

National Report
Chile

**PUBLIC DEFENDER'S
OFFICE**

MAY 2017



Defensoría
Sin defensa no hay Justicia

What is the Public Defender's Office?

The **Public Defender's Office** is a public service, submitted to the supervision of the President of the Republic through the Ministry of Justice, whose main purpose is the defense of the defendants in the Chilean criminal justice.

This institution was created in 2001, under the framework of the reform of criminal justice and through the Law N° 19.718, with the purpose to deliver criminal defense to the defendants or those accused of a crime or offence that lack a private lawyer, ensuring therefore the right to defense provided by a public lawyer, ensuring therefore the right to defense thanks to a lawyer and the right to equality of the parties in the criminal trial. The Public Defense Office delivers the services all over the country, it has a Regional Defender's Office in each Region with two Regional Defender's Offices in the Metropolitan Region. In all there are 16 Regional Defender's Offices along the whole country.

Under the motto "There is no justice without defense", The Public Defender's Office, works so each defender provides his client, adult or teenager; a defense where the principles of the criminal justice are implemented. All the defendants are treated as innocents until they are convicted; where the previous trial is guaranteed; where this has strength equality to sustain his point of view in front of the allegations formulated; and that, when corresponds, a fair penalty is applied.

› Institutional Mission

› Offer criminal defense of high professional quality for people that do not have a lawyer for any circumstance whatsoever; using a mixed public and private crime defender system; surveilling equality before law, for the due process and acting with deep respect for human dignity or our representatives.

› Institutional Vision

› To be an autonomous public institution positively recognized as a service of crime defense service of excellence to anyone that requires it, participating in the public policies generation in the criminal area.

› Strategic objectives

› Ensure the national coverage of the public criminal defense service through the strengthening of the mixed system.

› Continuous improvement of the quality service delivered, through the specialization of the crime defense, the optimization of the evaluation and control oriented for user attention.

› Strengthen the correct distribution of rights and the role of the Public Crime Defender's Office to the community in the framework of the criminal justice system, through the management of knowledge and communicational policy.

› Consolidate the institutional excellence through the effective management of the key processes and the people development.

Defensoría en cifras 2016

› Trial-defendant entered during the year 2016



› More frequent crimes



> % de causas ingresadas por región

Arica y Parinacota:	1,7%
Tarapacá:	2,7%
Antofagasta:	5,0%
Atacama:	2,2%
Coquimbo:	4,4%
Valparaíso:	10,5%
RM:	35,7%
O'Higgins:	7,2%
Maule:	5,1%
Bío-Bío:	9,7%
La Araucanía:	6,0%
Los Ríos:	2,5%
Los Lagos:	5,4%
Aysén:	1,0%
Magallanes:	1,0%



Total causas: **325.285**

> Requirements of criminal defense



Specialized Defense



› Juvenile Defense

The crime juvenile defense offers legal representation specialized to the defendant teenagers and/or those condemned for a crime, simple crime or only offence and have the need of a lawyer. The defender's office, at a national level, with a work team specially created for the crime defense of teenagers, in whose exercise must supervise the rights deriving directly from the law, the Right Convention of Child Rights as well as another legal tools at a national and international level currently active in Chile.



› Defense for indigenous people

This specialized service of defense considers special attention to the work related to defendants belonging to indigenous people, as the international treaties established in the causes that represents, among them the rights such as the 169 Agreement of the ILO, the indigenous national law and the Brasilia Rules, among others.

The program is in charge of professionals specially trained, context in which the presence of intercultural facilitators that belong to indigenous people, take an active role in the defense.



› Defense of migrants and foreigners

The purpose of this specialized defense model is to procure the application of all the constitutional guarantees focused on migrants or foreigners, to guarantee the effective access to justice of these vulnerable groups.

To exercise these benefits, the defenders must be aware of the vulnerability situation in which the foreigner defendant is set, to know about the specific rights that help the person and above all, the special legislation applicable to them.

