome additional information on the action taken by the Children's Ombudsman to further the civil rights of children and on the results achieved by the National Service for Access to Justice and the Office of the Ombudsman for Victims of Crime.

13. Bearing in mind the statute of limitations in place for crimes of torture and illegitimate coercion, the Committee was concerned that some people who had been guilty of using disproportionate and unnecessary force against protestors during the period of social unrest would not be held accountable for their actions. In that regard, she wished to know what specific measures were being taken to bring law enforcement personnel, and particularly senior officials, to justice and to provide victims with redress. The Committee would also welcome updated information on the progress of police force reforms that had been initiated following the protests. It would be particularly interesting to hear how implementation of the so-called Nain Retamal Law was expected to contribute to efforts to combat impunity in respect of State officials who had participated in the commission of serious human rights violations during the demonstrations. At a more general level, she also wished to know what the Government's latest plans were with respect to constitutional change in the light of the second rejection of the new constitution in the referendum of December 2023.

14. Lastly, she would appreciate it if the delegation could confirm whether the State party had given due consideration to withdrawing the declaration made upon its accession to the Optional Protocol to the Covenant on an individual communications mechanism and the reservation made upon its ratification of the Second Optional Protocol, aiming at the abolition of the death penalty. It would be useful to know what the specific reasons were for the decision to maintain both the declaration and the reservation.

15. **Ms. Tigroudja** said that the Committee would welcome updated information on the status of the constitutional and legislative process that had been initiated to amend the definition of terrorist acts and the penalties related thereto. Given that the bill in question had first been introduced in 2014, she would appreciate further information about any specific obstacles preventing its adoption. In the light of the State party's adoption of a new law on organized crime that reportedly included provisions on special investigative powers that could lead to violations of article 14 of the Covenant, the Committee would also welcome direct confirmation as to whether all persons charged with offences related to terrorism, drug trafficking and organized crime were afforded due procedural guarantees.

16. The Committee was concerned about the structural discrimination faced by the Mapuche People, their overrepresentation in the prison population and reports that leaders and other members of their communities had been arrested under laws such as the Counter-Terrorism Act merely for exercising their rights to freedom of expression and assembly. She would appreciate information on the people who had been investigated and prosecuted under the country's laws on terrorism, drugs and organized crime, including their ethnic origin, and on the measures that were being taken to ensure that the justice system functioned in a manner that was non-discriminatory and respectful of human rights.

17. She wished to know whether the State party planned to amend Act No. 21030 to increase the number of circumstances under which abortions would be permitted and to specifically include cases of incest. She wondered how the State party ensured that the protocol regarding conscientious objection on the part of medical personnel was not applied in a manner that violated the right of women and girls to a safe, legal abortion and what measures were in place to ensure the access of all men and women to contraceptives and to information on abortion services. It would be helpful to know how many abortions had been performed and how many requests for abortions had been denied over the previous decade and whether the delegation had any estimate of the number of clandestine abortions performed.

18. **Mr. Carazo** said that he wished to know whether the State party planned to amend Act No. 20609 of 2012 to provide for reparation for victims of discrimination. He would welcome the delegation's comments on the reasons why only a small number of discrimination-related court cases had been filed since that law had entered into force, on reports received by the Committee that courts often refused to apply the harsher penalties provided for under Act No. 20609 for offences motivated by the sexual orientation or gender identity of the victim unless a video recording of the acts in question could be produced as evidence, and on reports that lesbian, bisexual and transgender women were facing increasing discrimination and were at risk of violence at the hands of government officials.

19. The increasing levels of violence and discrimination in schools motivated by homophobia and transphobia and the high rates of suicide among transgender adolescents were alarming. He wished to know when a standardized sexual and emotional education programme would be introduced in schools so as to promote respect for the human rights of LGBTQI+ persons and reduce their suicide rates.

