



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to Chile undertaken from 4 to 13 April 2016:
observations and recommendations addressed to
the State party**

Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the report of the Subcommittee was transmitted confidentially to the State party on 27 June 2016. On 26 December 2016, the State party requested the Subcommittee to publish its replies, in accordance with article 16 (2) of the Optional Protocol.

** The annexes are being circulated in the language of submission only.



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I. Introduction

1. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment carried out its first regular visit to Chile from 4 to 13 April 2016 in accordance with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. The Subcommittee was represented by the following members: Ms. Lorena González Pinto (head of the visiting delegation), Mr. Roberto Michel Fehér Pérez, Mr. Enrique Font and Mr. Emilio Ginés Santidrián.
3. The Subcommittee members were accompanied by five staff members and two security officers of the Office of the United Nations High Commissioner for Human Rights (OHCHR).
4. The Subcommittee visited 22 places of deprivation of liberty in Antofagasta, Quillota, Santiago, Temuco, Valdivia and Valparaíso and met with officials of the three branches of government, the National Human Rights Institute, representatives of civil society and staff members of the United Nations system. The Subcommittee conducted a total of 364 interviews with persons deprived of their liberty.
5. At the conclusion of the visit, the Subcommittee presented its preliminary confidential observations to the Chilean authorities. In the present report, the Subcommittee delivers its findings and recommendations regarding the prevention of torture and ill-treatment of persons deprived of their liberty in Chile. The generic term “ill-treatment” is used throughout the report to refer to any form of cruel, inhuman or degrading treatment or punishment.
6. The Subcommittee took a positive view of the announcement of a number of institutional developments in the area of human rights, including the preparation of a bill to classify torture as a specific offence and the forthcoming establishment of the Office of the Under-Secretary for Human Rights, which will strengthen government policies and coordination in this area.
7. The Subcommittee wishes to express its gratitude to the Chilean authorities for their cooperation and assistance during the visit. The Subcommittee had prompt, unhindered access to places of deprivation of liberty, including unrestricted access to persons deprived of their liberty whom it wished to interview privately, as well as to the records and reports it requested.
8. **The Subcommittee requests the Chilean authorities to provide a detailed account within six months of the date of this report’s transmission of the measures taken to act upon the recommendations contained herein.**
9. The present report will remain confidential until such time as the State party decides to make it public. The Subcommittee is firmly of the view that publishing the report can contribute to the prevention of torture and ill-treatment, since the wide dissemination of the Subcommittee’s recommendations would help to pave the way for a transparent and productive national dialogue on the issues dealt with in the report.
10. **The Subcommittee recommends that the State party request that this report be published in accordance with article 16 (2) of the Optional Protocol, as has been done previously by other States parties.**
11. The Subcommittee wishes to draw the State party’s attention to the Special Fund established pursuant to article 26 of the Optional Protocol. Recommendations contained in reports that have been made public can be used by the State party as a basis for applying for funding from the Special Fund for specific projects.¹

¹ See www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

II. National preventive mechanism.

12. The Subcommittee commends the State party for its participation in the Convention against Torture Initiative, which promotes technical assistance and cooperation between States parties as a means of overcoming the challenges arising from the ratification and implementation of that Convention. The Subcommittee also acknowledges the State party's support of the resolution adopted by the Human Rights Council in March 2016 on torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention. In that resolution, the States stressed that:

Inspections of places of police custody and pretrial detention by an independent authority contribute to the prevention of torture and other cruel, inhuman or degrading treatment or punishment and that, to be fully effective, such visits should be regular and able to be made unannounced, and the authority should be empowered to examine all issues related to the treatment of persons in police custody and pretrial detention and to interview detained persons in full confidentiality.²

13. The Subcommittee notes with concern, however, that the State party's fulfilment of its obligations under the Optional Protocol with regard to the creation of a national preventive mechanism is more than six years overdue,³ a situation made all the more striking by the fact that there are so few States parties with a delay of that length. In this regard, at its twenty-eighth session (held from 15 to 19 February 2016), the Subcommittee decided to publish a list of those States parties whose compliance with the obligation to create a national preventive mechanism was at least three years overdue.

14. It should also be recalled that, in 2014, during the second universal periodic review of Chile, the Chilean Government accepted a recommendation to accelerate efforts to establish a national preventive mechanism.

15. Although the Subcommittee was informed that the National Human Rights Institute established in 2009 had been designated as the national preventive mechanism by the Government, the mechanism's legal framework, structure and budget have yet to be established.

16. The Optional Protocol states unequivocally that States parties should allocate resources to national preventive mechanisms for their operations so as to guarantee their functional independence (Optional Protocol, art. 18 (1)). Accordingly, the national preventive mechanism should act independently not only of the Government, but also of the National Human Rights Institute. Thus, the State party should earmark a specific allocation of funding for the national preventive mechanism.

17. The Subcommittee recommends that, in order to guarantee the functional independence of the national preventive mechanism, it should not be subordinate in any way to the National Human Rights Institute. The organizational hierarchy of the Institute should reflect the requirements set forth in the Optional Protocol, namely that the national preventive mechanism should have operational autonomy as regards its resources, programme of work, findings and recommendations and a direct and confidential means of maintaining contact with the Subcommittee.

18. During the visit, the Subcommittee met with members of Congress to encourage the legislature to contribute to the fulfilment of the commitment voluntarily assumed by the State party to establish a national preventive mechanism as quickly as possible.

19. Following those meetings, on 12 April 2016, the Subcommittee was informed that the Chamber of Deputies Committee on Human Rights had submitted a draft agreement whereby the President of Chile would be requested to present a bill for the creation of a national preventive mechanism without delay.

² A/HRC/31/L.26/Rev.1.

³ Optional Protocol, art. 17.

20. **The Subcommittee urges the State party to comply swiftly with its international obligation to establish a national preventive mechanism, along with the specific guarantees such national mechanisms should have.⁴ In particular, it is important for the State party to make provision for the funding required for that purpose in the 2017 financial year. The Subcommittee reiterates its readiness to cooperate with the State party and to provide any guidance and support required in respect of the commitment made by the Government during the Subcommittee’s visit to submit a bill for the establishment of a national preventive mechanism.**

III. Legal and institutional framework for the prevention of torture and ill-treatment

A. Definition of torture as a specific criminal offence

21. The Subcommittee has learned that the bill on the classification of torture as a separate offence in the Criminal Code was approved by the Chamber of Deputies and is now before the Senate. The Subcommittee commends the State party on its commitment to fulfilling its international obligations and recognizes that the aforementioned bill establishes the non-applicability of the statute of limitations to the offence of torture and substantially increases the penalties for that crime.