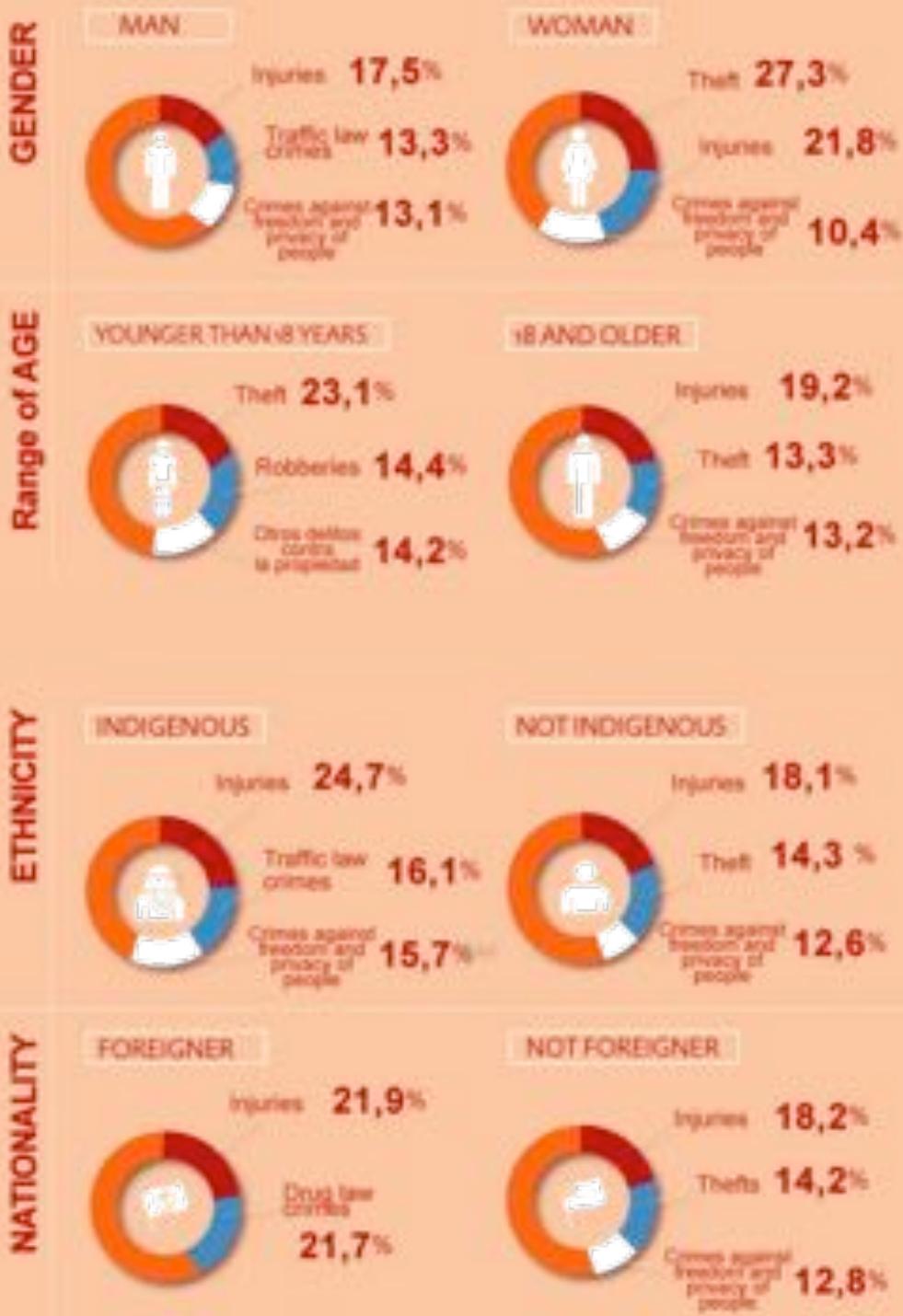


› Prison Defense

The prison defense is directed to adults condemned under the criminal justice system that are confined in jail, in an establishment administered by the Prison Service of Chile.