20. He would appreciate the delegation's comments on reports that the police had carried out arbitrary detentions under article 373 of the Criminal Code, under which offences against decency or morality had been punishable, before the repeal of that article in 2022 and that hate crimes directed at LGBTQI+ persons largely went unpunished and were underreported. He wished to know whether any steps were being taken to prevent hate crimes against LGBTQI+ persons and to provide support to victims and witnesses of such crimes, whether the State party planned to develop a comprehensive national anti-discrimination policy and to establish institutional mechanisms for the prevention and eradication of discrimination and, if so, when that policy and its supporting mechanisms would be rolled out.

21. He would like to know whether the State party planned to take steps to develop protocols for the prevention of secondary victimization and to provide training on that subject to police and prosecutors. A rehabilitation programme for perpetrators of hate crimes could help to reduce repeat offences. Information on any steps being taken to protect the parental rights of persons in same-sex couples would be appreciated.

22. **Mr. Santos Pais** said that he would like to find out when the adoption of the bill on gender equality that had been submitted in 2018 was expected. He would also like to learn more about the status of the bill to modify the current community property regime and to know whether both spouses would jointly administer community property under the modified regime and whether that regime would apply retroactively to pre-existing marriages.

23. He wished to know what steps the State party was taking to ensure gender parity in elected bodies at the national, regional and local levels and whether a gender parity requirement would be applied to the lists used in elections to such bodies. He would also like to know how the State party planned to increase the participation of women, including Indigenous women, in decision-making roles in politics, the justice system and academia; increase the number of women on the boards of public and private companies; and ensure the application of the principle of equal pay for work of equal value.

24. He wondered whether the State party planned to review the services provided to victims of domestic violence and the role played by the courts with a view to identifying ways of putting a stop to repeat assaults, particularly those that ultimately led to femicide. Information on any steps taken to conduct public outreach campaigns designed to strengthen the policy of zero tolerance for violence against women and to include the topic of gender-based violence in school curricula would be welcome. He wished to know when the bill on the right of women to a life free of violence was to be adopted, whether the State party planned to compile data on gender-based violence that would be disaggregated by factors such as the victim's ethnicity and residence in a rural or urban area and what challenges national and local authorities had faced in implementing measures for the prevention of sexual violence and services for victims. Information would also be appreciated on the measures in place to ensure victims' access to justice. In addition, he would like to know whether there were plans to provide training to judicial officials aimed at reducing the prevalence of gender-based stereotypes and preventing the revictimization of women victims of violence.

25. **Mr. Ndiaye** said that he wished to know what measures the State party had taken in response to reports that defective contraceptives had resulted in forced motherhood for some 227 women and whether those women had had access to an abortion or received compensation. He would like to find out how the State party ensured the availability of sexual and reproductive health information and services throughout the country and for all groups, including women with disabilities. Information would be welcome on how many sexual education programmes were being run and what they covered, how many sexual and reproductive health check-ups were performed every year, what percentage of adolescents used contraceptives and what impact the measures taken to prevent teenage pregnancies had had.

26. It would be helpful to know at what age intersex boys and girls were able to give consent for medical treatment under Ministry of Health Circular No. 18 of 22 December 2015, what assessment procedures were set out in that circular and how the best interests of the child were taken into account in that connection. He would also like to find out how the Government ensured the application of Ministry of Health Circular No. 15 of 2023, whether any bills had been put forward to prohibit all involuntary or deferrable procedures on intersex children and what types of counselling and support the Government made available to families with intersex children.

The meeting was suspended at 4.20 p.m. and resumed at 4.40 p.m.

27. **A representative of Chile** said that, with regard to questions of historical memory and transitional justice, whereas in the past the families of the victims of human rights violations committed during the dictatorship had had to undertake the search for truth and justice on their own, the National Plan for the Search for Truth and Justice adopted in 2023 placed that responsibility firmly with the State, which, as the party responsible for the violations, was under an obligation to investigate and provide reparation. The success of the National Plan was dependent on the work of the judges assigned to the investigation of human rights violations, whose investigative efforts had begun in 2000 and continued to that day, as the authorities continued to prosecute, convict and imprison the responsible parties irrespective of the amount of time that had elapsed. Although the number of judges dedicated exclusively to the investigation and prosecution of human rights violations had been reduced from 14 to 10, a case management system coordinated by Supreme Court Judge Mario Carroza had been introduced that had made it possible to group similar events together and thus assign cases more efficiently, resulting in overall improvements in case processing.

