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LAW NO. 20,405

NATIONAL INSTITUTE OF HUMAN RIGHTS

Noting that the National Congress has approved the following

Bill:

TITLE I

Scope and functions

Article 1 .- created the National Institute of Human Rights, hereinafter also "the Institute" as an autonomous public corporation, with legal personality and own patrimony.

Your home is the city of Santiago, notwithstanding the homes that you can established in other parts of the country.

Article 2: The Institute aims at the promotion and protection of human rights of people living in the territory of Chile, established in constitutional and legal standards; in international treaties and Chile has ratified and which are in force, as well as those emanating from the general principles of law recognized by the international community. In its internal organization is governed by the provisions of this Act and which indicate their statutes.

The statutes of the Institute shall establish its rules of operation. The statutes and amendments will be proposed to the President of the Republic, at least one three-quarters majority of its members, and its approval is available by order supreme issued through the Ministry of Justice. However, the statutes shall accordance with international principles governing national institutions promotion and protection of human rights.

Article 3 .- We strongly correspond to the Institute:

1. Develop an Annual Report to be presented to the President of the Republic, to Congress and the President of the Supreme Court on its activities on the national situation regarding human rights and make recommendations as it deems suitable for shelter and due respect. Your Council shall take all provide relevant measures to publicize the report to the community.

Without prejudice to the provisions of article 5, this annual report also It may be referred to the United Nations and the Organization of American States, and institutions related to the defense and promotion of human rights registered in the register referred the letter e) of Article 6.

2. Communicate the Government and the various State bodies it deems appropriate, their views on the situation on human rights occur anywhere in the country. In discharging this function, it may request agency or service that a report on the situations, practices concerned or

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3. propose to state bodies the measures which it considers should be taken to promote the protection and promotion of human rights.

4. promote legislation, regulations and national practices harmonize with international human rights treaties ratified by Chile and are in force, so that their effective implementation.

5. Deduct legal action before the courts of justice, in the scope of its competition.

In exercise of this power, in addition to deduct complaint regarding facts are of nature of crimes of genocide, crimes against humanity or war, torture, forced disappearance of persons, smuggling of migrants and trafficking in persons, You can deduct the resources under protection and enshrined respectively in Articles 20 and 21 of the Constitution, within its competence.

6.-guard and keep on deposit the evidence gathered by the Commission National Truth and Reconciliation, the National Corporation for Reparation and Reconciliation, Human Rights Program, created by Supreme Decree N ° 1,005, 1997, the Ministry of the Interior, upon completion of all functions thereof; by the Commission on Political Imprisonment and Torture created by Presidential Decree No.

1040, 2003, the Ministry of the Interior; and the Commission to refer the Article 3 of the transitional rules of this law, you completed the functions of the same.

In fulfilling this objective, gather, analyze and systematize all useful information for this purpose; You can also request information about the operation of reparation and promote, coordinate and disseminate mechanisms of action cultural and symbolic order intended to complement the respect for human rights and to vindicate the victims and to preserve their historical memory.

Also, solicit, collect and process all of the information in held by public or private entities, that relates to rights violations human or political violence that the Report of the National Commission refers to Truth and Reconciliation Commission, subject to the provisions of the first paragraph.

7.- Collaborate in the scope of their powers, with the Ministry of Foreign Affairs and other related public services in the preparation of reports that the State must submit to governmental bodies and specialized committees of Nations United Nations and the Organization of American States and the other institutions regional. The final report shall not bind or commit the Institute.

8.- cooperate with the United Nations, regional institutions and institutions in other countries that are competent in the promotion and protection of human rights, reporting to the Ministry of Foreign Affairs.

9.- disseminate knowledge of human rights, promote their education in all levels of the educational system, including the training into of the Armed Forces, Public Order and Safety, and promote the realization of research, studies and publications, grant awards, sponsor activities and events concerning these matters, and make everything that tends to consolidate a culture of respect for human rights in the country, being able to enter into agreements with national public and private organizations and foreign.

10.-Provide your advice on matters within its jurisdiction, government agencies and

private upon request; also develop cooperation, technical assistance and dialogue with corporations, foundations and other private organizations, national and foreign, whose objectives are related to the functions of the Institute, and celebrate agreements with them to implement projects or actions of common interest.

