



Human Rights Council
Working Group on the Universal Periodic Review
Forty-sixth session
29 April–10 May 2024

Summary of stakeholders' submissions on Chile*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 44 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Human Rights Institute (NHRI) reported that in 2021, Chile had approved its Second National Human Rights Action Plan.³

3. The NHRI stated that Law 20.609, which established measures against discrimination, had demonstrated problems of effectiveness. It noted that a bill to reform the law was pending approval in Congress since 2019.⁴

4. The NHRI noted that, out of 3,222 complaints it had filed for torture and cruel, inhuman, and degrading treatment related to the State's response to the 2019 protests, only 81 had been officially investigated and 32 had received a final judgement. It also stated that there had not been a comprehensive reparation plan for victims.⁵ The NHRI welcomed the presentation of a bill regulating the use of force by State agents but was concerned about its slow progress.⁶

5. The NHRI noted that, in 2019, it had been designated as the National Mechanism for the Prevention of Torture.⁷

6. The NHRI was concerned by the slow processing of the bill to regulate the right to peaceful assembly and noted that the exercise of this right was still regulated by a Supreme Decree of 1983.⁸

* The present document is being issued without formal editing.



7. The NHRI stated that, fifty years after the coup d'état, there were still judicial processes ongoing to investigate human rights violations occurred during the dictatorship. In addition, it noted that the Amnesty Decree Law N. 2.191 of 1978 remained in force.⁹

8. The NHRI was concerned that the measures implemented under Law 21.030 to guarantee access to pregnancy termination were insufficient since all health personnel in the main hospitals of four regions of the country were conscientious objectors.¹⁰

9. The NHRI noted that discriminatory regulations against women persisted, such as those governing marital property. It was also concerned that the bill on women's right to a life free of violence had not yet become law and that the statistics on violence against women were not decreasing.¹¹

10. The NHRI stated that, in 2021, Chile enacted Law N. 21.302 establishing the National Service for the Specialized Protection of Children and, in 2022, Law N. 21.430 establishing the System of Guarantees and Integral Protection of the Rights of Children and Adolescents.¹² However, it noted that, despite these efforts, Chile had not yet implemented effective measures to prevent human rights violations of children under State guardianship.¹³

11. The NHRI highlighted that Chile had not yet constitutionally recognized Indigenous People and their rights. It was also concerned about the inconsistent criteria used by State bodies to implement the right to prior consultation of Indigenous Peoples.¹⁴

12. The NHRI stated that, in 2022, Chile enacted Law N. 21.151 granting legal recognition to the Afro-descendant tribal people of Chile.¹⁵

13. The NHRI was concerned that, despite the advances achieved through the law on inclusion, obstacles to the exercise of human rights for persons with intellectual and hearing disabilities persisted.¹⁶

14. The NHRI was concerned that, despite the approval of the new migration law in 2021, other bills had advanced in Congress during 2023 which were in open contravention of international human rights standards.¹⁷

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with human rights mechanisms

15. Three submissions noted that Chile had ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.¹⁸

16. Joint Submission 3 (JS3) noted that Chile had ratified the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).¹⁹

B. National human rights framework

1. Constitutional and legislative framework

17. Several submissions referred to the process of drafting the new Constitution, which had been rejected in the 2022 referendum, and the subsequent 2023 process.²⁰ Four submissions added that the 2023 process had limited Indigenous Peoples' participation.²¹

2. Institutional infrastructure and policy measures

18. The Fundación 1367 Casa Memoria José Domingo Cañas (Casa Memoria) stated that the main human rights institutions in Chile were not autonomous, as 6 out of 11 members of the Council of the NHRI were political appointments and the election of the Ombudsman for Children rested solely with the Senate Commission on Human Rights and Citizenship, which designated a name for ratification of the plenary of the Senate.²² Amnesty International (AI)

recommended that Chile strengthen both institutions by ensuring their presence throughout the country and a relevant allocation of resources.²³

19. Casa Memoria noted that the NHRI had been designated as the National Mechanism for the Prevention of Torture.²⁴ AI recommended that Chile strengthen the mandate of the Committee for the Prevention of Torture as the body responsible for recommending and monitoring a framework for action against torture.²⁵

20. Joint submission 20 (JS20) recommended that Chile should create a mechanism for follow-up to the universal periodic review.²⁶