28. The Government fully acknowledged that human rights violations had occurred during the social uprising that had begun in October 2019. Its efforts to address the resulting institutional crisis and review policing methods had been subject to close scrutiny from civil society organizations and human rights institutions. Act No. 21427 of 2022 was designed to modernize the structure of the security forces and improve accountability. It provided for a series of reforms, including the establishment of a new ministry, the Ministry of Public Security, to ensure civilian oversight of policing and security operations. It also provided for the launch of a complaints mechanism in which both the National Human Rights Institute and the Public Criminal Defence Service had roles. Discussions towards the introduction of rules on the use of force in policing operations continued to be accorded priority in Congress, while another new law, Act No. 21368 of 2023, had introduced an obligation to make and maintain video recordings of policing operations.

29. **A representative of Chile** said that the Public Prosecution Service had established an independent body to investigate the events that had occurred between 18 October 2019 and 31 March 2020. The guidelines for the investigation of institutional violence in Chile, originally issued in 2017, had been updated in 2021 to take account of those events. The specialized Human Rights Unit of the Prosecution Service, formed a year previously, was currently drafting a procedural handbook for the investigation of institutional violence that would cover sexual violence and the use of weapons and would provide guidance on ensuring access to justice for population groups requiring special protection. Since certain offences committed during the uprising that were less serious than torture, such as ill treatment, were subject to a statute of limitations of five years and would therefore become time-barred in 2024, the Human Rights Unit was providing support to all regional prosecution offices in order to expedite investigations, ensure due diligence and bring the perpetrators to justice before the statute of limitations came into effect.

30. **A representative of Chile**, addressing the questions concerning terrorism and organized crime, said that, in August 2023, as a result of cross-party discussions and with input from various stakeholders, the executive branch had submitted a bill that incorporated four earlier motions concerning terrorism offences as well as various recommendations formulated within the human rights system. The offence of association for the purpose of terrorism was a central focus of the bill. In 2022 and 2023, as part of ongoing efforts to update the country's laws, the legislature had introduced amendments to the Drugs Act, the national regulations on organized crime and the Economic Crime Act, all in accordance with the provisions of the Covenant and with a view to ensuring effective investigative practices and

mechanisms. With discussions towards the adoption of a counter-terrorism law still ongoing after so many years, the counter-terrorism provisions in existing laws had been invoked only rarely, as the Prosecution Service had found other legal instruments to be more effective from both the investigative and sentencing perspectives.

31. **A representative of Chile** said that the Public Prosecution Service had conducted nine investigations concerning 24 men and 5 women under counter-terrorism legislation since 2014, and 5 men had been convicted as a result.

32. **A representative of Chile**, turning to questions of equality and non-discrimination, said that the Government had taken various steps to eliminate barriers to the equal enjoyment of rights by all persons. For example, Act No. 21400 had introduced amendments to various legal texts in order to allow same-sex couples to marry on the same terms as other couples. In addition, a government working group on the rights of LGBTIQ+ persons had been created; the Attorney General's Office had established an observatory on violence against LGBTIQ+ persons in 2019 and had published a study on access to justice for that population group in 2021; and the Office of the Undersecretary for Human Rights had established an inter-agency working group to provide support for the enforcement of laws designed to uphold that group's rights, including the right to gender identity protected by Act No. 21120. Training and capacity-building programmes promoting citizen participation and non-discrimination were run for public servants and civil society organizations. Those initiatives included training on the Anti-Discrimination Act (No. 20609), which had been completed by more than 5,300 persons in 2023, and a programme entitled "Closing Gender Gaps" (Cerrando Brechas) run by the Ministry for Women and Gender Equity. Awareness-raising campaigns conducted by the aforementioned observatory, among other institutions, included the 2020 "Live with Pride" (Vivir con Orgullo) campaign and the 2023 "Respect Instead of Violence (En Lugar de Violencia, Respeto) campaign.