22. The Subcommittee notes with concern, however, that, although the bill introduces a new criminal offence, it preserves the existing provisions regarding this matter, namely articles 150A and 150B of the Criminal Code, which make reference to “unlawful coercion”, and article 19 of the Organic Act on the Investigative Police (Decree-Law No. 2460), which refers to “any act of violence committed with the intent of obtaining information from the detainee”. The Subcommittee is concerned that, in its current form, the bill could give rise to issues of interpretation and to a lack of legal certainty that could, in turn, result in situations in which acts amounting to torture would go unpunished.

23. The Subcommittee also notes with concern that the penalties for the offence of torture currently set forth in the bill do not apply to cruel, inhuman or degrading treatment.

24. **The Subcommittee reiterates the recommendations made by the Committee against Torture in 2009 and those made in the second universal periodic review of Chile in 2014 and urges the State party to bring the definition of the offence of torture fully into line with international law and, in particular, with article 1 of the Convention against Torture. The Subcommittee calls on the State party to harmonize its legislation and, in particular, to repeal articles 150A and 150B of the Criminal Code, as well as article 19 of Decree-Law No. 2460. Lastly, the Subcommittee recommends that penalties for other cruel, inhuman or degrading treatment not constituting torture should be incorporated into the law.**

B. Administration of justice

25. The Subcommittee notes that, under the Code of Military Justice, any ordinary crimes committed by military personnel in the course of duty are to be investigated and prosecuted by military tribunals rather than by the ordinary courts. The Subcommittee notes that cases in which one of the parties is a civilian, or that involve a civilian and a member of the military, should be submitted for prosecution in the ordinary courts, in line with regional and international doctrine and jurisprudence. The Subcommittee has received information to the effect that, in many cases, offenders were not convicted or the sentences imposed were reduced by the appeals courts, suggesting, in practice, that there is a lack of access to justice and effective remedies for victims or their family members.

26. **The Subcommittee urges the State party to amend its legal order to ensure that military jurisdiction is restrictive and is applied only to members of the armed forces**

⁴ Optional Protocol, arts. 18-23; Guidelines on national preventive mechanisms (CAT/OP/12/5).

whose conduct is in breach of military order and discipline and that under no circumstances may it be extended to cover the commission of ordinary offences against civilians. In addition, the State party should ensure that, in cases involving officials of Carabineros, suspected offenders are investigated and tried by the ordinary courts. The State party should also guarantee access for victims of human rights violations to effective remedies under ordinary law, including comprehensive redress, rehabilitation, measures of satisfaction and guarantees of non-repetition.

27. The Subcommittee is concerned at the quality of the public defence provided to persons deprived of their liberty. Many people told the Subcommittee that their interview with the public defender prior to a hearing was very short or even that they had not met their legal counsel before entering the courtroom or just moments before the hearing began. Barring a few exceptions, the interviewees said that the public defenders had not asked them if they had been victims of torture or ill-treatment. When persons deprived of their liberty told their legal counsel that they had been victims of such violations, the public defenders paid the allegations little heed and advised against raising the issue during the court hearing or submitting any complaint. These persons also said that they had had no real opportunity to participate in the preliminary hearings, which were often conducted hastily, and that in fact the public defenders had recommended that they should remain silent.

28. Since the Subcommittee considers the Public Criminal Defender Service and the Attorney General's Office to be institutions that play a critical role in the detection of torture and ill-treatment, the Subcommittee recommends that the State party:

(a) Guarantee the availability, from the very outset of a person's detention, of effective and appropriate assistance from the Public Criminal Defender Service and ensure that interviews with persons deprived of their liberty always take place in advance of court hearings and that they are of a sufficient duration and cover what is required in order to make certain that a proper defence can be provided and that instances of torture or ill-treatment are detected on a systematic basis;

(b) Establish suitable standard operating procedures for the Public Criminal Defender Service and the Attorney General's Office with a view to ensuring the proper detection and reporting of acts of torture and ill-treatment and the punishments of the perpetrators of such acts. The standard operating procedures should also ensure proper record-keeping on all cases identified or reported by victims; the corresponding records should include information on the prosecution of those cases and the decisions handed down;

(c) Train all relevant justice officials to ensure the proper application of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) at all times and at all stages of criminal proceedings.

29. The Subcommittee observed that both the Attorney General's Office and the Public Criminal Defender Service make use of procedures that may promote self-incrimination, such as shortened or simplified arraignments. The practice of admitting guilt in the expectation of a lighter sentence that would open the way for an immediate or early release from custody gives rise to a paradoxical effect: such persons regain their freedom at the cost of accepting a sentence that, if they are arrested at a future date, may cause them to be remanded to pretrial detention or imprisoned. Prison overcrowding, which, in some of the facilities that were visited, which was most noticeably a problem in areas housing pretrial detainees, is another inducement for accused persons to choose to use plea bargaining procedures promoted by defence lawyers and the Attorney General's Office so that they can regain their freedom.

30. The Subcommittee received numerous reports from persons deprived of their liberty in which they claimed that they had been pressured by public defenders and prosecutors into plea bargaining. In fact, the Subcommittee was apprised of a case in which an accused person was held in a police station by order of the prosecutor for more than seven days, supposedly so that the person could think over an offer that was dependent on an admission of guilt.

31. **The Subcommittee recommends that the State party undertake a thorough evaluation of the use of plea-bargaining procedures, ensure that the rights to defend oneself in court and to due process are effectively enforced and ensure that no pressure of any kind is exerted on accused persons to convince them to plea bargain.**

32. The Subcommittee noted the inappropriate use of the Office of the Attorney General's prosecution support system database to introduce information into court proceedings regarding defendants' alleged criminal history. This information is compiled entirely by the Attorney General's Office and is based on events that have not necessarily been proven to have occurred by a court of law.

33. The Subcommittee observed that in the high-security prison in Santiago, persons deprived of their liberty were categorized as "anarchists/subversives", among other categories, on a whiteboard in the prison director's office. When questioned by the Subcommittee, the director said that the categories were based on information available from the Prison Service and in court decisions. The Subcommittee also noted the appearance of the term "former subversive", in a court decision, next to the name of a person deprived of liberty.

34. **The Subcommittee recommends that the Attorney General's Office instruct prosecutors to refrain from using information from the prosecution support system in a manner that violates due process. The Subcommittee also recommends that the Supreme Court declare such information to be inadmissible as evidence of the existence of a criminal background.**

35. The Subcommittee notes with concern that the existence of any history of psychiatric treatment gives rise to a presumption of procedural risk and leads to the automatic evaluation of the person in a psychiatric hospital in order to determine his or her legal competence to stand trial. The Subcommittee determined that this practice places such persons in a legal limbo in which they may be left in the psychiatric hospital for months after the evaluation has been completed and the judge notified of its contents.