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

21. The Movimiento de Integración y Liberación Homosexual (MOVILH) pointed out that Act No. 20.609 on discrimination placed the burden of proof on victims and did not provide for financial compensation for them. In addition, the Act did not establish an institutional framework to counter discrimination and its wording made it almost impossible to apply the aggravating factor to hate crimes.²⁷ Corporación TRANSED (TRANSED) noted that a bill to reform the Act had been introduced in Congress, but had been stalled since 2021.²⁸

22. Amaranta NGO (Amaranta) stated that, despite some efforts to incorporate the gender perspective in areas such as politics, education and the labour market, gender stereotypes still persisted in Chilean society.²⁹

23. Joint Submission 4 (JS4) stressed that there were cultural prejudices about migrants and recommended that Chile should counter racism and xenophobia in the media and public discourse.³⁰

Right to life, liberty and security of person, and freedom from torture

24. Joint Submission 2 (JS2) stressed the urgency of criminalizing enforced disappearance.³¹

25. The Human Rights Commission of the Chilean College of Psychologists (COLPSICHILE) drew attention to the fact that the state of emergency proclaimed during the social unrest of 2019 had involved a heavy deployment of police and armed forces and resulted in multiple human rights violations.³² Numerous submissions highlighted serious human rights violations by the forces of law and order, including excessive use of force, deaths and injuries, particularly eye injuries, mass arrests, sexual violence and torture and other cruel, inhuman or degrading treatment.³³

26. AI stated that, even though Carabineros de Chile had developed a series of internal instruments to regulate the use of force in the maintenance of public order, the institution continued to use less lethal weapons inadequately. It noted that, in 2023, the Government had submitted a bill establishing general rules on the use of force by law enforcement officers and armed forces personnel and recommended to approve it urgently.³⁴

27. AI reported that Law 21.560 of 2023, known as the “Nain Retamal Law” violated international human rights standards, including with regards to the involvement of the military in policing activities and the presumption of legality in the use of lethal force by State agents.³⁵ JS3 pointed out that the law fuelled impunity since it had retroactive effect.³⁶

28. Two submissions noted that the legislative agenda on security took a punitive approach, thereby increasing the prison population, and that prison overcrowding and inadequate material conditions were incompatible with human dignity. They recommended that Chile should reduce the use of pretrial detention, strengthen alternative measures and

prison privileges, update the Prison Infrastructure Investment Plan and ensure access to health care for persons deprived of their liberty.³⁷

29. Joint Submission 13 (JS13) noted that only a small portion of the prison population had access to social reintegration activities and recommended that Chile should create a national social reintegration service.³⁸ Three submissions recommended that Chile should pass a law on sentence enforcement in conformity with international standards and establish a special jurisdiction for penitentiary law.³⁹

30. JS13 recommended taking measures to support especially vulnerable groups in prisons, such as women and gender-diverse persons.⁴⁰ Two submissions recommended that Chile should speed up adoption of the bill on alternatives to prison sentences for pregnant women and/or mothers of children under 2 years of age.⁴¹

Human rights and counter-terrorism

31. AI stated that the Anti-Terrorism Law violated international human rights standards in terms of the broadness of the definition of terrorist crimes and lack of due process and that its application had particularly affected persons of Mapuche origin.⁴²

Administration of justice, including impunity, and the rule of law

32. Several submissions noted the lack of progress in the investigation and prosecution of the human rights violations committed during the “Social Outburst”, including that no high command authority had faced criminal prosecution, and recommended that Chile strengthen and expedite judicial response to the complaints of human rights violations occurred during protests, sanction those found guilty and ensure reparations for victims.⁴³

33. The Mental Health and Human Rights Centre (CINTRAS) noted that the rehabilitation programme known as the Plan for the Support and Care of Victims of Ocular Trauma was in operation in six regions and that it covered eye and psychosocial health exclusively; it recommended redesigning it for use across the country, with a view to comprehensive reparation for victims.⁴⁴

34. Casa Memoria noted that, fifty years after the military coup, there were still obstacles to ensuring justice due to the use by the Supreme Court of the concept of “gradual prescription” and the application of probation measures which benefited convicted officers.⁴⁵ JS2 recommended that Chile should adopt the bill on the interpretation of the criminal law on amnesty, pardon and statutes of limitation to bring it into line with international law.⁴⁶