33. The educational authorities had issued guidance on support for transgender and non-binary children and children of diverse sexual orientations in school via Resolution No. 812, as well as guidance for the use of non-sexist language. In the Prison Service, Resolution No. 5716, issued in 2020, allowed for transgender persons deprived of liberty to be placed in a facility corresponding to their gender identity if they so wished. Additionally, Act No. 21367 had removed homosexuality as grounds for fault-based divorce, eliminating the discrimination previously resulting from article 54 (4) of the Civil Marriage Act (No. 19947). One of the aims of the second National Human Rights Plan was to guarantee equal access to economic, social and cultural rights for groups requiring special protection, with a special emphasis placed on LGBTIQ+ persons. To ensure protection for intersex children, the Government was working on a bill to prohibit corrective surgery on newborns, reinforcing Ministry of Health Circular No. 15 of November 2023, and to obtain more extensive data on children in this category. Lastly, in 2023, the primary care division of the Ministry of Health had adopted a strategic plan to improve the quality of care for LGBTIQ+ patients.

34. **A representative of Chile** said that all the training modules used by the Carabineros (the Chilean police force) placed emphasis on the rights-based approach and the importance of non-discriminatory treatment, in accordance with the strategic plan for the administration of the police force. The Human Rights and Family Protection Directorate had incorporated international standards into internal police regulations and worked to ensure that policing procedures met those standards. A handbook of policing methods published in 2017 and updated in 2019 identified six vulnerable groups requiring special protection, one of which was the LGBTIQ+ community, while the Order and Security Directorate had provided guidance in April 2021 for ensuring the appropriate treatment of members of that community.

35. Through its regional divisions and the over 400 human rights instructors it had trained, the Carabineros worked with civil society organizations such as Iguales (Equals) and the Movement for Homosexual Integration and Liberation to ensure differential treatment for vulnerable groups and to provide appropriate training for officers. It also worked with the Citizen Participation and Anti-Discrimination Observatory of the Office of the Minister and Secretary-General of Government, had included the topics of non-discriminatory treatment and inclusion in its nationwide training and capacity-building plan and was using social media and other audiovisual formats to run campaigns aimed at rebuilding trust in the police.

In one particular example of efforts to achieve a rapprochement with the community, in 2022 two police vehicles had been painted in the rainbow colours of the LGBTIQ+ movement. The Carabineros staff included persons in same-sex couples and gay and lesbian officers, and a transgender officer had joined the Human Rights and Family Protection Directorate in 2022.

36. **A representative of Chile** said that, unlike its counterparts in other Latin American countries, the Public Criminal Defence Service in Chile provided defence counsel for all persons who did not have a lawyer of their own, irrespective of the person's financial means. As a result, it provided representation for more than 90 per cent of all persons standing trial for a criminal offence. In the past decade, defendants from Indigenous communities had accounted for no more than 5 per cent of that number and had been involved in only a little more than 108,000 of the total of over 4.2 million cases handled by the Service. At present, only 6,582 of a total of 177,943 cases in which public defenders were representing the accused, equivalent to 3.7 per cent, involved defendants of Indigenous origin. Despite the small size of that percentage, the Service had developed special defence models for Indigenous persons in conflict with the law and drew upon the services of lawyers specialized in Indigenous affairs who were familiar with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and upon the expertise of intercultural facilitators from the communities to which the defendants belonged. Two thirds of Indigenous defendants were of Mapuche origin, the largest Indigenous group in Chile, while the remainder were of either Aymara, Quechua, Diaguita, Rapanui, Atacameño or Colla origin. The offences involved were not generally of a serious nature, except for occasional drug trafficking offences in the north of the country, which tended to involve migrants of Peruvian or Bolivian nationality.

