

Inaugural Address of
H.E President Michelle Bachelet Jeria,
at the opening ceremony of the Convention against Torture Initiative (CTI) Regional Seminar for
the Universal Ratification of the Convention against Torture

Santiago, 5 April 2017

Dear friends,

Before the beginning of our event, please allow me to start this morning by expressing something that has moved me, which is my personal and my Government's condemnation of yesterday's chemical-weapons attacks in Syria.

I would like to express that those images are tremendously shocking; the images of the victims that, as always, in most cases, are women, children, and also civilians are truly heartbreaking.

I would like to say that we reject the use of these types of weapons that provoke terror, an additional horror that implies war in any circumstance. But, also, here there is a violation of the Convention on Chemical Weapons. And this in no doubt generates global condemnation.

Our hopes are embedded in the role of the United Nations and its System, which in these cases are more necessary than ever.

But please let me go back to the theme of our reunion.

I am grateful for this opportunity to share with you some reflections on the progress - and also the setbacks, in the fight against torture in Latin America and the Caribbean, but also on the global stage.

And it is very comforting to see here so many experts, representatives of States and national and international organizations with the aim of fighting against a scourge that – as I said only a few days ago at the Human Rights Council in Geneva – has registered a worrying increase in recent years.

Especially I would like to congratulate the organisers of the Seminar for Session 4 – for everything, but specifically session 4 – which will take place tomorrow, because it will analyze something that is usually forgotten, and that is the gender perspectives on torture.

I once had the opportunity to meet one of the judges of the International Criminal Court, who told me that following the Balkan War, how difficult it had been to transform sexual violence into a crime, because the discussion was "But it happens in all wars." So, today, we are clear that there are certain forms of such violence that are actually torture, and of concern.

It is essential that we ask ourselves about the gender dimension of torture and other cruel, inhuman or degrading treatment, and that is what we have done in Chile, by incorporating this view into the criminalization of the crime of torture in our Penal Code, and to that I will briefly refer later.

We all know that torture is the radical denial of the rights of the victim. Its prohibition goes hand in hand with the very idea of respect for human rights and also explains, I would say, the broad consensus on the need for its definitive eradication.

This consensus has been expressed in the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and in the Inter-American Convention to Prevent and Punish Torture, from the Organization for American States.

But this consensus – highlighted at this event – goes back to the first catalogue of modern rights and to the first important international human rights agreements, which have been subverted during different and repeated episodes in history. And unfortunately, this is still happening.

The people of our region know this very well: we still remember the suffering of many years, the State of terror that made torture one of its primary tools, without recognizing borders and establishing sinister inter-State coordination, through such horrific machinations as Operation Condor, for example.

But still today, even though we have left behind those dark years, unfortunately, we still face the challenge of developing adequate institutions to prevent and eradicate all forms of torture.

Because in the twenty-first century, even in the twenty-first century, we sometimes hear unacceptable justifications for practices such as waterboarding or solitary confinement, which are said to be satisfactory because they are supposed to be effective in combating other aspects of globalization.

Faced with this, it only remains to raise our voices and repeat, as many times as necessary, that torture, in any of its dimensions, physical, psychological or sexual violence, is unacceptable at all times, everywhere and repugnant to the human conscience.

The reality of Latin America and the Caribbean, at least from an institutional point of view, is auspicious in this regard. Many of our constitutional texts explicitly guarantee the prohibition of torture, establish guarantees that exclude it or refer to proscription of ill-treatment in various contexts. Five countries – Antigua and Barbuda, Brazil, Mexico, Uruguay and Venezuela – have enacted specific legislation criminalizing torture, and thirteen states - including Chile – have included torture as a specific crime, through amendments to their Criminal Codes.

Therefore, this is a record and in reality I find this record very powerful, and it allows us to be legitimately optimistic.

Three years ago, Denmark, Ghana, Indonesia, Morocco and Chile launched an initiative aimed at universal ratification and implementation of the UN Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment-UNCAT, over the next 10 years. The purpose of this Initiative is to provide technical assistance, support and cooperation to all States, whether or not they have signed the Convention, in the task of ratifying and implementing this international treaty.

During this period, six countries have so far ratified UNCAT and nine others have decided to ratify the Optional Protocol to the Convention against Torture. In Latin America and the Caribbean, UNCAT has

been ratified by 23 States; the Optional Protocol by 15 countries. The Inter-American Convention to Prevent and Punish Torture has been ratified by 20 States.

Of course, the challenge is for all countries in the region to be committed to these international instruments.