35. Casa Memoria urged Chile to declassify the files of the dictatorship’s security and intelligence apparatuses and the testimonies collected by the Commission on Political Imprisonment and Torture.⁴⁷ JS2 recommended that Chile should set up a standing mechanism for the identification of victims of human rights violations committed under the dictatorship and during the period of democracy.⁴⁸

36. Three submissions noted that, although the Amnesty Law had not been applied since 1998, it was still in force and recommended to repeal it.⁴⁹

37. JS2 appreciated the launch of the National Truth and Justice Plan, aimed at clarifying the circumstances of disappearance and/or death of the victims of enforced disappearance, and recommended that Chile should allocate adequate resources and specialist personnel for its implementation.⁵⁰

38. JS2 noted that the juvenile penal system was undergoing reform to bring it into line with international standards and recommended that Chile should allocate an adequate budget to the reform.⁵¹

Fundamental freedoms and the right to participate in public and political life

39. Two submissions stated that, although the Constitution enshrined the right to peaceful assembly, its exercise continued to be regulated by Supreme Decree N. 1.086 of 1983 which subjected it to an administrative decision.⁵²

40. Joint Submission 7 (JS7) reported on disruptions to online freedom of expression during the social unrest, including arbitrary moderation of content by internet platforms and attacks on cultural and media websites.⁵³

41. AI noted that a bill for the implementation of the Escazú Agreement had been presented to Congress in 2021 but had not made significant progress and recommended that Chile implement effective measures to protect human rights defenders against violence and criminalization.⁵⁴

42. Joint Submission 1 (JS1) reported an increase in arson attacks on Christian churches in the Araucanía Region associated with radical Mapuche groups. It also documented attacks on churches in the Metropolitan Region, mainly within the context of the massive protests that began in 2019.⁵⁵

43. JS4 recommended that Chile should implement policies to promote pluralism of information, encouraging the creation of a media system that ensured a balance between the public, private and community sectors.⁵⁶ It also recommended devising a public policy on prevention, protection and prosecution in respect of attacks on the press, as well as protocols to address online violence against women journalists and workplace and sexual harassment of women journalists in the media.⁵⁷

44. JS4 recommended that Chile should bring its libel and slander laws into line with international standards.⁵⁸

45. Joint Submission 11 (JS11) noted that the digital divide in Chile was very marked in rural environments, which affected women in particular.⁵⁹ JS7 stated that, although the Executive had proposed policies to narrow the digital divide, no progress had been reported.⁶⁰

46. The Chilean Association of the Deaf (ASOCH) stated that persons with disabilities faced inequalities in access to information compared to the rest of the population.⁶¹

47. JS20 stated that Act No. 20.500 on associations and citizen participation in public administration did not define what was meant by participation in public administration and did not provide the means for its effective implementation. It recommended that Chile should update the Act.⁶²

Right to privacy

48. JS7 noted that Congress had not yet adopted the two unified bills to regulate data protection and stated that the lack of an up-to-date regulatory framework in that area had been particularly critical during the pandemic. It recommended that Chile should ensure that the reform of the law on personal data observed internationally recognized data protection principles and should establish an independent technical oversight authority.⁶³

Right to marriage and family life

49. TRANSED and MOVILH welcomed the adoption in 2021 of Act No. 21.400 regulating same-sex marriage on equal terms.⁶⁴

50. JS2 noted that the legislation on joint marital property designated the man as the administrator of the marital property and of the woman's own property.⁶⁵

51. MOVILH noted that the 2012 Act on the Civil Union Agreement denied civil partners the right to adopt children and did not recognize low-income civil partners' right to claim social benefits to which married partners were entitled.⁶⁶

Prohibition of all forms of slavery, including trafficking in persons

52. The European Centre for Law and Justice (ECLJ) noted that Chile showed few records of arrests for human trafficking and recommended that it enforce its human trafficking legislation. It also recommended that Chile criminalize the purchase of sex to help decrease the sexual exploitation of migrants.⁶⁷

Right to work and to just and favourable conditions of work

53. JS2 reported that the closure of nurseries, kindergartens and schools during the pandemic had increased women's burden of domestic and care work, leading them in many cases to give up their paid jobs. It recommended that Chile should accelerate the implementation of a national care system that provided for the equitable sharing of responsibility between men and women.⁶⁸