36. **The Subcommittee recommends that the State party call upon all justice officials to limit the use of deprivation of liberty for the purpose of psychiatric evaluation and to ensure that they comply strictly with the legally permissible time frames when determining that deprivation of liberty for such purposes is required.**

37. Although constitutional guarantees courts have been introduced as part of the reform of the system of criminal procedures to safeguard defendants' rights, the State party still lacks a mechanism for judicial oversight of the execution of prison sentences. It is universally acknowledged at all levels of the system, including the Supreme Court, the Prison Service and the Office of the National Public Defender, that a procedural mechanism is needed for overseeing the execution of prison sentences.

38. **The Subcommittee recommends that the State party establish a system in which responsibility for monitoring and overseeing the execution of prison sentences is assigned to a specialized judicial body.**

39. The Subcommittee notes the absence of integrated, coherent legislation governing the situation of persons deprived of their liberty and the fact that the prison system continues to be based on regulations of a non-statutory nature such as the Prison Regulations and other related rules. This situation has given rise to cases that could constitute torture or ill-treatment. By way of example, the Subcommittee has noted the indiscriminate use of force in prisons, as well as disproportionately harsh disciplinary sanctions that afford little or no opportunity for judicial oversight. The Subcommittee also noted that these practices, in combination with other factors, have led to a lack of sufficient preventive measures. Under the current rules of the prison system, various disciplinary measures can be imposed by prison officers, with no provision being made for an impartial judicial review.

40. **The Subcommittee recommends that the State party adopt a comprehensive legal framework for the prison system that is in conformity with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the**

Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), to govern the use of force and the disciplinary sanctions applied by prison officers. This regulatory framework should also provide for the possibility of prison sentence reductions and parole.

41. The Subcommittee noted the existence and application of minimum-term life sentences and whole-life orders under which, only upon serving 20 or 40 years of those sentences, can persons deprived of their liberty be granted the prison privileges provided for in Decree-Law No. 321.

42. **The Subcommittee recommends that, as part of the reform of prison legislation, systems of privileges, including parole, be brought into line with rule 95 of the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) on humanitarian grounds so that cases involving lengthy sentences do not become a kind of advance death penalty.**

IV. Torture and other cruel, inhuman or degrading treatment or punishment

43. The Subcommittee is concerned by the numerous reports it received from persons deprived of their liberty who claimed to have been subjected to torture or ill-treatment under a variety of circumstances. The Subcommittee was informed that such acts had taken place during arrests and searches, before and after persons deprived of their liberty were examined for injuries, and during transfers to and from Carabineros stations, investigative police stations and prisons. The Subcommittee also received reports of ill-treatment in the holding cells of the Santiago courthouse. The Subcommittee has received information on cases in which, following demonstrations or social protests, individuals were briefly deprived of their liberty in police stations without being registered or examined for injuries.

44. The forms of ill-treatment most frequently described to the Subcommittee were blows delivered with an open hand, a truncheon, the butt of a firearm, a knee or a foot, in some cases by several officers, even after the persons deprived of their liberty had been subdued and handcuffed. In other cases, the methods described included the prolonged use of handcuffs in various positions, the twisting of upper limbs, the use of irritant gas, deprivation of food and water and exposure to particularly cold temperatures for several hours. There were repeated claims that persons deprived of their liberty had been handcuffed with their hands behind their backs, sometimes overnight. These situations have also reportedly arisen in police vehicles and upon entering places of detention.

45. A number of persons reported cases of ill-treatment in police stations and other places of detention run by the Carabineros. These incidents have usually occurred in places where there are no surveillance cameras, such as bathrooms or storage spaces adjacent to detention areas. At one of the police stations visited by the Subcommittee, the delegation's entry interrupted two cases of ill-treatment that were subsequently described in statements given by the persons concerned. The Subcommittee also found that persons being held in police stations were systematically immobilized with handcuffs that were put on more tightly than necessary, causing them pain and injury.

46. In the Santiago and Valdivia courthouses, the Subcommittee saw persons who were in the holding cells being placed in handcuffs and special vests for long periods of time prior to being transferred. At the Santiago facility, several persons had been held under those conditions for 24 hours or more.

47. On several occasions, allegations of recently committed acts of torture or ill-treatment were corroborated by examinations carried out by the delegation's doctor.

48. The Subcommittee learned of repeated and consistent allegations of various forms of ill-treatment being committed during prison searches conducted by prison officers. During searches, detainees are often subjected to verbal abuse, the destruction of their property and the use of irritant gas. Allegations were also received of particularly invasive body searches that were especially humiliating for women detainees and visitors.

49. **The Subcommittee recommends that the State party ensure that regular, unannounced visits to courthouse holding cells and places of detention run by the Carabineros and the investigative police are undertaken by the Public Criminal Defence Service, the Attorney General's Office and the judiciary. During these visits, confidential interviews should be conducted with persons deprived of their liberty in order to detect cases of torture and ill-treatment and to assist victims, provide them with adequate protection against retaliation, investigate what occurred and hand down administrative and criminal penalties.**

V. Health

50. The Subcommittee was informed by the State party that persons deprived of their liberty were routinely examined by medical staff upon their arrest before being taken to the police station. The Subcommittee was concerned to note that this action was taken only in cases where injury had clearly been inflicted. The majority of persons deprived of their liberty who were interviewed in police stations and prisons stated that they had not had contact with health-care staff.

51. At Carabineros stations, there is a health questionnaire that must be completed by detainees. The form includes questions about whether they have any illnesses, whether they take medication and whether they have been injured. If a detainee responds in the affirmative, the document is deemed invalid, as indicated in a clause included on the form, and he or she must be taken to hospital. The form is filled out by a police officer on the basis of an interview with the detainee, who then signs it. The police officer assesses the detainee's injuries and other ailments. Both the medical examination and the assessment in this area should be carried out only by medical staff.

52. The Subcommittee is seriously concerned to note that, when detainees are taken to hospital to have their injuries assessed, they are examined in the presence of the officer accompanying them, which violates their inalienable right to privacy and medical confidentiality. It appears that doctors often ask detainees about the existence of injuries without carrying out a visual or more thorough examination. The Subcommittee identified detainees with undetected illnesses, as confirmed by subsequent medical reports, which required medication or other treatments. After a second medical examination had been carried out at the Subcommittee's request, the patients returned to the police station to find themselves in the same situation that they had been in before: with no proper care, no medication and no monitoring of the illness for which they had been examined, as the Subcommittee was able to confirm by examining the medical report. Furthermore, medical assessments are handed to the police officer by the doctor, which undermines confidentiality and creates a risk of reprisal.