Keep 11. duly updated, registering institutions referred article 6, point e) of the Act.

12.-Other duties granted by law.

Article 4: To exercise its powers, the Institute may request the collaboration of the various organs of state. You will also receive all person and obtain any information and any documents necessary for the examination of situations falling within its competence.

Similarly, you can commission one or more directors, the Director or his staff to enter public places where a person is or may be deprived of freedom.

Article 5: All acts and resolutions of the Institute and its rationale and procedures used, shall be public, except that information under Article 8 of the Constitution has the reserved or secret character. The Institute is governed by the rules of the law on access to public information.

TITLE II

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Organization

Article 6 .- The Instituto Superior address correspond to a Council composed as follows:

- a) Two members appointed by the President, who shall be different regions of the country.
- b) Two members appointed by the Senate.
- c) Two members appointed by the House of Representatives.
- d) A director appointed by the deans of the Faculties of Law of the members of the Board of Regents universities and autonomous universities in as determined by statute.
- e) Four members appointed in the manner established by the statutes, by institutions linked to the defense and promotion of human rights that they enjoy current legal status, registered in the register held by the respective Institute.

Counselors indicated in letters b) and c) shall be elected by the four sevenths of its members in office.

The Council shall elect, by an absolute majority of its members, a Director, who Institute will also.

The directors shall be persons of recognized experience in the field of human rights and shall be appointed for a period of 6 years, but shall be renewed by three installments.

May not be appointed deputies, senators, mayors, councilors, regional councilors, judges, prosecutors of the Public Ministry, the officials of the Government, nor the members of the Armed Forces and Public Order and Safety.

Will be grounds for removal from office resignation accepted by the Council, the inability or supervening incompatibility laid down in this Act and the

removal.

When a vacancy arises, the replacement will be provided by the same body and the same way he represented the counselor who produced and for the period that remained unfulfilled.

Directors, except for the Director, who shall be paid in the manner determined by the Board shall be entitled to receive a fee for attending sessions Council or commission, an amount to be determined annually by the Board, in the manner established by the statutes. The amount may not exceed the equivalent of four units monthly tax for each meeting they attend, the Board or committee, with maximum per calendar month five monthly sessions.

The Council shall act by concurrence of a majority of the directors present, except those listed in paragraphs 1 and 2 of Article 3 to require two-thirds of the directors in office.

Article 7: The directors may be removed only by the Supreme Court, request of the President or the Chamber of Deputies, by supervening legally declared inability, for any of the grounds contained in numbers 1, 5th, 6th, 7th or 8th of Article 256 of the Code of Courts, or gross negligence and inexcusable in the exercise of their functions. The Court will hear the matter in the specially convened for the purpose and to agree removal must satisfy the affirmative vote of a majority of its members in office.

Article 8: It is for the Council:

- 1) Issue the Bylaws of the Corporation, as amended.
- 2) Submit to the President, to Congress and the President of the Supreme Court's annual report referred to in article 3, N ° 1.
- 3) To issue statement on the consultations that the President of the Republic, Congress or the courts will do in the context of their competencies.
- 4) To issue its ruling in relation to the matters stated in this law.
- 5) To approve, at the proposal of the Director, plans and programs of action Institute for the accomplishment of its mission.
- 6) Order of ministries, departments and agencies of administration State information and background necessary for knowledge about a question particularly pertains to your competition.
- 7) Commission one or more directors or principal to receive, out of place

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- 8) Make decisions about financial management report to be annually submitted by the Director.
- 9) To issue all internal rules for its operation, including those relating to internal organization, and resolve all matters necessary for the proper development of the Institute's work. Also issue a rule on staff to regulate labor relations linking the Institute with workers, which should contain rules on how it will make appointments and filling vacant positions, promotion mechanisms and promotions and rating systems and training of job performance.

Article 9: The director:

- 1) Conducting Institute administratively.

