



AI Index: AMR 22/004/2005

A call to Protect Human Rights in Chile

An open letter from the Secretary General to the presidential candidates

On December 11, the people of Chile will elect the new President of the Republic, whose mandate will end in 2010, the Bicentennial of the independence of Chile, and a key date for national aspirations.

The new President will have the charge of accomplishing the hopes of reaching the Bicentennial leading a country which have improved in all aspects of development. However, it should not be forget that an essential part of development is the education, knowledge, appreciation and adhesion to Human Rights as enshrined in the Universal Declaration of Human Rights and other international instruments. In this context, Amnesty International makes a call to the presidential candidates to contribute from now on, with their leadership to the strengthening of a culture of respect for Human Rights.

Today, after many years, the Courts of Justice have been advancing in the task of finding truth and to judge those responsible for the gravest Human Rights violations in Chile in the past, in processes that for so long have been pursued by the victims, Human Rights organizations, the international community and the Chilean society.

However, to move towards “the Bicentennial of Chile” requires mucho more.

It is necessary to confront in a coherent manner the judicial processes of Human Rights violations during the military government. Amnesty International is concerned about the wrong signals issued to intervene in the on-going processes. The organizations believes that not only should the Courts be provided with all necessary means to make progress, but also with clear signals that in Chile all people are equal in front of the law, and that the agreed obligations of Chile, in virtue of International Law, are inalienable.

While the recognition of civil and political rights constitutes one of the big advances of this era, it is necessary to look beyond, on the understanding that Human Rights are indivisible and interdependent. Amnesty International expects that in the progress towards the Bicentennial, Chile will mark its respect not only for civil and political rights, but also of economic, social and cultural rights. Amnesty International calls the candidates to the Presidency to commit themselves to priorities, value and defend Human Rights in their eventual government actions, making substantial contributions to ensure them, and to treat them in an integral and indivisible manner.

We consider that in its Bicentennial, Chile shall provide for inclusion of all people, with equal rights and full respect of their Human Rights. Concrete and effective measures, improvement of public policies, and global initiative for the protection of the most vulnerable groups should be started. This is the case of women, minors and adolescents; indigenous people; and those persons discriminated because sexual orientation and gender identity.

In the context of women's rights, Chile should ratify the Facultative Protocol of the Convention for the elimination of all forms of discrimination against women (CEDAW), allowing its correct and effective implementation. Adequate attention is also to be given to the violence that many women experience in Chile, especially on their domestic environment.

It is necessary that the State creates prevention mechanisms, to comply with the international obligations to protect the rights of minors and adolescents. This protection is seriously weakened due to the policy and practices of State services that are charged with these tasks. So, it is urgent and necessary to care for the situations of violence and the prevention of risk conditions as rights abuses, drug-addiction, delinquency and others.

We express our deep concern of the grave abuses that indigenous communities suffer in Chile. Their members are often amongst those most vulnerable sectors in society, suffering discrimination, poverty and violence and facing problems of rights to land, access to natural resources and lack of response to their claims, related to international instruments and due processes. Amnesty International considers that it is necessary that Chile, by initiative of the Executive, ratifies as soon as possible Agreement 169 of the International Labour Organization, and cooperates in the adoption of the project of the UN Declaration of the Indigenous Peoples' Rights, that has been discussed since 1985.

The new government shall work to end with the discrimination suffered by many lesbian, gay, bisexual, transsexual and transgender persons in Chile. In their cases, the principle of equality before the law is frequently broken and many people continue to be victims of abuse because the sexual orientation and gender identity. Amnesty International appeals that the constitutional obligations granting equality and dignity of all persons be respected and to create social conditions that allows all persons the highest possible personal realization.

On the same line, Amnesty Internacional requests that the new government will introduce public policies against discrimination, acknowledges diversity as intrinsic quality of human rights, and send to the Congress projects of law affirming the above.

We know and celebrate that in Chile have been significant advance in the promotion of Human Rights. This has been the results of government, legislature and judiciary initiatives, as well and the persistent actions of Human Rights defenders.

However, Amnesty International reiterates that other measures shall be started and completed to enable Chile to reach its bicentennial, as a country with more justice and dignity for all its inhabitants.

The next government, respectful of Human Rights, along with the National Congress, shall at least:

Adopt a "National Agenda of Human Rights" that furthers in the search of truth, justice and reparation for the victims of Human Rights violations and their families; starts an ample review of the legislative frame to conform to all Human Rights international standards, to contribute substantially to its promotion and protection.

To derogate Decree Law 2191, 1978, also known as "Ley de Amnistía"

- Sign and ratify all pending international instruments on Human Rights, including Agreement 169 on the International Labour Organization, and advance in the ratification of the "Rome treaty", and to incorporate to the International Criminal Court.
- Contribute, subscribe and ratify without delay an International Treaty on Weapons Controls that contribute to avoid that small weapons fuels armed conflicts, be used to violate Human Rights, reach armed opposition groups, or increase delinquent violence.
- To move towards a more strict control of trade, access and use of small weapons, which cause hundred of innocent deaths in Chile.
- To respect and demand respect of Human Rights in the implementation of agreements and international instruments, especially in the Free Trade Agreements, other economic relationship instruments and those affecting labour rights.
- Openly recognize the delays of Chile in matters of economic, social and cultural rights, and to establish a timetable to advance in their fulfilment. It is particularly urgent to ensure the rights of access to health and justice for all persons.
- To promote the effective incorporation of Human Rights educational objectives in the curricula of public education, as well on those of the Armed Forces, Police and Prison services.
- To improve the reclusion conditions in prisons, as they shall serve for security, re-education and reinsertion and not for punishment; in particular in the case of young people.
- To institutionalize the role of Ombudsperson, or Defender of people.

- To continue to move towards an effective and comprehensive legislation against discrimination. In particular, those situations affecting immigrants and displaced and refugee persons, often experiencing racism and xenophobia in Chile.
- To use the international forums for Human Rights promotion and defence.

In conclusion, Amnesty International invites the candidates to the Presidency of Chile, to neatly incorporate in their government programs the above concern, as well as any other they may deem necessary, as an indispensable ethical imperative for the political, social and economical development of Chile.

Amnesty International hopes that the person entrusted to lead the country in the next presidential period will promote and contribute on the initiatives mentioned and any other related with the Human Rights in Chile. Also, Amnesty International expects to maintain a fluid communication with the candidates in the future, and the elected President to contribute in all possible ways to the building of a country arriving to its bicentennial with the commitment to promote and defend in an unrestricted way Human Rights, without exclusions.

Sincerely,

Irene Khan
Secretary General

26 October, 2005