54. Joint Submission 6 (JS6) noted that indigenous women's share in the workforce was only 47 per cent. It reported that droughts had forced many indigenous women in rural areas to give up farm work and that some women had had to move to urban areas to seek employment, tearing apart the fabric of the community.⁶⁹

55. The National Tax Workers Union - Araucanía (ANEF Araucanía) lamented the lack of security for public officials in the context of the conflict in Araucanía and the failure to mainstream the intercultural perspective in the region's public services, as illustrated by the shortage of intercultural facilitators.⁷⁰

56. Joint Submission 10 (JS10) warned that one of the biggest challenges for persons with disabilities at work was social stigmatization and discrimination and emphasized that the lack of oversight mechanisms hindered the implementation of the Labour Market Inclusion Act.⁷¹

Right to an adequate standard of living

57. JS6 noted that the rate of income poverty among indigenous women was 50 per cent higher than the national average and that their rights were violated in several areas such as access to justice and education. It recommended that Chile should take a differentiated approach to indigenous women in the design of public policies related to women.⁷²

58. Joint Submission 9 (JS9) indicated that, despite the adoption of some social programmes, Chile lacked a comprehensive public policy focused on homeless people. It noted that urban planning policies tended to lead to social marginalization and recommended that Chile should include the social integration of homeless people in the National Urban Development Policy.⁷³

Right to health

59. Several submissions noted that, despite the fact that Act No. 21.030 had decriminalized voluntary termination of pregnancy on three grounds, its implementation had been hindered by, among other things, the absence of treatment protocols, the lack of drugs for pharmacological interruptions, the ban on the advertising of centres and services for the voluntary termination of pregnancy, and individual and institutional conscientious objection, which permitted entire institutions to refuse to provide such services.⁷⁴ ECLJ referred to the right to life in relation to abortion.⁷⁵ S16 noted that, between 2022 and 2023, bills seeking to limit access to voluntary termination of pregnancy had been introduced.⁷⁶

60. JS2 expressed concern about the maximum time limit of 14 weeks for termination of a pregnancy resulting from rape in girls under 14 years of age, because they had difficulty telling they were pregnant and the pregnancy was in many cases the result of sexual abuse by a family member.⁷⁷

61. Joint Submission 17 (JS17) expressed concern about access to quality contraceptives as defects had been found in contraceptives for sale in pharmacies and provided through the public health system.⁷⁸

62. The National Movement for Children (MNI) highlighted the shortage of psychiatrists, the inadequacy of emergency psychiatric medical services and the lack of hospital beds for child or juvenile psychiatric hospitalization.⁷⁹ Joint Submission 15 (JS15) noted that the coronavirus disease (COVID-19) pandemic had affected the mental health of children and adolescents and recommended that Chile should devise a mental health policy in the framework of Act No. 21.430.⁸⁰

63. JS10 noted that Chile had made progress in extending health care coverage to persons with disabilities.⁸¹ JS2 noted that the practice of using family members or legal

representatives to obtain consent for medical interventions for persons with psychosocial disabilities persisted.⁸²

64. Organizing Trans Diversities (OTD) noted that 95 per cent of transgender persons had experienced some kind of discrimination in health centres. In addition, Chile did not guarantee access to hormone treatment; it recommended the creation of a public policy on transgender health.⁸³

65. TRANSED acknowledged that Chile had made progress in banning so-called sexual-orientation or gender-identity “conversion therapies” for LGBTIAQ+ people, and expressed concern about legislative initiatives that sought to guarantee access to such therapies.⁸⁴

Right to education

66. The Sighting Broken Chalk (Broken Chalk) acknowledged the positive steps taken by Chile to address inequalities in education but stressed the urgency for continued efforts and noted that the digital divide exacerbated by the pandemic had further highlighted the influence of socioeconomic status on education. It recommended that Chile implement policies that prioritize equity in education, ensure that public schools receive adequate funding, facilities, and educational resources, and implement additional programs to bridge the digital divide.⁸⁵

67. Broken Chalk noted that women were underrepresented in subjects like science, technology, engineering, and mathematics when entering tertiary education and encouraged Chile to persist in its initiatives aimed at closing the gender gap.⁸⁶ Amaranta recommended that Chile should incorporate training on gender into teacher training in a cross-cutting manner and not as an ad hoc course.⁸⁷