- 2) To preside over the meetings of the Council.
- 3) Represent the Institute and out of court, and exercise their international representation.
- 4) issue the necessary resolutions to implement the agreements of Council.
- 5) Develop a proposed Annual Report referred to in article 3, No. 1 and of the other reports referred to in this law and submitted to the approval of a Council.
- 6) Perform all actions the Council may require.
- 7) Any other duties specified by law.

Article 10 For the development of its duties, the Council may establish internal working committees, which are responsible for specific tasks or materials into own Institute.

Each committee will be chaired by a member of the Council and may invite part of them outstanding individuals with proven experience in the matter in concerned. Board members may participate in all committees to be formed, without limitation.

The agreements of the said commissions shall be considered a recommendation for the Board or the Director.

Article 11 A National Advisory Council, which will be represented social and academic organizations dedicated to the promotion and defense of the rights human rights and fundamental freedoms, will provide its advice to the Council in all those matters within its competence that require, for proper resolution, the pronouncement of civil society.

An internal regulation approved by two thirds of the Council shall establish its integration and determine where and how such advice be given.

TITLE III

Management

Article 12 Persons who provide services in the Institute shall be governed by the Labour Code, subject to the provisions in section 9 of Article 8 of this law.

However, this shall apply to personnel standards of probity and provisions of Title III of the Constitutional Organic Law on General Principles of the Administration, the revised text, coordinated and was set by decree with force of Law No. 1 of 2001, the General Secretariat of the Presidency, must be recorded in the respective contracts of a clause so provides.

People leadership roles at the Institute will selected through public tender conducted by the Civil Service, in accordance with the rules governing the selection process for the Senior Public Management the basis of a shortlist made by the Council of the Senior Management.

The Institute shall comply with the standards set in Decree Law No. 1.263 1975 State Financial Administration. Additionally, the state of Revenue and expenditure shall be available on the website of the Institute.

Resolutions of the Institute shall be exempt from making process why Comptroller General of the Republic.

TITLE IV

Heritage

Article 13 The assets of the Institute shall consist of:

- 1.- contributions annually Budget Act contemplates the Nation.
- 2.-The real and personal property that is transferred to the Institute or it acquires in any form and by the fruits of the same goods.
3. donations, including those of Article 3 of Law No. 19,992, inheritance and legacies that the Council accept.
- 4.-The contributions of international cooperation received any title to meeting its objectives.

Donations in his favor not require the processing of court to hint referred to in Article 1401 of the Civil Code and will be exempt from tax donations established in Law No. 16,271.

Article 14 created the National Human Rights Award, for the purpose to cultivate a healthy historical memory of the Chilean nation, through highlighting and every two years to assess a person Chilean, man or woman, has been distinguished in that effort.

The prize will be the forth in Article 17 of Law No. 19,169 and will be applicable, as relevant, Article 1, Paragraphs two and third, and 19 to 22 of the Act.

The jury will be the Council referred to in article 6 of this law, who shall decide by two-thirds of its members in office.

TRANSITIONAL RULES

Article 1: The first appointment of directors shall be made within sixty days of the publication of this law.

Council means the legally constituted once you have your first session valid.

Article 2: For the first appointment of the directors appointed by the institutions involved in the defense and protection of human rights, the registration referred to in point e) of Article 6, will take the home office.

The relevant institutions may enroll in that record from the fifth day following the publication of this law, and until the tenth day before the opportunity in Article 1 refers to transitory.

Registration is free, and it has no formalities for the stated written request.

Forty days after the publication of this law, registered institutions the relevant registration will meet and shall appoint its representatives on the Council. To this end, participants should adopt a selection mechanism that ensures equal opportunities for different institutions.

At the meeting referred to in the previous paragraph may only involve a representative from each institution. Each elector shall have one vote. It will act as minister of faith a Ministry of Interior appointed by the Minister.

The Home Office must notify the President of the Republic, the Senate, House of Representatives, and the Deans of the Faculties of Law of the members of the Board of Regents universities and autonomous colleges, designations institutions that commit them.

Done all these procedures and constituted the Council, the Ministry of

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Interior pierce the relevant registration to the Institute.

