



# General Assembly

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## Seventy-seventh session

Item 117 (c) of the preliminary list\*

### **Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council**

#### **Note verbale dated 27 April 2022 from the Permanent Mission of Chile to the United Nations addressed to the President of the General Assembly**

The Permanent Mission of Chile to the United Nations presents its compliments to the Office of the President of the General Assembly and has the honour to refer to the candidature of Chile for membership of the Human Rights Council for the term 2023–2025, at the elections to be held in October 2022, in New York.

In accordance with General Assembly resolution [60/251](#), the Permanent Mission of Chile to the United Nations also has the honour to transmit its voluntary pledges and commitments, through which it reaffirms the commitment of Chile to continue to improve the effectiveness of the Human Rights Council and to advance dialogue with all stakeholders involved in the universal system, without exception, in order to fulfil the purposes of the Charter of the United Nations and the Universal Declaration of Human Rights (see annex).

The Permanent Mission of Chile would be grateful if the present note verbale and its annex could be circulated as a document of the General Assembly, under item 117 (c) of the preliminary list.

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\* [A/77/50](#).



## **Annex to the note verbale dated 27 April 2022 from the Permanent Mission of Chile to the United Nations addressed to the President of the General Assembly**

### **Candidature of Chile to the Human Rights Council, 2023–2025**

#### **Voluntary commitments**

1. In accordance with General Assembly resolution [60/251](#), Chile is pleased to present its candidature to the Human Rights Council for the term 2023–2025, for which elections will be held during the seventy-seventh session of the General Assembly.
2. Chile has previously served as a member of the Council for three terms: 2009–2011, 2012–2014 and 2018–2020. During those terms, Chile fostered constructive dialogue based on international obligations derived from human rights instruments, supporting the independent technical work of the Office of the United Nations High Commissioner for Human Rights.
3. Chile has also actively promoted the streamlining of initiatives and the efficient use of the resources of the Human Rights Council. For example, it has supported the biennialization and triennialization of the initiatives in which it participates. Chile is committed to continue to strengthen the Council's effectiveness and to advance dialogue with all stakeholders involved in the universal system, without exception, in order to fulfil the purposes of the Charter of the United Nations and the Universal Declaration of Human Rights.

#### *Universal periodic review*

4. Chile values the principles of universality, equal treatment, dialogue and cooperation promoted by the Council, in accordance with General Assembly resolution [60/251](#).
5. Chile participates in the universal periodic reviews of other States using a constructive approach, recognizing the progress made and the challenges encountered, and issuing specific recommendations based on objective and reliable information.
6. Chile considers the universal periodic review to be a unique tool for peer review in order to promote the universality, interdependence, indivisibility and interrelatedness of all human rights. Chile also views the universal periodic review as a guide for States in fulfilling their human rights obligations.
7. The priorities established by Chile include the ratification of international human rights instruments; the strengthening of human rights institutions; the combating of discrimination and violence based on sexual orientation, gender identity and expression and sexual characteristics; the prevention of and protection against torture; the abolition of or establishment of a moratorium on the use of the death penalty; the promotion and protection of the rights of women, children, migrants and refugees; the achievement of the Sustainable Development Goals with the aim of leaving no one behind; and the protection of human rights against the backdrop of climate change.
8. The third universal periodic review of Chile was conducted in January 2019 at the Council's thirty-second session, during which Chile was represented by a national delegation composed of members from the three branches of government. Chile approved 211 recommendations, representing 79 per cent of the total number of recommendations received.

*Special procedures*

9. Chile maintains an open and standing invitation to, and a policy of full cooperation with, special procedures.
10. Chile is a member of the Group of Friends of Special Procedures and considers it to be a key mechanism for promoting and protecting human rights and a substantial contribution to the progressive development of special procedures.
11. Chile assists special procedures by supporting the resolutions renewing their mandates and reaffirming their autonomy and independence.
12. Chile systematically strives to respond to the many requests for information sent each year by special procedures.
13. Chile renews its open and standing invitation to special procedures and is committed to receiving new visits from them, insofar as health conditions permit.