Dear friends,

Chile wanted to be part of the organization of this seminar for different reasons. First, with no doubt it is due to our history. Precisely, in virtue of our recent history, the prevention of torture has a special meaning, not only for our domestic but also for our foreign policy.

At the international level, we have not only ratified UNCAT, and its Optional Protocol, we have also collaborated with the human rights multilateral system, supporting initiatives and co-sponsoring resolutions to eradicate torture at the Human Rights Council and the General Assembly of the United Nations.

We have also supported the work of the Committee against Torture, we are part of the CTI, and at the regional level we have committed to the Latin American Network for Genocide and Mass Atrocity Prevention (RED).

However we have to look at the glass as half-full, even though all this appears to be very substantial developments, it is necessary to recognize those aspects in which are countries still show weaknesses.

Machismo violence, of course, remains a daily reality in our region - and in many others - and this is also expressed in the commission of crimes.

Sexual violence is often made invisible when women are victims of torture, and is often even considered a misdemeanor.

The impunity of acts of torture against women, girls and adolescents contributes to a society that naturalizes gender violence, and at the same time feeds on it. And that is why the recent amendment of the Chilean Penal Code - which I mentioned at the outset - promulgated in November 2016 and which typifies the crime of torture, expressly includes the gender dimension, putting Chile's legislation at the height of the latest advances in the prevention of torture in the world.

At the national level, Chile has been consistent with its international commitments, adapting our legal definition to the standards of the Convention and expanding access to justice for victims of torture during the dictatorship.

It was not in vain, that in October 2016, I had the opportunity to lead – together with the President of the Supreme Court – the solemn ceremony in which the Chilean State asked for forgiveness from the victims of torture martyred by their own comrades-in-arms at the Air Force Academy, following a sentence by the Inter-American Court of Human Rights, the three branches of the government – first at the War Academy and then before National Congress – asked for forgiveness as a State.

Also, the criminalization of the crime of torture in our Penal Code is an advance that adapts our legislation to international standards. This legal modification establishes penalties commensurate with the seriousness of the crime. It comprises public employees and individuals acting in the exercise of public functions, at the instigation of a public employee or with their consent or acquiescence. And it contemplates not only the physical or psychological effects or suffering, but also sexual ones, making the latter essential - as I mentioned earlier – as part of the gender perspective. In addition, categories of suspected discrimination are incorporated from a broad perspective, taking into account sexual orientation and gender identity.

And I believe that this seminar is the right context to tell you – mentioned by the Minister of Justice and Human Rights – that we will take a further step along this path, presenting to the National Congress the bill that designates the National Institute of Human Rights as the National Mechanism for the Prevention of Torture. With this, the Chilean State will comply with provisions of the Optional Protocol of the Convention against Torture that requires States to create national mechanisms for the prevention of torture.

This mechanism will ensure, through periodic visits to places of detention and through a collaborative dialogue with the authorities, the improvement of the conditions of people deprived of their liberty, as well as, the conditions of the detention centres and the general administration.

During the drafting of this project, we have followed up closely the recommendations made to Chile by the Subcommittee on the Prevention of Torture, as well as, the guidelines provided by the Optional Protocol and the standards mentioned by the Subcommittee.

Because what we are proposing is to ensure the functional and financial autonomy of the National Preventive Mechanism, so it can fulfill its mission in accordance with its own work plan, confidentially and with an autonomous staff differentiated from the Institute. And of course, with all the necessary guarantees not only to access places where people are deprived of their liberty, but also to exercise their functions without fear and free from any interference from the State.

Because not so long ago we lived a cruel reality, we cannot therefore close our eyes to the eventual commission of the crime of torture in the future.

The allegations of torture in a democracy, regardless of who is affected, force us to prevent, investigate and, in addition, to condemn these acts.

The criminalization of torture in the Penal Code, as well as, the creation of the National Mechanism for the Prevention of Torture, are significant steps in the path towards the eradication of this scourge that damages not only victims, but the whole society. It is a pain that dehumanizes us in every aggression and in every wound.

I would like to finish my speech by inviting you to keep working with a lot of energy to end torture in all its dimensions, in each of our countries, in the region, and with no doubt in the world.

Because I think that by doing this, what we are achieving is the construction of a better future where human dignity is a reality, and where human rights are the nourishment of democracy and the sustainable development for all.

Therefore I wish you all the success for this Seminar and that it becomes a great experience so that we can learn from each other what works and what does not work, and how we can improve what we are currently doing.

Thank you.