Article 3 .- The President shall establish an Advisory Committee for the qualification of the Disappeared, and Victims of Political Execution Political Imprisonment and Torture, hereinafter "the Commission", whose sole purpose is qualify, according to the background to be presented and for the sole purpose of this law, the following persons:

a) Those who, in the period from 11 September 1973 and 10 March 1990, they had suffered imprisonment and / or torture for reasons policies. In any case the Commission may describe the situation of people inmates in public demonstrations, which were made available to local police court or a court of common crimes and crime then convicted of these crimes. Persons who have submitted their background the National Commission on Political Imprisonment and Torture, established by Presidential Decree

No. 1,040, of 2003, the Ministry of Interior, which have not been classified favorably, they may submit their application again, if accompanying new background.

b) Those who, in the period mentioned above, HAVE BEEN victims enforced disappearance may correspond to political or executed, when it appears committed liability of the State for acts of its agents or persons in their service; as also, kidnappings and attacks on the lives of people committed by individuals for political reasons. These people may not have been identified in the Second Volume of the Report of the National Commission on Truth and Reconciliation, established by Presidential Decree No. 355 of 1990, the Ministry of Interior or by the National Corporation for Reparation and Reconciliation, established by the Law No. 19.123, unless accompanying new information.

The Commission shall be composed of the same members mentioned in the decree Supreme No. 1,040 of 2003 the Ministry of Interior. Should any of these people not unwilling or unable to assume his replacement will be appointed by the remaining members who have taken office, with a quorum of two-thirds. The Commission members shall be entitled to a diet of four units monthly tax for each meeting they attend, with a maximum per month schedule of five monthly sessions.

The qualification process is governed by the following rules:

a) Applicants shall have a maximum period of six months, counted from the conformation of the Commission to present this history to prove their claim, the Commission may take all actions it deems appropriate to fulfill its mission. All actions carried out by the Commission, and all history received, shall be considered reserved, for all purposes legal.

b) The Commission shall have the period of six months following the expiration of within the preceding point, to describe those to had suffered imprisonment and / or torture for political reasons, as stated in letter a) of the first paragraph.

c) In the same period, will qualify those who had suffered disappearance enforced or executed corresponded to political or kidnappings and attacks life, according to what is stated in the letter b) of the first paragraph.

d) As not regulated by the preceding rules, the Commission is governed by a rules of procedure, which shall be approved by executive decree issued through the Ministry of Interior, which must also be signed by the Minister of Finance.

Once the work is complete qualification, the Commission shall draw up a list with the names of qualified persons in accordance with the letters b) and c) preceding paragraph. After the period referred to in point b) of the preceding paragraph, the Commission will be dissolved automatically.

The classification made by the Commission grant the following benefits:

a) The persons named in the list mentioned in letter b) of subsection third party shall be entitled to the benefits granted by Law No. 19,992, as relevant. Also apply the provisions of Articles 16 and 17 of the said Act.

b) Relatives of the victims named in the list referred to the letter c) of the third paragraph shall, as relevant, the benefits established by Title II and following of Law No. 19,123, resulting applicable also to the provisions of the fifth article of the law N ° 19.980. Article 4 .- The benefits mentioned in the fifth paragraph of the preceding article will accrue from the first day of the month following the date the

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beneficiaries are qualified.

Article 5: In 2009, for what is stated in Article 13, No. 1 transfers may be made as are necessary between items corresponding Act Public Sector Budget of that year, being able to effect created, deleted or modified assignments, budget items and glosses relevant.

Section 6 .- descendants to the second degree of consanguinity online Straight beneficiaries that Article 13 of Law N ° 19.992 refers, not they have availed of the benefit referred to in that article or at the date of enactment of this law are deceased, without making use of it, may apply for the scholarships Bicentennial, Juan Gómez Millas, or the New Millennium established for outstanding students entering the teaching career in form and conditions established by the regulations of such scholarships. The said regulations shall be approved by Supreme Decree of the Ministry of Education, which will also signed by the Minister of Finance.

The benefit that the preceding paragraph may be granted only in respect of a descendant.

The determination of the offspring may apply for any of the scholarships that It relates the first paragraph of this Article shall be by affidavit notarized, signed by the owner of the benefit of the law N ° 19,992, whichever The person was alive. In case of death, the notarized document be signed together for the rest of the descendants and the surviving spouse, if the any.

