

## Country report – Chile

### 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, when the reform of criminal Justice in Chile took place, 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.

This ensure the right to defense provided by a public lawyer, and the right to equality of the parties in the criminal trial.



The Public Defense Office delivers this service all over the country, it has a Regional Defender's Office in each Region with two Regional Defender's Offices in the Metropolitan Region. There are 17 Regional Defender's Offices along the whole country.

Under the motto "There is no justice without defense", The Public Defender's Office, provides defense to every client, adult or teenager; chilean or migrant, a defense where the principles of the criminal justice system are applied. All the defendants are treated as innocents until they are proof to be guilty; where the previous trial is guaranteed before a conviction.

### **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**

Empower national quality defense to every client, strengthening the defense model. Continuous improvement of the service quality delivered, through the specialization of the crime, the optimization of the evaluation and control oriented for users attention.

Encourage the Public Defense Role, and the people knowledge regarding their rights within the criminal justice system, through a diffusion strategy orientated to users and to the whole community.



Encourage the institutional management, to attend new challenges, through the processes optimization, people's development, with innovation and gender focus.

## **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's Convention of Children as well as another legal tools at a national and international level currently active in Chile.

### **› Defense for indigenous people**

This defense specialized service 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 accessto justice of these vulnerable groups. To exercise these benefits, the defenders must be awareof 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.



### **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 75 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.proyectoinocentes.cl](http://www.proyectoinocentes.cl) where any person can request help from the Public Defender’s Offices.

### Some Relevant Figures

In the very beginning from the year 2001 until December 31, 2022, the Public Defender's Office has delivered the defense service and guaranteed its rights to 5.678.392 defendants. Among them, 5.534.982 have ended its attention with the institution, equivalent figure to 100% of the cause of defendant entered. Up to December 31 2022, the Public Defender's Office had an effective provision of 719 public officers, including the 195 local defenders considered in the Law N° 19.718. The budget of the Public Defender's

Office for the year 2022 reached the figure of M\$ 64.506.581 which was increased by 2 thousand 385 million 747 thousand pesos (ThCh\$2,385,747) to finance, mainly, the differential for readjustment of public sector remunerations; the payment of the Modernization Bond; the payment of the retirement fund for the civil servants who retired and for the execution of the 'Program of backwardness causes.

In terms of expenses, the execution was 66 thousand 593 million 123 thousand pesos (Th\$ 66,593,123).





Concerning the mixed system up to December 31 2022, 209.848 causes were assigned to external service providers, corresponding to a 78% of the total income to the Public Defender's Office, being the differential of this figures, assisted and attended by public servants.

Concerning criminal defense; the specialization for juveniles, indigenous, migrants and convicted defense services is now consolidated, thanks to the relevant trainings as well as improvements in the defense models in all these areas.

The public defender's office challenges for the 2021 where focus in the continuous improvement areas concerning quality in the criminal defense provision, and specialization delivery.

This defense specialized areas will be strengthened emphasizing the criminal migrants defense, indigenous criminal defense and the implementation of convicted gender defense. Likewise, the Public Criminal Defense, for the year 2023 has the challenge to improve the management and operation processes, setting as always, the attention to quality service deliver for users and their families.