68. The Chilean Association of Educational Psychologists (Psicopedagogos de Chile) noted that the coverage of students’ psychoeducational needs in public education was insufficient. It pointed out that the Ministry of Education’s programmes to counter school dropout had been inadequate because they placed too much emphasis on educational considerations without taking account of other factors that interfered with learning, such as health, school violence and socioeconomic status.⁸⁸

69. Joint Submission 16 (JS16) noted that Act No. 20.418 established an obligation to provide sex education starting at secondary level, and that sex education took a biological approach.⁸⁹ Three submissions recommended that Chile should devise a national policy on comprehensive emotional and sex education beginning at preschool.⁹⁰ Amaranta recommended that Chile should promote comprehensive sexual literacy programmes for adults.⁹¹

70. OTD noted that Chile had made progress in recognizing the right to gender identity in schools, but indicated that the problem persisted in universities.⁹² MOVILH recommended that the Ministry of Education should devise a comprehensive public policy on sexual and gender diversity for all educational levels.⁹³

71. La Associazione “Comunità Papa Giovanni XXIII” (APGXXIII) acknowledged the progress made by Chile to ensure inclusive education. However, it highlighted that the educational support provided to children with disabilities was insufficient and recommended that Chile provide more appropriate support to them; further develop infrastructure; and train all professionals working in educational institutions on the topic of disability.⁹⁴

Development, the environment, and business and human rights

72. Joint Submission 14 (JS14) stated that the environment quality standards did not meet international standards and that there were delays in the environmental inspection and sanction procedures of the Supervisory Authority for the Environment.⁹⁵

73. JS14 stated that extractive and energy-generation activities had had a significant impact on human rights and the environment. It recommended systematically setting up indigenous consultations in environmental impact studies when there were indigenous communities in the affected territory, as well as effective mechanisms for evaluating

environmental impacts on local communities.⁹⁶ JS6 denounced the negative impact of lithium mining on the scarce water resources in the salt flats.⁹⁷

74. JS14 noted that the Second National Action Plan on Human Rights and Business had been adopted without consultation and emphasized State rather than company responsibility.⁹⁸

2. Rights of specific persons or groups

Women

75. JS2 acknowledged that violence against women remained a serious problem, which had been exacerbated by the COVID-19 pandemic.⁹⁹

76. Two submissions noted that a bill aimed at advancing a comprehensive approach to violence against women had been pending in Congress since 2017 and recommended that Chile adopt it.¹⁰⁰ Amaranta recommended that Chile should strengthen the support and rehabilitation centres for survivors of sexual violence, the women's shelters and other first response initiatives.¹⁰¹

77. JS7 highlighted the promulgation of Act No. 21.153, which criminalized sexual harassment in public places and the non-consensual dissemination of images "of sexual significance" without the victim's consent. However, it noted the absence of preventive, investigative or punitive measures in respect of gender-based violence in digital environments, and the need to strengthen support for victims.¹⁰²

78. Amaranta recommended that Chile should promote communication and educational strategies to raise awareness of the Act on Harassment in the Street among the population.¹⁰³

Children

79. JS2 highlighted the adoption of Act No. 21.302, which created the National Service for the Specialized Protection of Children and Adolescents, and Act No. 21.430 on Guarantees and Comprehensive Protection of the Rights of Children and Adolescents.¹⁰⁴

80. JS15, Joint Submission 18 (JS18) and La Caleta noted that Chile had not yet brought its regulatory framework for children into line with the Act on Guarantees and Comprehensive Protection of the Rights of Children and Adolescents.¹⁰⁵ JS15 recommended that Chile should press on with implementation of the Act, allocating resources to the entire comprehensive protection system to be established in the country.¹⁰⁶ JS2 expressed concern about the slow implementation of the local children's offices.¹⁰⁷

81. JS18 recommended that Chile should create a permanent national system for monitoring public investment in children.¹⁰⁸

82. JS20 recommended setting up an independent truth commission to look into all cases of child abuse committed in institutional settings and establishing mechanisms for reparation to victims.¹⁰⁹

83. The NGO *Emprender con Alas* complained of the low quality and alleged irregularities in the reports of the various agencies collaborating with the National Service for Minors, which were used as a basis for family judges' decisions on the institutionalization of minors, and pointed out the conflict of interest in the fact that these agencies received funds for each institutionalization.¹¹⁰ Two submissions noted that these agencies often had close ties to the world of politics, which raised concerns about the transparency of treatment of issues related to the system of support for minors in Chile.¹¹¹