37. **A representative of Chile** said that, as of 31 December 2023, 5.4 per cent of the prison population had identified as Indigenous. That percentage was less than the 10.6 per cent of the overall population who had identified as such in the 2022 National Social and Economic Survey, and Indigenous Peoples were therefore not overrepresented in the prison system. Of the inmates who identified as Indigenous, 33 per cent were in pretrial detention and 67 per cent were serving a sentence; 13.1 per cent were women. Nearly half were imprisoned for drug-related offences, while most of the rest were imprisoned for property offences. Members of the Mapuche People made up the largest share of that group, at 45.8 per cent, followed by members of the Quechua and Aymara Peoples. Pursuant to Advisory Opinion No. OC-29/22 of the Inter-American Court of Human Rights, the Prison Service had adopted specific resolutions on the differential treatment of Indigenous prisoners.

38. **A representative of Chile** said that the Fourth National Plan on Equality Between Women and Men 2018–2030 had been updated, with the participation of more than 1,400 women, to define over 280 targets across several categories, including civil, political and economic rights, sexual and reproductive rights, a life free from violence and discrimination, collective and environmental rights, and services for specific groups. In addition, the Ministry for Women and Gender Equity had launched a digital guide for women interested in standing for office and had distributed a model protocol to all the country's political parties for preventing and addressing violence against women in politics. The Ministry, together with the Ministry of Social Development and the Family, was working on an agenda for Indigenous women focused on leadership, economic autonomy and freedom from violence.

39. Act No. 21645 had been adopted in 2023 to introduce provisions in the Labour Code regarding work-life balance and remote work in line with the relevant ILO guidelines and provisions on positive parenting, burden-sharing and protections for parenthood. The Act applied to workers with children under the age of 14 years or dependents with disabilities. Furthermore, Act No. 21264 of 2020 had repealed articles 128 and 129 of the Civil Code, which had banned pregnant women from re-marrying until after the baby's birth and had prevented civil registry officials from allowing a second marriage unless the woman could prove that she was not pregnant; similar amendments had been made to provisions on civil unions. A child born after the mother's remarriage was presumed to have been fathered by the current husband irrespective of the length of time between the two marriages. A law allowing parents to choose the order of their family names for their child and another that promoted breastfeeding had also been adopted.

40. Act No. 20840 of 2015 had introduced a parity requirement for parliamentary elections that would be in effect until 2029 whereby no more than 60 per cent of the candidates on any party's list in each election could be of the same sex and every party had to allocate at least 10 per cent of its funding to the promotion of women's political participation. The percentage of women in the Chamber of Deputies had risen from 15.8 per cent in 2013 to 35.5 per cent in 2021 and, in the Senate, the figure had climbed from 20 per cent to 22.2 per cent. Under Act No. 21356 of 2019, no more than 60 per cent of the members of boards of directors of public entities could be of the same sex. The bill on gender representation in regional gubernatorial and city council elections was in its second reading before the Senate. Women accounted for 60 per cent of lower court judges and 40 per cent of Supreme Court judges.

41. **A representative of Chile** said that Act No. 21030 decriminalized abortion in three situations, namely, when the life of the mother was at risk, when the fetus had a congenital or genetic abnormality incompatible with unassisted life outside the womb and when the pregnancy resulted from rape, including in cases of incest. In the first two situations, an abortion could be performed at any stage of the pregnancy; in the case of rape, an abortion could not take place beyond 12 or 14 weeks' gestation, depending on the age of the mother. That law also provided for women and girls to receive support in deciding whether or not to undergo an abortion, as well as during and after the procedure. In that regard, the Ministry of Health provided training in the implementation of the national technical regulations on support and comprehensive care for women in those situations.

42. The same law provided that doctors could abstain from performing abortions, provided that they had previously expressed their conscientious objection to the procedure. While health-care establishments could also declare themselves to be institutional conscientious objectors, fewer than 10 per cent had done so. Moreover, the Ministry of Health had issued an instruction to conscientious objector medical professionals and establishments requiring them to immediately refer women and girls seeking an abortion to another health-care professional or establishment willing to perform the procedure. Abortion had been added to the list of situations covered by the national network that facilitated the transfer of patients among providers. The rejection of lawful abortion requests was an offence, and such cases were investigated.