53. **The Subcommittee recommends that, following their arrest, all detainees be given medical examinations in a public health institution as a matter of course. The examination should take place in private, and the health record should be filled in by health-care staff. It also recommends that: standard operating procedures be established for these examinations, with particular emphasis being placed on the proactive detection of injuries, in accordance with the Istanbul Protocol; that there be a written attestation of the detainee-patient's consent; and that the report, in accordance with the need to preserve confidentiality, be delivered in a sealed envelope addressed to the judge responsible for procedural safeguards. The health-care system is also urged to keep a record of injuries identified as being compatible with torture and ill-treatment and of allegations made by persons deprived of their liberty who have been examined.**

54. The Subcommittee found that the medical services in some of the places of detention that were visited were run properly. In others, the Subcommittee received complaints from inmates, health-care workers and prison officers about the difficulty of obtaining a medical appointment and the lack of follow-up, medication and patient monitoring.

55. Interviews with inmates in detention facilities and subsequent checks of their medical records revealed that discrepancies exist between the information contained in

health records and the inmates' state of health. As a result, staff remain unaware of inmates' illnesses when they enter the facility, which of course has adverse consequences as time goes on.

56. The Subcommittee noted that, in one particular detention facility, only half of the examinations that were performed had been recorded in the medical records. This constitutes a violation of the inmates' rights.

57. In Santiago, the medical services provided in the prisons and the prison hospital are adequate. The same cannot be said, however, of the prisons that were visited in Valparaíso and Antofagasta. In some places of detention, the Subcommittee noted that inmates had difficulty gaining access to a doctor because prison officers refused to take them to a health centre. The Subcommittee is concerned to note that the prison hospital's psychiatrist, dermatologist and cardiologist have resigned and that, after more than a month, they have not been replaced. Anaesthetists are available only for limited periods of time, making it difficult for surgeries to be performed. If necessary, use is made of the general hospital but, according to the statements made by inmates, health personnel and prison officers, this results in the necessary medical consultations being delayed by between several months and as much as a year and thus constitutes discrimination against the prison population. The Subcommittee is also concerned to note that, even when appointments are made at the general hospital, inmates sometimes are unable to attend because no ambulance is available, as there is only one for the Valparaíso region, for example. Also, no doctors are on duty at the weekend, which further exacerbates the situation.

58. The Subcommittee recommends that, in all cases, attention should be paid to the proper completion of all medical documentation. Furthermore, treatment in the above-mentioned specialized areas, among others, should be provided at the prison hospital. If this is not possible, the State should ensure that prompt and effective coordination is undertaken to deal with the various pathologies concerned. The Subcommittee believes that an independent observer, such as the representative of a national preventive mechanism, could provide suitable follow-up in such situations.

59. The Subcommittee found that dental services were well run at Santiago Detention Centre No. 1 and the Special High Security Unit. In the latter prison, inmates are treated for suspected illnesses and given follow-up care. Record-keeping was satisfactory. At San Miguel Prison, however, women inmates complained that access to such services was limited.

60. The Subcommittee is concerned to note that effective access to dentistry services for the whole of the prison population, including those inmates who receive appointments, is actually controlled by prison officers.

61. The Subcommittee recommends that a register be set up for use in scheduling appointments on a regular basis and that steps be taken to ensure that no discrimination of any kind is practised by officials or dentists themselves.

62. The availability of medication in the places of detention that were visited varies from one centre to the next. The Subcommittee noted that sufficient medication was available at some of the places of detention and, in the majority of cases, medication is given to chronically ill patients, who must sign a register to confirm receipt. However, the Subcommittee is concerned about the lack of medication in some prisons, such as those in Antofagasta and Valparaíso. In the latter, complaints were made about interruptions in the delivery of medication to some inmates with HIV. The Subcommittee would like to emphasize that such interruptions would be extremely serious as, when persons with HIV fail to take antiretroviral medicines, they are more likely to develop AIDS.

63. In the light of the above, the Subcommittee recommends that particular attention be paid to the provision of medication to people with HIV, other chronically ill patients and other prisoners who require treatment. In all cases, a register should be signed by prisoners to confirm that they received their medication. The Subcommittee recommends that prison health services adapt their protocols and facilities to ensure that persons deprived of their liberty who wish to do so can use

traditional knowledge and medicines as an alternative or supplement to the treatments that the health services normally dispense.

64. The Subcommittee noted that the service provided by the psychiatric hospital appeared to be adequate. However, the Subcommittee was concerned to note the lack of any protocol for detecting ill-treatment or torture in cases of involuntary administrative admissions, when patients brought in by police officers, or even by their families, show signs of bruising. The medical service apparently does not take that possibility into account in the case of patients who are often lacking in discernment or understanding of their situation.

65. The Subcommittee is seriously concerned that persons admitted to the hospital for an assessment of their mental competence to stand trial remain institutionalized for more than six months after the completion of the assessment.

66. The Subcommittee recommends that particular attention be devoted to the examination of patients exhibiting injuries and that specialized training be provided in this area.

VI. Conditions of detention

A. Overpopulation and overcrowding

67. On the basis of interviews with government officials, persons deprived of their liberty and human rights organizations, the Subcommittee has concluded that the existing policy governing the prosecution of criminal offences has contributed significantly to the increase in the prison population. The way in which justice is currently administered has also contributed to overcrowding, particularly since the reform of the criminal justice system was carried out. The reform has streamlined the justice system and permitted a broader range of crimes to be addressed. However, the system suffers from shortcomings in terms of safeguards, the handling of complex crimes and the reduction of prison overcrowding. Moreover, the marked reduction in the ratio of pretrial detainees to the total prison population has been achieved at the cost of a significant increase in the number of persons deprived of their liberty, as shown by the current high rate of incarceration in Chile. This situation heightens the likelihood that members of certain groups (defined in terms of social class, gender, ethnicity and age, among other characteristics) will be subject to criminal prosecution, ill-treatment and torture during arrest and detention, violations of due process and imprisonment.

68. The Subcommittee recommends that modifications be made, as a matter of urgency, in the policy governing criminal prosecution and the administration of criminal justice in order to reduce the number of persons deprived of their liberty and reverse the rise in the prison population, including through the use of alternative measures to detention. The Subcommittee further recommends that these modifications be such as to reduce the heightened risk of detention and vulnerability to ill-treatment in places of detention of the groups that are most at risk in this regard.

69. The Subcommittee is concerned to note that there is overcrowding in the vast majority of places of detention, with, in some cases, as many as three persons being forced to share a mattress. Furthermore, the Subcommittee is concerned about inadequate natural or artificial lighting, insufficient heating and the scarcity of opportunities for inmates to exercise outdoors or engage in any other activity for long periods of time, all of which, taken together, may constitute cruel, inhuman and degrading treatment.