*International human rights instruments*

14. Respect for international law, enforcement of and respect for treaties, and the promotion and protection of democracy and human rights are among the principles underpinning the foreign policy of Chile.
15. Chile is a State party to the following universal instruments:
  - (a) International Convention on the Elimination of All Forms of Racial Discrimination;
  - (b) International Covenant on Civil and Political Rights;
  - (i) Optional Protocol to the International Covenant on Civil and Political Rights;
  - (ii) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
  - (c) International Covenant on Economic, Social and Cultural Rights;
  - (d) Convention on the Elimination of All Forms of Discrimination against Women;
    - (i) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
  - (e) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
    - (i) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  - (f) Convention on the Rights of the Child;
    - (i) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
    - (ii) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
    - (iii) Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
  - (g) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(h) International Convention for the Protection of All Persons from Enforced Disappearance;

(i) Convention on the Rights of Persons with Disabilities;

(i) Optional Protocol to the Convention on the Rights of Persons with Disabilities.

16. Chile thus attributes great importance to the periodic reviews of treaty bodies and to the implementation of their recommendations.

17. Chile maintains a high standard of compliance by submitting periodic reports and participating in constructive dialogues with treaty bodies.

18. In 2021, Chile submitted its combined sixth and seventh periodic reports to the Committee on the Rights of the Child and its seventh report to the Human Rights Committee. It also submitted its second report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and its twenty-second and twenty-third reports to the Committee on the Elimination of Racial Discrimination.

19. Chile has fully cooperated in individual communications procedures under Optional Protocols.

20. Chile has actively supported the strengthening and enhancement of the effective functioning of the human rights treaty body system, in accordance with General Assembly resolution [68/268](#), and values dialogue between States and civil society in order to ensure that review processes do not result in an excessive burden for States, in particular smaller and less developed States.

21. Chile will continue to fulfil its obligations to treaty bodies and to support their work and independence.

#### *Civil society and human rights defenders*

22. Chile is a member of the core group on civil society space under the Human Rights Council. The group's most recent initiative was Human Rights Council resolution [47/3](#), entitled "Civil society space: COVID-19: the road to recovery and the essential role of civil society". That initiative demonstrates the importance attached by Chile to the participation of civil society in the Human Rights Council and its mechanisms.

23. Chile also consistently sponsors resolutions on the mandate of the Special Rapporteur on the situation of human rights defenders (Human Rights Council resolution [43/16](#)) and on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (Human Rights Council resolution [48/17](#)).

24. Chile is convinced that continuous dialogue with civil society fosters a better understanding of the reality faced by people who have historically experienced abuse and discrimination, such as women, girls, indigenous peoples, lesbian, gay, bisexual, transgender and intersex persons and people of African descent, and helps to improve the effectiveness of the Human Rights Council and its mechanisms.

25. Civil society and victims of human rights violations play a central role in prevention and early warning efforts, thereby assisting the Human Rights Council and its mechanisms. Chile thus supports their active participation in Council discussions.

26. In order to keep progressing in that regard, Chile will continue to improve protection for human rights defenders, particularly in the context of protests.

*Women's human rights*

27. Women's human rights are one of the priorities of the foreign policy of Chile in the area of human rights. Chile has thus actively promoted the mainstreaming of a gender perspective in the United Nations system. After the establishment of the Human Rights Council, in 2007 Chile promoted Council resolution 6/30 on integrating the human rights of women throughout the United Nations system.

28. In 2020, Chile sponsored Human Rights Council resolution 44/16 on the elimination of female genital mutilation, resolution 44/17 on the elimination of all forms of discrimination against women and girls, resolution 45/28 on promoting and protecting the human rights of women and girls in conflict and post-conflict situations on the occasion of the twentieth anniversary of Security Council resolution 1325 (2000), and resolution 45/29 on promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations. In 2021, Chile sponsored Council resolution 47/5 on the realization of the equal enjoyment of the right to education by every girl and resolution 47/15 on accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to all forms of violence against women and girls with disabilities.

29. Chile is a member of the Friends of 1325 and, through an interministerial process, is evaluating the second national action plan for the implementation of that resolution and subsequent Security Council resolutions, in order to begin the development of the third national action plan.

30. In 2020, Chile joined the Group of Friends for the Elimination of Violence against Women and Girls, established on the basis of the Secretary-General's appeal for peace in homes.

31. In 2021, Chile participated in the formal establishment of the Group of Friends for Gender Equality, the purpose of which is to promote initiatives that seek to accelerate gender equality and the promotion of the human rights of women and girls through the implementation of the Beijing Declaration and Platform for Action and the Sustainable Development Goals.