Article 7: .- Establécese a pension for the surviving spouse of beneficiaries of the pension provided for in Article 1 of Law No. 19,992 and the surviving spouse who, having been singled out in the "List of and tortured political prisoners "mentioned in the same article, not any perceived pensions through no fault made him.

The pension amount is equivalent to 60% of the pension he received, spouse beneficiary at the time of death. In the case of the surviving spouse of the persons named in the list referred to in the preceding paragraph that not have been received the pension for a fact not attributable to them, the amount of pension is equal to 60% of that Article 2 of the Law No. 19.992 given to people under 70.

However, the minimum amount of the widow's pension for the respective range age shall not be less than the minimum pension established in widowhood Article 26 of Law No. 15,386, considering the bonuses granted by the Laws No. 19.403, No. 19.539 and No. 19.953.

Section 8 .- mechanisms to apply the pension provided for in Article above, and the implementation of this benefit shall conform to the provisions of Article 8 of Law No. 19,992.

The benefit specified in the preceding paragraph will not be seized, and reset and will accrue in accordance with Articles 2 and 7 of the Law No. 19.992.

Article 9 .- The pension established in Article 7 will be transitory incompatible with the benefits granted according to law N ° 19.234, No. 19.582 and N ° 19,881 and will apply the provisions of Article 36 of Law No. 20,255.

Article 10 The Human Rights Program, created by Presidential Decree No. 1005, 1997, Ministry of Interior, will continue to provide legal aid and court requiring the families of the victims referred to in Article 18 refers Law No. 19.123, to enforce the right conferred upon them by Article 6 of the Act. In light of the foregoing shall be empowered to perform all actions

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laws as may be necessary, including making complaints for crimes kidnapping and forced disappearance, if any, and killing or summary execution where appropriate.

Article 11 To grant, in favor of persons who, at the date of publication of this law, are identified in Exhibit "Minors born prison or detained with their parents, "Payroll People Recognized as Victims, who are part of the Report of the National Commission on Political Imprisonment and Torture, established by Presidential Decree No. 1040, 2003 of the Ministry of Interior, pension under Article 1 of Law No. 19,992. This pension is governed by the provisions of this Code.

The pension established in the preceding paragraph, shall be governed in terms of process award, and his universe of beneficiaries, the provisions of Presidential Decree No. 17, published on 14 March 2005, the Ministry of Labor and Social Welfare. Hereby added to Article 12, first paragraph of the seventh article of Law No. 19.980, the following point e):

"E) The parent, spouse, mother or father of the children of nonmarital parentage and children under 25 years of age or disabled of any age, from persons mentioned in the previous letter. "

Article 13 would replace Article 17 of Law No. 19,992, by the following:

"Article 17: The relatives to the second degree in the direct line and up to fourth in the collateral line, inclusive, of the victims of human rights violations identified in Annex "List of Political Prisoners and Torture" and "Minor Old Born in Prison Detainees or their Parents "Payroll People Recognized as Victims, part of the Report of the National Commission on

Political Imprisonment and Torture, and those individualized as such in accordance with laws later, and so choose, will be exempt from military service Required. "

Hereby added Article 14, Article 32 of Law No. 19.123, the following paragraph second, again:

"The provisions of the preceding paragraph shall apply to relatives up to second grado en la línea recta y hasta cuarto grado en la línea colateral, inclusive, de dichas víctimas, y de aquellas individualizadas como tales conforme a leyes posteriores.".

Y por cuanto he tenido a bien aprobarlo y sancionarlo; por tanto promúlguese y llévese a efecto como Ley de la República.

Santiago, 24 de noviembre de 2009.- MICHELLE BACHELET JERIA, Presidenta de la República.- José Antonio Viera-Gallo Quesney, Ministro Secretario General de la Presidencia.- Edmundo Pérez Yoma, Ministro del Interior.- Andrés Velasco Brañes, Ministro de Hacienda.

Lo que transcribo a Ud. para su conocimiento.- Saluda atte. a Ud., Edgardo Riveros Marín, Subsecretario General de la Presidencia.