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Head of state and government: **Sebastián Piñera Echenique**

Consultation with Indigenous Peoples on projects that affect them remained inadequate. A law to prevent and punish discrimination was passed. Police responded to a number of protests with excessive use of force. Legal proceedings regarding past human rights violations continued.

Background

There were demonstrations, at times violent, throughout the year over reforms of the public education system, Indigenous Peoples' rights and living costs.

A draft law on public order raised concerns at the possible criminalization of social protest. The legislation was before Congress at the end of the year.

Police and security forces

In February, residents from the Patagonian region of Aysen blocked roads and set up barricades in protest at the government's failure to address economic concerns. The police used tear gas, rubber bullets and water cannon to disperse protesters; several people were injured.

By the end of the year claims of abuses – including sexual violence against women and girls – by the police during student demonstrations across the country in 2011 and 2012 remained widely unpunished.

Discrimination

In July, the Anti-Discrimination Law came into force. The law prohibits discrimination on grounds of race, ethnicity, religion, sexual orientation, gender identity, age, appearance and disability. The law was finally passed following the brutal killing in March of Daniel Zamudio

who was beaten to death allegedly for being homosexual. The investigation into his killing was continuing at the end of the year.

In February, the Inter-American Court of Human Rights issued a landmark ruling condemning the 2003 ruling of the Chilean Supreme Court that stripped a lesbian mother of custody of her three daughters on the basis of her sexual orientation.

Impunity

Following a visit to Chile in August, the UN Working Group on Enforced or Involuntary Disappearances welcomed progress in investigations of human rights violations during the government of General Augusto Pinochet (1973-1990). However, it expressed concern that few of the convicted perpetrators were in fact serving a sentence because of the short penalties imposed. The Working Group also called for the 1978 Amnesty Law to be repealed; for a national plan to search for the disappeared; and for the allocation of additional resources in order to expedite judicial proceedings.

In December a judge ordered the arrest of eight former military officers in connection with the murder of singer-songwriter Víctor Jara a few days after the military coup that brought General Pinochet to power in 1973.

According to official data, as of August 2012, court proceedings in 150 cases of past human rights violations had been completed since 2002; 133 of these had resulted in convictions.

Indigenous Peoples' rights

In April, the Supreme Court confirmed a decision by an appeal court suspending a mining project in the north of the country until the local Indigenous community had been consulted, in accordance with ILO Convention No. 169 on Indigenous and Tribal Peoples.

A government plan to replace the widely criticized 2009 decree governing consultation with Indigenous Peoples was rejected by a majority of Indigenous leaders in August. They argued that the new regulations did not comply with international standards on effective participation. In November, the UN Special Rapporteur on the rights of indigenous peoples also expressed concerns at the definition of consultation in the government proposal.

There were renewed allegations of excessive use of force and arbitrary arrests during police operations against Mapuche Indigenous communities. Unfair trials of community members were reported. Clashes with the security forces resulted in the killing of a police officer in April.

- In July, several members of the Mapuche Temuicui community, including children, were injured after police fired rubber bullets and used tear gas to evict them from land they had occupied in Ercilla, Araucanía region, as part of their campaign for the return of their traditional territory.
- In October, four Mapuche imprisoned in Angol prison called off their 60-day hunger strike after the Supreme Court granted a new trial for one of the men and imposed lesser charges on one other; his sentence was subsequently reduced from 10 years to prison to three years in parole. Both men had been initially convicted of the attempted murder of a policeman in 2011.
- In August, a military court acquitted a policeman of the murder of Jaime Mendoza Collio, a 24-year-old Mapuche, in 2009. There were concerns about the impartiality of investigations into this case and about the use of military courts to deal with crimes committed by members of the police and military against civilians.

Sexual and reproductive rights

Abortion remained a criminal offence in all circumstances. In October, the CEDAW Committee called on Chile to review its legislation and to decriminalize abortion in cases of rape, incest or threats to the health or life of the woman.

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