70. During its visits, the Subcommittee noted that disparities existed in detention conditions within the same institution. Some persons deprived of their liberty receive differential treatment as a result of orders issued by a court or by the prison officials or by reason of their socioeconomic status or their mid-ranking or senior position in a criminal organization. Such treatment includes being housed in places of detention that are not overcrowded or in individual cells equipped with proper bathrooms and access to gyms, television sets, individual sleeping quarters, a canteen and a living room. These persons are

also subject to a more lenient prison regime. By contrast, other persons deprived of their liberty in the same institution are held in overcrowded places with little or no access to outdoor areas, bathrooms, water supplies, or recreation or work opportunities.

71. Furthermore, in some of the prisons that were visited, the Subcommittee noted that the worst conditions, the worst overcrowding and the most serious lack of activities and privileges were found in blocks housing persons being held in pretrial detention who are classified as first-time and low-level offenders. This situation places persons deprived of their liberty under additional pressure to choose summary or simplified proceedings that allow them to regain their freedom as soon as possible. It was noted that prisons are generally lacking in educational, training, recreational and other opportunities. As a result, sentences fail to serve their purpose, which is to bring about rehabilitation and social integration, and instead simply act as a form of punishment.

72. According to official figures, the prison population consists of around 45,000 persons who are either in pretrial detention, are standing trial or have been convicted (a rate of 248 per 100,000 people). In certain prisons, such as those of Valparaíso and south Santiago, the Subcommittee found particularly deplorable conditions, including a lack of sleeping space, garbage strewn about, rodents, infestations of bedbugs, and a total lack of hygiene, services, ventilation and basic infrastructure such as roofs, with the result that inmates had little or no protection from the cold or rain.

73. The Subcommittee visited the Special High Security Unit in Santiago. Although there was no overcrowding at this prison, the Subcommittee was concerned to note that inmates are often placed in long-term isolation. This situation is exacerbated by the absence of activities and workshops and the lack of access to sunlight.

74. The Subcommittee is concerned to note that stricter conditions with regard to visiting hours and access to recreational activities appear to prevail in wings in privately run prisons where persons who are standing trial are being held. In the privately run Valdivia prison, there is more serious overcrowding in one of the blocks than in the others.

75. The Subcommittee recommends that rules 58 and 105 of the Nelson Mandela Rules concerning the right to receive visits without discrimination and the right to have access to recreational and cultural activities should be fully implemented.

76. The Subcommittee recommends that the State party take measures, as a matter of urgency, to address overcrowding by making greater use of non-custodial sentences in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) and by reducing the use of pretrial detention. The Subcommittee also recommends that the State party take steps to reduce the current discrepancy between the number of persons deprived of their liberty in State-run and privately run prisons and consider establishing a national ceiling — at a similar level to the ceiling in place for privately run prisons — on the number of persons who can be held in State-run prisons. Until such time as this serious problem of prison overcrowding is resolved, and in view of the fact that these conditions may amount to ill-treatment, the State party should uphold victims' right to claim remedies and adequate redress, as set out in article 2 (3) of the International Covenant on Civil and Political Rights and article 14 of the Convention against Torture. In this regard, the Subcommittee recommends that the State party consider, as a form of partial restitution for the harm suffered, paroling or reducing the sentences of persons subjected to inhuman conditions of detention.

B. Infrastructure

77. The Subcommittee found that dire conditions exist in some prisons, such as the South Santiago Pretrial Detention Centre, in which 283 first-time detainees are held in a single section. The Subcommittee noted that the cells that it toured in south Santiago and Valparaíso do not meet appropriate standards of hygiene, infrastructure or services. Where sanitary facilities exist, they are inadequate, and the sewerage system is open and often floods, with the result that raw sewage flows through sleeping quarters, acting as a source

of serious infections and unpleasant odours. Such is the level of overcrowding in the original section of the South Santiago Detention Centre that inmates have built a structure, which is also overcrowded, in the yard adjacent to the original cells from wood, sheet metal and plastic.

78. **The Subcommittee recommends that urgent measures be taken to improve the unacceptable conditions in Valparaíso Prison and the South Santiago Pretrial Detention Centre. In the latter facility, it is recommended that the State party relocate the detainees in a manner that is in keeping with their status as persons charged with a first offence and dismantle the precarious annexed structure in view of the inhuman conditions that it affords.**

C. Food and essential goods

79. The Subcommittee welcomes the fact that persons with HIV in the Antofagasta prison receive a special diet prepared by a nutritionist and antiretroviral medicines. However, in all the places of detention that were visited, the inmates invariably complained that the food was of poor quality and that their diets were lacking in variety. In State-run prisons, the inmates must turn to their families in order to supplement their diet or to obtain other food to replace the prison meals entirely. Inmates who have no family or no financial resources suffer from serious dietary deficiencies. In the Valparaíso prison, the Subcommittee noted that the food was not only of poor quality but was also served in plastic bags, without cutlery or plates, which amounts to degrading treatment.

80. In privately run institutions, reports of food shortages were received by the Subcommittee. In addition, particularly in privately run prisons, commissary stores are not properly regulated and charge inflated prices.

81. **In view of the fact that food is an essential component of good health, the Subcommittee recommends that the State party ensure that prison facilities provide regular, good-quality meals that are well prepared and served and offer sufficient nutritional value. Similarly, the health-care team should monitor every stage in the production and delivery of food to inmates and ensure that a record is kept of food deliveries.**

82. The Subcommittee is particularly concerned about the fact that food is not always made available to persons being held in police stations and courthouse holding cells and to persons being transferred from one facility to another. These situations, which can last for several hours or days, may amount to ill-treatment.

83. **The Subcommittee recommends that, in accordance with the Nelson Mandela Rules (rule 22), the State party ensure that every prisoner is “provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served”. No detainee should need to depend on third parties for food. The Subcommittee recommends that the prison system be allocated enough funding to provide all persons deprived of their liberty, including those held in privately run prisons, with sufficient food. With respect to the provision and distribution of food, medicine, toiletries and clothing, it is recommended that regular procedures should be implemented to ensure that these articles reach their intended recipients, in accordance with the Nelson Mandela Rules (rules 18 and 19).**

VII. Groups deprived of their liberty who are considered to be especially vulnerable

A. The situation of women

84. The Subcommittee is concerned about the disproportionate effect of pretrial detention on women and notes that it has a serious psychological impact on mothers,

particularly single mothers, who are caring for their children. The Subcommittee observed cases of mothers in San Miguel Prison in Santiago and the prison in Antofagasta who had been awaiting trial for more than one year.

85. The Subcommittee reminds the State party of the principle of the best interests of the child and rule 58, on pretrial and sentencing alternatives for women, of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules).

