

TECHNICAL INFORMATION SHEET
PETITION 490-03 "X"
FRIENDLY SETTLEMENT REPORT No. 81/09
FULL COMPLIANCE
(CHILE)

I. SUMMARY OF THE CASE

Victim (s): "X"
Petitioner (s): "La Morada" Women's Development
State: Chile
Report on Friendly Settlement Agreement: [81/09](#) published on August 6, 2009
Related Rappporteurship: Rights of Women / Rights of Lesbian, Gay, Trans, Bisexual, and Intersex Persons.
Topics: Humane Treatment/ Right to protection of honor and dignity/ Right to equal protection/ judicial protection/ Sexual orientation.

Facts: On February 7, 2003, the IACHR received a petition wherein the petitioners alleged that the State was responsible for harming the honor and dignity of the alleged victim, stemming from the complaint lodged by a Carabinero policewoman against the alleged victim accusing her of maintaining a lesbian relationship with Ms. Y. The complaint also alleged that police officials handling the investigation exceeded their authority by ordering a search of the alleged victim's residence and intrusions into her private and family life. The complaint further alleges denial of judicial protection because the motion for protection lodged by the alleged victim was found inadmissible and the punishment imposed on the Carabinero policewoman making the reckless accusation was inadequate.

Rights Alleged: The petitioner alleged violation by the State of Chile of the rights enshrined in Articles 5 (right to humane treatment), 11 (right to privacy), 24 (right to equal treatment) and 25 (right to judicial protection) of the American Convention on Human Rights, in connection with Article 1.1 of the said instrument, to the detriment of Mrs. X and Mrs. Y.

II. PROCEDURAL ACTIVITY

1. On March 11, 2008, during the IACHR's 131st period of ordinary sessions, the parties signed a friendly settlement agreement.
2. On August 6, 2009, the Commission approved the agreement signed by the parties in Report No.81/09.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
1. SATISFACTION	

<p>The Minister of National Defense, through the Sub-secretariat of Police, shall send a letter to the petitioner and her family for the purpose of conveying a formal apology for the events reported and the consequences these entailed for their personal and family lives and privacy, and to inform the measures provided to remedy the negative consequences thereof.</p>	<p>Total¹</p>
<p>2. GARANTEES OF NON-REPITITION</p>	
<p>The Chilean State undertakes to adopt two specific measures to prevent the recurrence of the events described. The first of these measures is already in place and was applied to a specific case in August 2007, the aims for which it was established having been accomplished in their entirety:</p>	
<p>Drafting and publication, in the Official Bulletin of the Chilean Police, of Circular N° 1.671, dated January 18, 2007, which set forth criteria and guidelines for protecting the privacy of individuals in administrative investigations, establishing the importance of guaranteeing administrative due process, investigating only situations of administrative relevance, and respecting private lives, honor and dignity.</p>	<p>Total²</p>
<p>The adoption of necessary, adequate internal administrative measures to ensure that the petitioner may carry out her police duties in a normal way, these measures include that the person who issued the accusation against her which gave rise to this petition, and the petitioner shall not work at the same police station or in the same unit at any time henceforth.</p>	<p>Total³</p>
<p>3. REPARATIONS</p>	
<p>The Chilean State, through the Police, undertakes to adopt two specific measures for the purpose of increasing the police operational experience and enhancing the skills and professional development of the petitioner:</p>	
<p>The petitioner shall be transferred to a police operations unit located in a special economic treatment zones, in accordance with the country's geographic division, local characteristics, and the cost of living, where she shall remain as long as she meets the requirements for continuing in service, without extension of the timeframe established in Police personnel policy, the relevant sections of which are contained in General Order N° 1.484 of August 1, 2002, which is known to the petitioner and published as Annex 2 to Official Bulletin 3922 of August 17, 2002.</p>	<p>Total⁴</p>
<p>The petitioner shall have the opportunity to take the Police Force's English courses for one year, at the Force's educational facilities in the city of Santiago, and shall present her formal request through the Police Personnel Directorate, Superior Division, which shall channel to the Education Directorate, so that she may be enrolled in the regular courses, at which time she shall be informed of the duration and beginning and ending dates of the level or levels to be taught during that academic year. This shall take place while the petitioner is assigned to an operations unit in the city of Santiago, i.e., once her regional assignment period has concluded. For that purpose the petitioner [alleged victim] shall be given a maximum period of two years from when she is assigned to an operations unit in the metropolitan region.</p>	<p>Total⁵</p>
<p>4. DISSEMINATION OF THE FRIENDLY SETTLEMENT AGREEMENT</p>	

¹ See IACHR, Report No. 81/09, Petition 490-03, Friendly Settlement. "X". Chile, August 6, 2009.

² See IACHR, Report No. 81/09, Petition 490-03, Friendly Settlement. "X". Chile, August 6, 2009.

³ See IACHR, Report No. 81/09, Petition 490-03, Friendly Settlement. "X". Chile, August 6, 2009.

⁴ See IACHR, Report No. 81/09, Petition 490-03, Friendly Settlement. "X". Chile, August 6, 2009.

⁵ See IACHR, Report No. 81/09, Petition 490-03, Friendly Settlement. "X". Chile, August 6, 2009.

The State undertakes to publish an extract of the commitments set forth in this friendly settlement agreement, ratified by the IACHR, one time only, in the Official Gazette of the Republic of Chile.	Total⁶
In addition, it shall publish the full text of the friendly settlement agreement on the microsities of the Ministry of Defense and Chilean Police websites, making it visible on the portal and keeping it there for at least three months.	Total⁷

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and ceased monitoring the friendly settlement agreement in Approval Report No.81/09.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State sent a letter to the alleged victim, and later to her family, expressing a formal apology to the alleged victim for the events reported and the consequences these entailed for their personal and family lives and privacy.
- The State reported that the alleged victim had been transferred to a special economic treatment zone, where she has been working since February 1, 2008. Because the furniture and belongings of the alleged victim were seriously damaged when being moved by the transportation company, the Police Force made arrangements with that company to indemnify the alleged victim.
- The alleged victim had the opportunity to study English for one year in courses offered by the Force’s educational facilities in the city of Santiago.
- The State published the agreement in the Official Gazette on April 30, 2008, and on the Internet portal of the Chilean Police for three months.

B. Structural outcomes of the case:

- The State published Circular N° 1.671, dated January 18, 2007, in the Official Bulletin of the Chilean Police, which established the importance of guaranteeing administrative due process, investigating only situations of administrative relevance, and respecting private lives and personal privacy.

⁶ See IACHR, Report No. 81/09, Petition 490-03, Friendly Settlement. “X”. Chile, August 6, 2009.

⁷ See IACHR, Report No. 81/09, Petition 490-03, Friendly Settlement. “X”. Chile, August 6, 2009.