The prison defense service includes several legal proceedings and extrajudicial ones that last until the complete execution of the sentence. The objective is to safeguard the interests, guarantees and rights of the condemned. The attention is under the responsibility of an interdisciplinary group, made up by lawyers and social assistants, who are hired using the system of bid process.

› **Main crimes** (ASSOCIATED TO COMPLETED TRIAL- DEFENDANT)



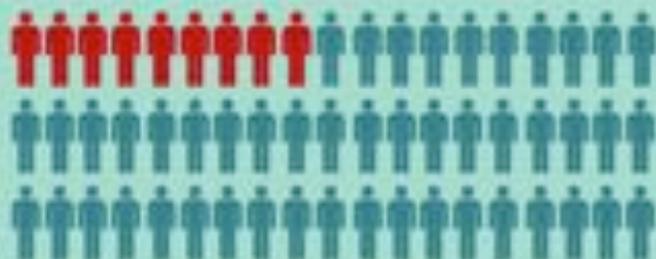
Innocent Project

› The “Innocent Project” is an initiative of the Public Crime Defender’s Office created to acknowledge cases of people that have been unfairly imprisoned in Chile, as well as identifying the causes of errors that have led to this unfair deprivation of liberty. It started functioning in Chile in 2013 and, up to the current date, it has already 54 cases that exemplify the problems that undergo those that are accused of a crime without being guilty. All of them are published in the web site of the innocent project www.proyecto inocentes.cl where any person can request help from the Public Defender’s Offices.



• Trial-defendant completed, during the year 2016

47.358 innocent or not convicted

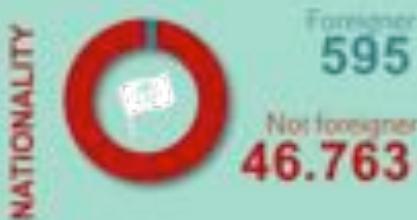


Total imputed 2016: **338.328**

14%
OF THE TOTAL
IMPUTED WERE
DECLARED
INNOCENT OR NOT
CONVICTED



• Distribution innocent or not convicted 2016



Some Relevant Figures

› In the very beginning from the year 2001 until December 31, 2016, the Public Defender's Office has delivered the defense service and guaranteed its rights to **3.763.712 defendants**. Among them, 3.637.164 have finalized its attention from the Institution, equivalent figure to 96,6% of the cause of defendant entered.

› The **budget** of the Public Defender's Office for the year 2016 reached the figure of M\$ 52.739.310 and the accrued expense up to December 31 was M\$ 52.572.229, equivalent to an execution of a **99,7%** of the authorized budget, with which it was maintained the level of budgetary execution reached during the previous year with the same rate.



› Up to December 31 2016, the Public Defender's Office had an effective provision of **707 public officers**, out of which 278 had a legal quality of public servant personnel and 429 hired, including the 190 local defenders considered in the Law N° 19.718.



› Concerning criminal defense; the specialization for the **young, indigenous, migrants** and **convicted defense** services is consolidated, thanks to the relevant trainings as well as advances in the formulation and updates of defense models in these areas, the defense is provided specialized.

mixed system

› Concerning the up to December 31 2016, 248.061 causes were assigned to external service providers, corresponding to a **76,3%** of the total income to the Public Defender's Office, being the differential of the incomes assisted and served by public servants.



› The public defender's office poses its challenges for the 2017 in the continuous improvement areas concerning the quality in the criminal defense provision. For this, the defense specialized lines will be strengthened emphasizing the criminal migrants defense, indigenous criminal defense and the implementation of a **prison feminine defense**. Likewise, the Public Criminal Defense, for the year 2017 has the challenge to improve the management and operation processes, setting as always, the attention to the users.