43. There was no ban on the dissemination of information on access to abortion care. Indeed, the Ministry of Health had rolled out a number of initiatives for that purpose, including an educational video, leaflets, workshops with civil society organizations, field visits to health-care facilities and data collection tools. A total of 4,817 abortions had been performed between 2018 and 2023. Although no data were currently available on the number of rejected requests, a platform was being developed to account for all cases.

44. **A representative of Chile** said that measures taken to investigate and address cases of gender-based violence included the establishment in 2019 of an inter-institutional coordination mechanism for the protection and care of direct and indirect victims of femicide. In line with its gender equality policy, which required the handling of gender-based violence cases by specialized officials, the Public Prosecution Service had joined the mechanism. Furthermore, a unified standard for initial risk assessments had been developed in 2017 for use by the police and the Public Prosecution Service. Other measures in that domain included the development of a guide on initial steps to be taken in femicide cases and a manual on the investigation of violent deaths of women and the recent publication of statistics with a gender perspective on homicides.

45. **Ms. Tigroudja** said that she would be particularly interested in learning more about the measures taken pursuant to Advisory Opinion No. OC-29/22 of the Inter-American Court of Human Rights. Given that women's right to life was absolute, unlike the right to conscientious objection, it would be useful to know about investigations and punishments in cases where public establishments, State-subsidized private establishments or doctors had refused to provide access to abortion procedures. The delegation was invited to comment on reports that human rights defenders and civil society organizations were prevented from disseminating information regarding access to abortion. Information would be welcome on any legal action taken in response to cases of obstetrical violence, as would the delegation's

comments on reports of the forced sterilization of women with disabilities and of cases of female genital mutilation.

46. **Ms. Šurlan** said that she would appreciate further details on the establishment of a computerized system for monitoring treaty body recommendations similar to the SIMORE Plus system in Paraguay.

47. **Mr. Gómez Martínez** said that he commended the Carabineros for painting their vehicles with the colours of the rainbow, as the impact of some gestures was more than just symbolic. He wished to know whether there were guidelines for judges and prosecutors on the adoption of protective measures for women victims of violence. He would welcome clarification of the provision for health-care establishments to declare themselves to be institutional conscientious objectors, since conscientious objection was a highly individual right.

48. **Mr. Carazo** said that he wished to urge the Government to amend Act No. 20609 to provide for the establishment of a national body to oversee the country's anti-discrimination policy.

49. **Mr. Santos País** said that he would welcome information on the timeline for the adoption of the bill on gender equality and for the reform of the joint-property marital regime. He would also welcome further details on the political participation of Indigenous women and on plans to ensure that the progress achieved in terms of gender parity in politics was not reversed after 2029. Lastly, given the seriousness of the problem of sexual offences committed against children, it would be useful to know more about the prosecution of such cases in the State party.

50. **Mr. Ndiaye** said that, while he welcomed the bill that would ban sex assignment surgery on intersex babies, it would be helpful to hear what provisions for treatment, support, rehabilitation and compensation were in place for intersex persons and their families.

51. **A representative of Chile** said that the President and his Paraguayan counterpart had signed a memorandum of understanding in November 2023 concerning the operationalization of the SIMORE Plus system in Chile. In addition, the Office of the Undersecretary for Human Rights had been given the source code for the platform, and its staff members had received training in its use. On the occasion of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Chile had pledged to put in place a mechanism for follow-up and to revive the commission, headed by the Ministry of Foreign Affairs, that had previously been responsible for compliance with treaty body recommendations and judgments of the Inter-American Court of Human Rights.

52. **A representative of Chile** said that, although the matter had gone all the way to the Constitutional Court, health-care establishments were indeed authorized to declare themselves to be an institutional conscientious objector to the performance of abortions. The Supreme Court considered that, when cases of obstetrical violence occurred at public hospitals, the State bore extra-contractual liability for the harm caused, and it had ordered that compensation should be awarded in such cases. Bills on the penalties for obstetrical violence were before Congress.

The meeting rose at 6 p.m.