32. In 2020, Chile hosted the fourteenth session of the Regional Conference on Women in Latin America and the Caribbean, a subsidiary body of the Economic Commission for Latin America and the Caribbean, and was elected Chair of the Conference. The main theme for discussion at the Conference was "Women's autonomy in changing economic scenarios". That event led to the adoption of the Santiago Commitment, which strengthens the promotion and protection of women's rights.

33. As part of the annual panel on women's rights held at the forty-seventh session of the Human Rights Council, Chile, together with the secretariat of the Office of the United Nations High Commissioner for Human Rights, coordinated a panel discussion on the economic empowerment of women at the heart of post-pandemic recovery efforts, which addressed specific ways to ensure that medium- and long-term coronavirus disease (COVID-19) socioeconomic recovery plans promote gender equity.

34. Chile is convinced that no national or international issue can be resolved without a robust gender perspective. It will therefore increase its efforts to define and implement a feminist foreign policy aimed at institutionalizing and mainstreaming a human rights-based approach, a gender perspective and intersectionality.

*International initiatives*

35. Chile is honoured to be a member of the Convention against Torture Initiative, which promotes the universal ratification of the Convention against Torture by 2024. The Initiative's other members are Denmark, Fiji, Ghana, Indonesia and Morocco,

which are located strategically in different regions of the world. The Initiative's operating principle is that of States helping States. Acknowledging that no State has a perfect track record when it comes to the implementation of the Convention, the Initiative provides technical support to States to ensure maximum success in the ratification and implementation of the Convention.

36. Chile has contributed to that end by issuing recommendations as part of the universal periodic review process, supporting human rights capacity-building through regional seminars and exchanging good practices.

37. Chile is also honoured to be a member of the Equal Rights Coalition, an intergovernmental body with 42 member States that seeks to protect the rights of lesbian, gay, bisexual, transgender and intersex persons.

38. Chile is determined to contribute to the achievement of the Coalition's objectives and is thus also a member of the core LGBTI Core Groups, the Group of Friends of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and the Global Equality Fund. Chile is also one of the few States that issues recommendations relating to the rights of lesbian, gay, bisexual, transgender and intersex persons as part of the universal periodic review process.

#### *National human rights policy*

39. Human rights institutions in Chile have made great strides in the past several years with a view to fulfilling the country's international obligations.

40. The Chilean National Institute of Human Rights is an autonomous body under public law established by Act No. 20.405 to promote and protect the human rights of all persons living in Chile enshrined in constitutional and legal instruments and in international treaties signed and ratified by Chile that are currently in force, as well as those stemming from the general principles of law recognized by the international community.

41. The Institute is not under the authority of the executive branch (President of the Republic), the legislative branch (National Congress) or the judicial branch (courts of law). Although it is financed with public funds, it is autonomous and independent and fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as the body coordinating their implementation.

42. Chile presented its first national plan of action on human rights and businesses in 2017 and is currently working on a second version of that document with a view to transposing the Guiding Principles on Business and Human Rights and the 2030 Agenda for Sustainable Development into the Chilean landscape. The plan helps to clarify what is understood by human rights in the business context and is a platform for identifying, preventing, addressing, mitigating and repairing the potential negative effects of business activity.

43. In 2018, Chile established the Office of the Undersecretary for Childhood, which is tasked with formulating the national policy on childhood through plans and programmes in the area of children's rights; and the Office of the Children's Ombudsperson, an autonomous public institution, to disseminate, promote and protect the rights of children and adolescents.

44. The Chilean Office of the Undersecretary for Human Rights is also currently working on a second national plan for human rights, covering three areas: the principle of equality and non-discrimination, universal rights and the promotion of rights. The plan comprises a total of 181 activities to be carried out by government institutions, including three autonomous bodies, and will be implemented in the period 2022–2025.