86. The poor material conditions existing in the facilities visited in San Miguel, Quillota and Antofagasta have a severe impact on the physical well-being of women. In those three locations, access to sanitary facilities was not sufficient. At the Antofagasta prison, women did not have toilets in their rooms and had to use plastic buckets during lock-down. A lack of privacy was noted in the women's unit at the privately run prison in Valdivia, where the toilet facilities are located within view of a camera in the yard. Women were not provided with sanitary towels or other basic personal hygiene products at any of the facilities that were visited and had to obtain such items from visitors or from other prisoners if they did not have any visitors.

87. Through numerous interviews, the Subcommittee identified a pattern of discrimination. Women received fewer conjugal visits than men did and had fewer opportunities to participate in professional workshops and recreational activities and to engage in physical exercise. Workshops at the Antofagasta prison included modelling, sewing, hairdressing and manicuring, thereby perpetuating gender stereotypes and creating unequal access to employment and a greater risk of poverty.

88. At the Valdivia prison, the Subcommittee noted that, while men were segregated according to the seriousness of their offence, in the women's area, all categories of detainees were held together. The Subcommittee observed a high degree of tension and a dangerous atmosphere among the detainees. This situation could well be regarded as a component of systematic discrimination in privately run prisons.

89. The Subcommittee recommends that the State party adopt a cross-cutting approach to gender mainstreaming in its incarceration and rehabilitation policies.

90. The Subcommittee is concerned by the existence of serious discrimination against lesbian detainees. While relationships between male detainees are allowed, relationships between female detainees are not tolerated, leading some female detainees to attempt suicide by drinking bleach or setting fire to themselves as a form of protest and in order to avoid being separated from their partners. A number of couples reported having been insulted by prison officials and subjected to sexual humiliation.

91. The Subcommittee recommends that, in line with rule 16 of the Bangkok Rules, the authorities, in consultation with the mental health and social welfare services, develop and implement strategies to prevent suicide and self-harm among women prisoners.

92. The restriction of visits as a disciplinary measure represents a further violation of women's rights. While the measure is applied in both men's and women's prisons, it affects women differently. The Subcommittee found cases of women who had had their visits restricted for several months, either by the courts or by prison directors. The measure had caused these women serious psychological suffering. In all the prisons it visited, the Subcommittee also heard a number of complaints regarding the alleged arbitrariness of punishments and discrepancies in the application of sanctions for the same offence.

93. The Subcommittee recalls that, under rule 23 of the Bangkok Rules, disciplinary sanctions for women prisoners should not include a prohibition of family contact, especially with their children.

94. The Subcommittee was apprised of the serious situation of a female former prison guard who was being held in an isolation cell in San Miguel Prison with no access to a bathroom. She was at a distinct disadvantage when compared with the male former prison guards being held in the Antofagasta prison and the Special High Security Unit in Santiago, who had a number of privileges.

95. At San Miguel Prison, the Subcommittee observed two pregnant women whose health was at risk but who had not undergone the appropriate examinations. Furthermore, the Subcommittee was informed that none of the other pregnant women received regular check-ups. Similarly, in the Antofagasta prison and the privately run prison in Valdivia, the Subcommittee observed several female prisoners in acute need of mental health care.

96. **The Subcommittee recommends that the State party ensure that, in accordance with rule 12 of the Bangkok Rules, women prisoners with mental health-care needs have access to individualized health care and rehabilitation programmes which are both comprehensive and gender-sensitive.**

97. The Subcommittee is concerned at the excessive regime of confinement, of up to 15 hours per day, observed in the wing housing women with children under 2 years of age at the Antofagasta prison. The wing has no heating and no access to the outside courtyard. The Subcommittee stresses that lengthy confinement undermines the mental stability of women and their children and can have adverse effects on child development. In the Antofagasta prison, the Subcommittee received a report of the use of solitary confinement as punishment for a pregnant woman, despite the fact that rule 22 of the Bangkok Rules prohibit such punishment for pregnant women.

98. **In line with the Bangkok Rules, the Subcommittee recommends that the State party ensure that nursing mothers and their children, including those in the Antofagasta prison, have adequate space, daily exposure to natural light and appropriate ventilation and heating for the weather conditions of the place of deprivation of liberty.**

99. In all the facilities that were visited, the Subcommittee was informed of invasive body searches of female detainees, including during raids and searches, and of female visitors. A number of individuals reported that such procedures were frequent, routine and deeply humiliating.

100. **In line with rules 19 and 20 of the Bangkok Rules, the Subcommittee urges the State party to take effective measures “to ensure that the dignity and respect of imprisoned mothers are protected during body searches” and “to replace strip searches and invasive body searches” with alternative methods of inspection, such as the widespread use of scanners.**

101. The Subcommittee is concerned about the disproportionate impact on women of the implementation of Act No. 20000, which sets out penalties for illicit drug trafficking. The Subcommittee was informed that, since that law entered into force in 2005, the number of women deprived of their liberty has more than doubled. The Subcommittee is concerned that, in addition to establishing very stiff sentences, Act No. 20000 hinders access to parole, since, under that law, parole can only be requested once two thirds of the sentence has been served, rather than half of the sentence, as is the case for other ordinary offences.

102. **Taking into account the discriminatory effects on women of the implementation of Act No. 20000, the Subcommittee recommends that the State party consider providing access to parole and early release on the same terms as for persons convicted of other ordinary offences.**

B. Protection of children and adolescents in conflict with the law

103. In order to assess the situation of children and adolescents deprived of their liberty, the Subcommittee met with officials from the National Service for Minors and civil society organizations and visited the youth wings of the Valparaíso prison complex and the privately run prison in Antofagasta, as well as the juvenile section of Santiago Psychiatric Hospital.

104. It also visited the San Joaquín temporary detention centre, which is managed by the National Service for Minors and which, on the day of the visit, housed 233 minors. The Subcommittee notes with satisfaction that material conditions are good, proper meals are provided and there is sufficient access to the yards and workshops. However, the

Subcommittee is concerned by the numerous allegations, which were substantiated in several interviews, of violent cell raids carried out by the security guards, sometimes in the presence of or with the acquiescence of officials from the National Service for Minors. These raids appear to be a form of collective punishment for offences committed by individuals. The adolescents described being slapped, punched, kicked with army boots, insulted and ordered to do squats and having pepper spray sprayed in their eyes. Some interviewees had marks on their backs and torn clothing as the result of a raid that had taken place the day before the visit. The Subcommittee highlights the fact that such incidents, in combination with the vulnerable nature of children, constitute acts of torture and ill-treatment and violate international standards applicable to the treatment of juveniles deprived of their liberty. Furthermore, the minors interviewed by the Subcommittee were not aware of whether a mechanism was in place for lodging complaints about abuses and punishments that occur during raids.

