

INSTITUTE FOR THE ADVANCEMENT OF JUSTICE & HUMAN RIGHTS

United States Universal Periodic Review — Fourth Cycle, 53rd Session

2 October 2026

Permanent Mission of Chile to the United Nations Office and other international organizations in Geneva

Attention: H.E. Mr. Luis PLAZA GENTINA, Ambassador, Permanent Representative

Rue de Moillebeau 58 (4th Floor)

1209 Geneva

misginchile@minrel.gob.cl

Excellency:

Re: Renewal of Chile's Optional Protocol to the Convention against Torture recommendation

In recommendation 26.21, Chile placed ratification of the Optional Protocol to the Convention against Torture before the United States. The Institute respectfully asks the Mission to renew that OPCAT request and specify the institutional preparation required before ratification is complete.

The Institute for the Advancement of Justice & Human Rights is an independent truth-finding organization. It requests critical examination, not endorsement. Its enclosed Civil-Society Advocacy Brief was not filed as a stakeholder submission and is not part of the official UPR record; it is advocacy material circulated directly to Missions.

The brief asks which institution independent of the federal and State judiciaries can investigate allegations of torture or other ill-treatment arising through judicial or court-connected conduct, determine institutional responsibility, secure accountability and facilitate effective remedy and reparation. It does not ask the Mission to adjudicate an individual complaint.

Torture and other cruel, inhuman or degrading treatment or punishment are distinct classifications. Disability-accommodation denial, procedural unfairness, harmful judicial action, family separation, the treatment of migrants and human experimentation without consent are not automatically either classification. The applicable elements must be established through prompt, impartial and independent investigation.

Respectfully,

Cyrus Hazari

Director

Institute for the Advancement of Justice & Human Rights

info@iaj.institute · iaj.institute

Mission briefing note — Chile

1. Prior recommendation and United States response

Recommendation 26.21	Advance in the ratification of the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile).
United States position	The United States supported recommendation 26.21 in part (Addendum, paragraph 21; see paragraph 20 on constitutional procedures).
Attribution limit	This recommendation is cited only as the basis for renewal. It does not attribute the Institute's findings or legal analysis to Chile.

2. Mission-specific basis

Chile's recommendation supplies a direct prevention-based route into the institutional gap identified by the Institute. The United States supported the recommendation in part; its 2021 explanation extended to treaties the Administration was committed to pursuing and did not expressly accept the Optional Protocol element (Addendum, paragraph 21; see paragraph 20 on constitutional procedures). The fourth cycle can convert the earlier request into a time-bound ratification and implementation sequence without treating OPCAT alone as a substitute for complaint investigation and victim redress.

3. Institutional question and legal boundary

The Institute does not claim that no United States law can reach any judicially connected wrong. Individual provisions may reach particular predicate acts. Its narrower structural finding is that no identified institution has a comprehensive, treaty-specific and sufficiently independent mandate across federal and State systems to receive these allegations, coordinate potentially applicable law, investigate institutional responsibility and secure the accountability and redress required by the Convention against Torture.

Under presently administered domestic doctrine, judicial-conduct systems, immunities, jurisdictional rules and procedural barriers have distinct functions. Under the Institute's separate international-law analysis, their combined operation cannot be permitted to eliminate every effective avenue of investigation, accountability, proportionate sanction, State responsibility and reparation. That conclusion is an IAJ determination, not settled United States doctrine.

4. Proposed mission-specific recommendations

1. Sign the Optional Protocol to the Convention against Torture immediately, transmit it promptly for the advice and consent of the Senate, and complete ratification within 12 months at the latest.
2. Begin institutional preparation and independent preventive visiting immediately rather than awaiting ratification, and designate a national preventive mechanism whose mandate reaches all public, private, penal, non-penal and de facto settings in which persons are or may be deprived of liberty within the meaning of article 4.
3. Ensure independently of OPCAT's preventive-visiting function that allegations of torture or other ill-treatment arising through judicial or court-connected conduct can be reported, investigated and remedied by an institution independent of the officials and institutions implicated.

5. Interpretive safeguard

OPCAT's preventive system is essential but does not by itself supply every investigation, accountability and reparation function required by articles 12, 13 and 14 of the Convention against Torture.

6. Requested next step

Please consider using, adapting or challenging the proposed language after independent review. The Institute would welcome a short discussion with the responsible UPR officer and will provide pinpoint sources for any proposition questioned.

Primary-source record and enclosure

1. [Working Group report — United States, A/HRC/46/15 \(15 December 2020\)](#)
2. [United States addendum and responses, A/HRC/46/15/Add.1 \(4 March 2021\)](#)
3. [OHCHR United States UPR page — fourth-cycle review information](#)
4. [UN Geneva Blue Book — current Chile mission entry](#)
5. [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/39/46, annex — official OHCHR text](#)
6. [Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/RES/57/199, annex \(article 4\) — official OHCHR text](#)

Enclosure: Institute for the Advancement of Justice & Human Rights, Universal Periodic Review—United States of America, Fourth Cycle—Fifty-third Session of the Working Group: Civil-Society Advocacy Brief (7 August 2026; enclosed PDF SHA-256: 1a1b9f1d6871ea4a8a7966e577e7b24eeeb49ecc3c1ce53f11fccd4f3d141b2).

Attribution control: the Working Group report records State recommendations, not Human Rights Council findings; the addendum records United States positions; the remaining analysis and proposals are IAJ determinations for independent testing. Receipt, silence, discussion or partial use must never be represented as endorsement.