45. Citizen participation is one of the pillars of the process by which the national plan for human rights is developed. In 2021, the Office of the Undersecretary for Human Rights conducted an exercise to gather information from citizens, considering new avenues to collect the opinions of children, adolescents and persons deprived of liberty.
46. In 2019, in line with its ongoing efforts to eradicate torture, Chile started implementing its National Mechanism for the Prevention of Torture, fulfilling the obligations established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
47. Chile is committed to continue strengthening its independent human rights protection institutions, such as the National Institute of Human Rights, the National Mechanism for the Prevention of Torture and the Office of the Children's Ombudsperson, and to consider the adoption of new mechanisms of a similar nature.
48. In 2020, Chile ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and, in 2021, the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).
49. Chile is committed to making progress towards ratifying the human rights instruments that it has not yet ratified, such as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).
50. The major challenges facing humankind, such as climate change, the COVID-19 pandemic and inequality, are all matters that should be addressed from a human rights perspective. Chile is working to ensure that its public policies on climate change and post-pandemic recovery include the human rights perspective and that its citizens are heard.
51. Chile will strengthen affirmative measures to ensure the full inclusion of and non-discrimination against persons and groups that have been historically excluded, such as indigenous persons, women, persons with disabilities, the elderly, migrants, people of African descent and lesbian, gay, bisexual, transgender and intersex persons. With regard to the latter, in 2018, Chile adopted Act No. 21.120, which recognizes and protects the right to gender identity, and in 2021, it adopted Act No. 21.400, which legalizes same-sex marriage.
52. Chile drafted its first law on migration through a democratic process that involved parliamentary discussions lasting more than three years. Act No. 21.325 entered into force following its publication on 12 February 2022. This Act is rooted in the principles of international law and human rights and contains specific provisions on its interpretation in line with international human rights obligations, and express references to the *pro persona* principle, the best interest of the child and the protection of the family.
53. Lastly, with regard to the above, and in view of the human mobility crisis facing its continent with the massive flows of persons, Chile is committed to adhering to the principles of the Global Compact for Safe, Orderly and Regular Migration and to joining the United Nations Network on Migration.

#### *Human rights challenges*

54. Building a democratic society that respects human rights requires a sustained effort. Chile has been unwavering in its commitment to this objective ever since its return to democratic rule in 1990. Chile is committed to continuing its institutional

efforts to achieve truth, justice and full reparations for any human rights violations that occurred during the 1973–1989 dictatorship and to taking steps to ensure that such violations are not repeated in the future.

55. Starting in October 2019, Chile witnessed widespread, protracted social protests on a scale not seen since the return to democracy in 1990. The country experienced true social unrest sparked by widespread discontent among its citizens and demands from groups that have historically experienced discrimination. Growing inequality and a general sense of injustice triggered by a spike in the price of public transport unleashed a wave of protests and various other disruptions to law and order. In response, the Government declared a constitutional state of emergency, which was accompanied by serious violations of the human rights of those who took part in the protests. Those violations are currently being investigated by the criminal justice system.

56. Against that backdrop, the Office of the United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights were invited to visit Chile. Both bodies made recommendations, which are being duly considered at this time.

57. Along with seeking an institutional and democratic solution to this crisis through constitutional reform, Chile has committed to bolstering the investigations of human rights violations that occurred during the demonstrations, taking legal and political measures to compensate all the victims of human rights violations, and ensuring that such events do not repeat themselves.

58. The 2019 crisis highlighted the need in Chile for a public criminal defence system that is independent of the executive branch. In that connection, a bill aimed at strengthening the right of access to justice for detainees, defendants and convicted persons was introduced in 2021. In addition, the Public Criminal Defender Service initiated a legal defence programme in police stations aimed at fulfilling the Government's obligation to provide detainees with access to an attorney from the very beginning of their detention, while also preventing torture and mistreatment.

59. Chile will remain committed to cooperating and collaborating with all human rights mechanisms in order to strengthen the rule of law and ensure justice, truth and compensation for the victims of the social unrest. The Government will work to establish a more robust institution that will reinforce the mechanisms for the prevention of human rights violations and ensure that law enforcement institutions apply a human rights perspective when carrying out their duties.

#### *Constitutional process in Chile*

60. As mentioned previously, Chile is currently going through the process of constitutional reform the legitimacy of which has been endorsed by a referendum in which 79 per cent of voters were in favour of drafting a new Constitution through a constitutional convention that would comprise an equal number of men and women, reserve seats for representatives of indigenous peoples and ensure the participation of independent representatives of civil society. The text of the new Constitution, which will be subject to a referendum, will respect the character of the Republic of Chile, its democratic order, strong and enforceable court rulings and international treaties ratified by Chile that are currently in force. Chile will, therefore, continue to fulfil its international human rights obligations.