105. In this context, the Subcommittee is concerned about possible reprisals against the minors who met with the Subcommittee.

106. Interviews with the centre's staff revealed that reoffending rates are high and that there were 10 suicide attempts in 2015. In the first quarter of 2016, there have been a further two suicide attempts. All of these attempts have apparently been connected to overcrowding in the centre during that period and the presence of minors with serious mental health problems.

107. The Subcommittee observed that deprivation of liberty was not applied for the shortest possible period of time, as a number of adolescents had been at the centre for longer than six months. Similarly, there had been cases of children who had been held in pretrial detention in the centre for more than a year.

108. The Subcommittee expresses its great concern at the removal of the former director of the centre from her post in 2014 as a disciplinary measure allegedly connected to the ill-treatment of minors in detention. **The Subcommittee urges the State party to conduct an independent and impartial investigation and to protect the witnesses and victims in the case.**

109. The Subcommittee consulted the records and found that 22 complaints in connection with minors who had injuries upon admission to the centre had been referred to the courts and the Attorney General's Office. Seven of the cases involved members of the Carabineros, one involved members of the investigative police, four involved prison service staff and one involved an official from the National Service for Minors. Staff at the centre indicated that minors who had been apprehended by means of "citizen's arrests" often arrived showing signs of having been beaten.

110. The Subcommittee recommends that the State party ensure that all detention centres and alternative care facilities for minors are subject to a system of regular, unannounced monitoring visits and that minors have access to independent complaints mechanisms. The State party should also ensure the prompt and impartial investigation of all complaints of abuse in the San Joaquín temporary detention centre, the prosecution of the suspected perpetrators in order to prevent the recurrence of abuse and the protection of witnesses and victims. The Subcommittee recommends that the authorities familiarize themselves with the Istanbul Protocol and apply it in the investigation and documentation of complaints and reports of torture and ill-treatment.

111. The Subcommittee notes the need, according to a number of interviewees, for the Act on Adolescent Criminal Responsibility to be amended to address the complexity of the causative factors set out therein and the lack of functional specialization in juvenile justice.

112. The Subcommittee found that many adolescents who were charged and convicted had used the services of private lawyers owing to the absence of a system of specialized legal representation.

113. **The Subcommittee recommends that the authorities bear in mind that the education and social reintegration of offenders should be the primary aims of the juvenile criminal justice system, and speedy procedures and socioeducational measures should therefore be put in place. In addition, efforts should be made to**

reduce the stigmatization associated with criminal charges and sanctions. Hearings should not be held in public, and the names of adolescents in conflict with the law should remain confidential.

C. Mapuche detainees

114. The Subcommittee has received reliable and consistent reports of excessive and disproportionate use of force against members of the Mapuche people at the time of their arrest, particularly by special police operations units of the Carabineros. The methods employed included firing shots at close range to disperse social protests by members of the Mapuche people, indiscriminate beatings and verbal abuse during arrests and raids. Some of these incidents have left the victims with serious injuries, including partial loss of vision and fractures resulting in partial paralysis, loss of mobility or permanent damage of some type. The Subcommittee was also informed of cases of torture or ill-treatment of members of the Mapuche community following their arrest. In some cases, individuals who had received gunshot wounds prior to being arrested were subsequently tortured or subjected to ill-treatment.

115. The Subcommittee is gravely concerned by the information it has received regarding police actions in Mapuche territory, which have included restricting people's freedom of movement and arresting them when they are travelling along rural roads, often as a way of preventing members of Mapuche communities from taking part in certain activities and meetings. The Subcommittee has received reports of individuals being held in prolonged temporary detention in rural settings without being transferred to a police station and being mistreated during that detention.

116. The Subcommittee considers that all police operations involving the arrest of members of the Mapuche people should take into account their world view and the multifaceted problems they face. The Subcommittee repeats the recommendation of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism that the State party should adopt "a national strategy aimed at comprehensively addressing the Mapuche question within a defined and relatively short time frame".⁵

117. Similarly, the Subcommittee has received consistent reports of the application of special criminal laws to Mapuche detainees. These laws have been applied in a discriminatory and arbitrary manner, infringing the right of the accused to a fair trial.

118. With regard to the debate in the legislature on new counter-terrorism legislation, the Subcommittee considers that the new law must meet international human rights standards.

119. The Subcommittee recommends that the application of special criminal laws to individuals belonging to the Mapuche people should cease immediately. It further recommends that counter-terrorism legislation should be applied only to terrorist offences, using a restrictive interpretation of such offences, and should not be applied to acts of social protest by any group, including the Mapuche people.

120. The Subcommittee observed that, in some cases, members of the Mapuche people were segregated from the rest of the prison population. Even so, interviewees said that they were not able to practice their beliefs in accordance with their world view by, for example, using ancestral methods to heal ailments.

121. The Subcommittee recommends that the State party take the necessary measures to ensure that Mapuche detainees can observe their cultural traditions and customs in accordance with international standards in this area,⁶ in the same manner that other specific groups of detainees are allowed to practice their religions freely.

⁵ A/HRC/26/29/Add.2, para. 89.

⁶ International Covenant on Civil and Political Rights (art. 27); International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) (art. 5); United Nations Declaration on the Rights of Indigenous Peoples (arts. 11, 12, 31 and 34).

122. **The Subcommittee also recommends that health-care protocols and facilities be adapted to ensure that detainees who wish to use ancestral knowledge and medicine as an alternative or in addition to regular treatment may do so.**

D. Lesbian, gay, bisexual, transgender and intersex persons

123. During its twenty-eighth session, the Subcommittee adopted a document setting forth concerns and recommendations in relation to persons deprived of their liberty who belong to sexual minorities. Such persons often suffer extreme and multiple forms of discrimination that may constitute a form of torture or cruel, inhuman and degrading treatment. There is abundant evidence that the torture and ill-treatment of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons is an endemic problem, as highlighted by the United Nations High Commissioner for Human Rights (A/HRC/19/41).

124. During its visit, the Subcommittee heard reports from LGBTI persons of being subjected to insults, beatings and other degrading treatment at the time of their arrest. During its visit to facilities in Valparaíso, Antofagasta and Santiago, the Subcommittee found that gay and transgender persons were housed in a separate unit and were subjected to discriminatory practices and attitudes and to homophobic and transphobic bias on the part of the prison administration and other detainees. Unlike the situation that it observed in other sections of the same facilities, the Subcommittee noted a lack of opportunities for LGBTI persons to gain access to recreational activities, workshops, employment and education, with their lack of access allegedly being a consequence of poor behaviour. These restrictions also lessened their chances of obtaining good behaviour privileges and conditional release.