84. End Corporal Punishment (ECP) recommended that Chile accelerate its efforts to prohibit all corporal punishment of children.¹¹²

Older persons

85. The Chilean Association of Mediators (Colmedia) reported that a bill to promote positive aging, comprehensive care of older persons and strengthening of the institutions for older persons was being discussed.¹¹³

86. Joint Submission 12 (JS12) recommended that Chile should expand care services for older persons and secure funding for them.¹¹⁴ Colmedia recommended that Chile should create a special procedure for the care of older persons who were victims of neglect.¹¹⁵

87. Colmedia noted the creation of comprehensive legal defence offices for older persons and recommended that Chile should increase the number of lawyers and social workers in these offices.¹¹⁶

Persons with disabilities

88. JS10 noted that the fragmentation of the regulatory framework governing the inclusion of persons with disabilities was resulting in gaps and contradictions.¹¹⁷

89. JS10 stated that persons with disabilities faced problems in access to health, education and employment and noted the lack of accessibility in public transport and of public awareness measures.¹¹⁸

90. NMI reported a lack of State support for unpaid carers, mainly family members, for persons with severe psychiatric disorders. It also pointed out that the State failed to fulfil its role as carer for homeless persons with intellectual disabilities.¹¹⁹

91. JS12 noted that the Civil Code limited the autonomy of persons with mental disabilities through the concept of legal incapacity and recommended replacing it with mechanisms to provide support in exercising legal capacity.¹²⁰

Indigenous Peoples

92. Four submissions recommended that Chile should incorporate recognition of Indigenous Peoples into the Constitution.¹²¹

93. La Caleta highlighted the fact that 2 out of 10 indigenous children and adolescents lived in income poverty and 3 out of 10 in multidimensional poverty.¹²² JS6 noted that Indigenous Peoples in Chile continued to suffer multiple violations of their rights as a result of abuse of power on the authorities' part and the misuse of their lands without their consent.¹²³

94. JS6 recommended that Chile should conduct good faith consultations in all cases where projects take place in or affect indigenous territories, and should respect Indigenous Peoples' self-determination and their community processes.¹²⁴ JS14 recommended that Chile should strengthen the regulatory frameworks that recognized the territorial rights of Indigenous Peoples and those that allowed them to use, manage and conserve the coastal zone.¹²⁵

95. JS2 drew attention to the fact that the state of emergency and the permanent militarization of the Araucanía and Bío-Bío regions were evidence of a strategy to generalize the use of State violence.¹²⁶ JS14 noted that Chile had criminalized indigenous social protest through the abusive use of police forces and special legislation, such as the Terrorism Act.¹²⁷

96. APGXXIII recommended that Chile end the state of emergency and the militarization of the Araucanía and Bio-Bio regions; establish a commission of inquiry to investigate complaints of human rights violations towards the Mapuche people; and establish a fair and just dialogue with the Mapuche communities that are reclaiming their ancestral lands.¹²⁸

97. JS6 indicated that the participation by Indigenous Peoples provided for under the National Lithium Strategy adopted in 2023 did not comply with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No.169).¹²⁹

Lesbian, gay, bisexual, transgender and intersex persons

98. OTD noted that the Gender Identity Act did not allow for name and sex changes for persons under 14 years of age and did not recognize non-binary gender identities.¹³⁰ MOVILH recommended formally including gender reassignment processes for trans persons in the benefits of the National Health Fund.¹³¹

99. TRANSED noted that a government working group on the rights of LGBTAQ+ persons had been set up in 2022.¹³²

100. Fundación Iguales noted that a very large proportion of hate crimes against the LGBTQ+ population remained unpunished and recommended that Chile should implement strategies to promote reporting, empower victims and avoid secondary victimization.¹³³

101. MOVILH noted that article 373 of the Criminal Code, which penalized against public morals and decency, did not define those concepts and might therefore lead to arbitrary action.¹³⁴

Migrants, refugees and asylum-seekers

102. JS2 complained that the discussion of the new Migration and Aliens Act of 2021 had been affected by a political climate in which migration was criminalized.¹³⁵ AI noted that the Immigration Law aimed to make it easier for authorities to promptly remove and return foreign nationals who entered the country avoiding immigration controls. It recommended that Chile respect the principle of non-refoulement and repeal the provision of the Immigration Law that legalized the expulsion of migrants or refugees without due process.¹³⁶

