

CHILE



“States parties in focus” is a series of CTI blogs, prepared by the CTI Secretariat, with a view to sharing inspiration and experiences with other States that are considering ratifying the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and/or its Optional Protocol (OPCAT).

For Chile, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) has supported the country’s transition to democracy during the 1980s and 1990s.¹ Being party to this Convention has reminded current and future leaders in Chile that such practices are unacceptable and have no place in society. Pragmatically, it has helped restructure Chile’s legal and institutional frameworks to ensure that past experiences are never repeated, while also improving standards and practices in law enforcement, prisons and security sectors.

At Chile’s review of their 6th periodic report by the UN Committee against Torture, in July 2018, Human Rights Undersecretary at the Ministry of Justice and Human Rights of Chile, H.E. Lorena Recabarren, head of the delegation, stated that:

“ 30 years since ratification of UNCAT and our democratic transition, never again will there be hatred and violence in Chile, and acts of torture will not go unpunished.”

Embracing a culture of human rights

UNCAT can be a catalyst in responding to a State’s legacies of past excesses. As emphasised by former Chilean President H.E. Michelle Bachelet, current UN High Commissioner of Human Rights, at the opening of [CTI’s Regional event for Latin American and Caribbean States](#), in April 2017:

“ Because not so long ago we lived a cruel reality, we cannot therefore close our eyes to the eventual commission of the crime of torture. The allegations of torture in a democracy, regardless of who is affected, force us to prevent, investigate and, in addition, to condemn these acts”.

Chile has addressed past abuses through the creation of the National Commission on Truth and Reconciliation and the National Commission on Political Imprisonment and Torture (Valech Commission), which identified almost 30,000 survivors of political imprisonment and torture. Chile has also provided victims of human rights violations and their relatives with redress, including compensatory pensions and free medical care under the so-called “PRAIS” programme to those qualified as victims by the Valech Commission.

In 2017, Chile adopted its first National Human Rights Action Plan for the period 2018-2021, which envisages the creation of a “Permanent Qualifying Commission” to continue investigations into political executions, enforced disappearances and torture committed during the military dictatorship.

These and other measures have signaled - to decision-makers and the public alike - an important domestic cultural shift away from institutionalised violence to one of respect for human rights.

Chile’s anti-torture framework

In implementing UNCAT, Chile has progressively built a solid anti-torture policy and legislative framework. Torture and ill-treatment are criminalised in Chile’s penal code, and torture prevention and reduction have been priorities of Chile’s nationwide human rights policy. Chile has also created Human Rights Units within several State institutions. Ethical codes of standards have been adopted.

In 2008, Chile ratified the Optional Protocol to the Convention (OPCAT). In April 2016, they welcomed a visit from the UN Sub-Committee on the Prevention of Torture, which has supported Chile’s stocktaking and reform of some of its detention practices. Chile recently adopted the law designating the National Institute of Human Rights as its National Preventive Mechanism.

¹ Chile ratified UNCAT on 30 September 1988. Chile is also party to the Inter-American Convention to Prevent and Punish Torture since 15 September 1988.

Encouraging other States to ratify and implement UNCAT

As a Core State of the CTI, Chile's Ambassador and Permanent Representative to the United Nations in Geneva, H.E. Juan Eduardo Eguiguren, offered support to other Latin American and Caribbean States:

“Chile is a proud member of the Convention against Torture Initiative. We would be pleased to share our experiences within our region as well as to learn from others, and we would encourage all States to take the important step to ratify the Convention. The Convention truly can help reset national practices and mindsets and lead to a more peaceful and prosperous society.”

For those States interested in how the CTI can support for ratification and implementation of the Convention, please contact info@cti2024.org.

CTI Secretariat
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