125. In Antofagasta, for example, the unit for LGBTI persons lacked heating and was prone to flooding, which posed health risks for detainees, including people living with HIV, who have compromised immune systems.

126. **The Subcommittee reiterates that solitary confinement, isolation and administrative segregation are not appropriate methods of maintaining security and can be justified only if used as a last resort, under exceptional circumstances, for the shortest possible time and in combination with adequate procedural safeguards (see CAT/OP/C/57/4, paras. 64 and 78).**

127. On the basis of several interviews, the Subcommittee concluded that the authorities discriminate against individuals based on their sexual orientation or gender identity and in some places have subjected them to searches in the presence of men, clearly demonstrating a lack of understanding of the needs of this population.⁷ Furthermore, they were not allowed to bring in women's clothing or make-up.

128. The Subcommittee is gravely concerned about the nature of the medical assistance provided to people living with HIV in the unit for gay and transgender persons in the Valparaíso prison, as noted in a previous paragraph.

129. The Subcommittee is particularly concerned about threats from prison staff of reprisals against the gay and transgender population in Unit 88 at the privately run prison in Antofagasta.

130. **The Subcommittee recommends that the State party prevent the ill-treatment and marginalization of LGBTI persons deprived of their liberty, in particular by ensuring that they have access, without discrimination, to education, workshops, employment and recreational activities. The Subcommittee also recommends that training be provided to all prison staff and law enforcement officials on how to communicate in an effective and professional manner with LGBTI detainees. They should also be made aware of the international human rights rules and principles regarding equality and non-discrimination, including in relation to sexual orientation and gender identity. The Subcommittee calls upon the State party to adopt legislation**

⁷ For a better understanding of these needs, see the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

recognizing and providing protection for the right to gender identity, in line with international standards.

VIII. Repercussions of the visit

131. In accordance with article 15 of the Optional Protocol and the Subcommittee's working paper on reprisals,⁸ the Subcommittee calls upon the Chilean authorities to ensure that there are no reprisals following its visit. The Subcommittee requests the State party to provide detailed information in its reply on what it has done to prevent reprisals against anyone who was visited by, met with or provided information to the Subcommittee during the course of its visit.

IX. Conclusion

132. The Subcommittee hopes that its visit and the present report will mark the beginning of a constructive dialogue with Chile focusing on the fulfilment by the State party of its obligations under the Optional Protocol and the achievement of the shared goal of preventing torture and ill-treatment.

133. The Subcommittee recommends that the State party make this report public, believing this in itself to be a preventive measure. It further recommends that the State party distribute this report to all relevant government departments and institutions.

⁸ CAT/OP/6/Rev.1.

Anexo I

[Spanish only]

Lista de las personas con quienes se reunió el Subcomité

I. Autoridades

- Sra. Michelle Bachelet, Presidenta de la República
- Sra. Javiera Blanco, Ministra de Justicia y Derechos Humanos
- Sr. Tucapel Jiménez, Presidente de la Comisión de Derechos Humanos, Cámara de Diputados
- Sr. Giorgio Jackson, Diputado, Cámara de Diputados
- Sr. Hugo Dolmetsch Urrea, Presidente de la Corte Suprema
- Sr. Andrés Mahnke, Defensor Nacional, Defensoría Penal Pública
- Sr. Jorge Abbott Charme, Fiscal Nacional
- Sr. Bruno Villalobos, Director de Carabineros de Chile
- Sr. Tulio Arce Araya, Director Nacional, Gendarmería de Chile
- Sr. Alejandro Salinas Rivera, Oficial de Enlace, Ministerio Relaciones Exteriores
- Sra. Marcela Labraña Santana, Servicio Nacional de Menores
- Representantes del Ministerio de Relaciones Exteriores
- Representantes del Ministerio del Interior y Seguridad Pública
- Representantes del Ministerio de Salud

II. Naciones Unidas

- Coordinador Residente de las Naciones Unidas en Chile
- Oficina del Alto Comisionado para los Derechos Humanos, Oficina Regional para América del Sur

III. Organizaciones de la sociedad civil

- Agrupación de expresos políticos Salvador Allende
- Amnesty International
- Casa Memoria José Diego Cañas
- Centro de Estudios en Seguridad Ciudadana
- Centro de Salud Mental y Derechos Humanos
- Centro Derechos Humanos de la Universidad de Chile
- Comisión Ética Contra la Tortura
- Comunidad Ecuménica Martin Luther King
- Corporación Opinión
- Corporación Humanas
- Expresa política Mapuche
- Fundación Pro Bono

- Frente de la Diversidad Sexual
- Libertades Públicas
- Litigación Estructural para América del Sur
- Observatorio Ciudadano
- Red de Apoyo a los Presos Políticos Mapuche
- Red de Psicólogos de la diversidad sexual
- Representantes de distintas comunidades indígenas

Anexo II

Lugares de privación de libertad visitados

Establecimientos pertenecientes a la Gendarmería

- Unidad Especial de Alta Seguridad, Santiago
- Cárcel San Miguel (Centro de Detención Preventivo)
- Centro de Detención Preventivo Santiago Sur
- Centro de Cumplimiento Penitenciario (hombres) de Temuco
- Complejo Penitenciario de Valparaíso (hombres)
- Complejo Penitenciario de Quillota, Valparaíso
- Cárcel de hombres de Antofagasta
- CPF de mujeres de Antofagasta
- Complejo Penitenciario concesionado (privado) de Llancahue, Valdivia

Establecimientos pertenecientes a Comisarías

- Tercera Comisaría de Carabineros, Antofagasta
- Comisaría de La Legua, 50 Comisaría de San Joaquín, Santiago
- Subcomisaría de Cristi Gallo, Valdivia
- Primera Comisaría, Valdivia
- Tenencia Rubén Mogollones, Valdivia
- Tenencia Los Jazmines, Valdivia
- Segunda Comisaría, Temuco

Establecimientos pertenecientes a la Policía de Investigaciones

- Brigada de Policía de Investigación, Valdivia
- Brigadas de Policía de Investigación, Antofagasta (brigadas antinarcoóticos, homicidios, delitos sexuales, delitos contra el medioambiente, investigación criminal, delitos económicos)

Establecimiento del Poder Judicial

- Juzgado de Garantía, Santiago
- Juzgado de Garantía, Tribunal Oral en lo Penal y Garantía, Valdivia

Instituciones psiquiátricas

- Hospital Psiquiátrico de Santiago, Unidad de Psiquiatría Forense

Centro de niños, niñas y adolescentes

- Centro de Internación Provisoria para adolescentes en la Comuna de San Joaquín (Santiago)
-