103. JS2 noted that Act No. 21.542 of 2023 had permitted military deployment on the northern border; it recommended that Chile should restrict military involvement in law enforcement operations and migration control at the border.¹³⁷

104. AI noted that there had been a proliferation of legislative initiatives that, if passed, would severely restrict the rights of refugees and migrants.¹³⁸

105. JS2 expressed concern at the lack of regularization alternatives for migrants who had entered the country without authorization.¹³⁹ RedMigra recommended that Chile should adopt expeditious, clear and accessible regularization mechanisms for all migrants and refugees and promote a migration policy that guaranteed their rights, particularly access to decent work, health, housing and education.¹⁴⁰

Internally displaced persons

106. JS3 recommended that Chile should recognize the existence of forced internal displacement during the 1973–1989 civil-military dictatorship and the cases that had occurred during the transition to democracy between 1990 and 1995, and create a truth, justice and reparations commission.¹⁴¹

Notes

¹ [A/HRC/41/6](#) and [A/HRC/41/6/Add.1](#), and [A/HRC/41/2](#).

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

AI	Amnesty International (United Kingdom);
Amaranta	Amaranta NGO (Chile);
ANEF	Agrupación Nacional de Empleados Fiscales – Araucanía (Chile);
APGXXIII	Associazione “Comunità Papa Giovanni XXIII” (Italy);
ASOCH	Asociación de Sordos de Chile Chile;
Broken Chalk	The Sichting Broken Chalk (The Netherlands);
Casa Memoria	Fundación 1367 Casa Memoria José Domingo Cañas (Chile);
CCHDH	Comisión Chilena de Derechos Humanos (Chile);
CINTRAS	Centro de Salud Mental y Derechos Humanos (Chile);
Colmedia Chile	Colegio de Mediadores de Chile (Chile);
COLPSICHILE	Comisión de Derechos Humanos del Colegio de Psicólogos de Chile (Chile);
ECLJ	European Centre for Law and Justice (France);

ECP	End Corporal Punishment (Switzerland);
Emprender con alas	ONG Emprender con alas (Chile);
FUDES	Fundación para el Desarrollo Social (Chile);
Fundación Iguales	Fundación Iguales (Chile);
Images for Inclusion	Images for Inclusion Inc. (United States of America);
La Caleta	La Caleta (Chile);
MNI	Movimiento Ciudadano Nacional por la Infancia Chile (Chile);
MOVILH	Movimiento de Integración y Liberación Homosexual (Chile)
OTD	Organizando Trans Diversidades (Chile);
Psicopedagogos de Chile	Colegio de Psicopedagogos de Chile (Chile);
RedMigra	Red Nacional de Organizaciones Migrantes y Promigrantes (Chile);
TRANSED	Corporación TRANSED (Chile).
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: Alliance Defending Freedom International (Switzerland), Corporación Comunidad Justicia (Chile);
JS2	Joint submission 2 submitted by: Centro Regional de Derechos Humanos y Justicia de Género – Humanas (Chile); Circulo Emancipador de Mujeres y Niñas con Discapacidad de Chile (Chile); Colectivo Sin Fronteras (Chile); Corporación Opción (Chile); Fundación 1367 Casa Memoria José Domingo Cañas (Chile); Fundación Incidencia (Chile); Litigación Estructural para América del Sur – LEASUR (Chile); Movimiento de Acción Migrante – MAM (Chile); Observatorio de Violencia Institucional en Chile – OVIC (Chile);
JS3	Joint submission 3 submitted by: Centro Cultural Museo y Memoria Neltume (Chile); Corporación Entre Lagos y Montañas Fundos Puñir Releco (Chile); Corporación raíces de Toledo (Chile); Corporación Raíces Ancestrales de Enco (Chile); Pobladores históricos de la Cordillera de Futrono (Chile); Agrupación Social y Cultural de Antiguos Vecinos de Mae (Chile); Litigación Estructural para América del Sur – LEASUR (Chile); Futa Koyagtun Koz Koz Mapu – Parlamento Mapuche de Koz Koz (Chile); ONG defensoría Comunitaria (Chile); Corporación Colectivo Sur, Memoria y Dignidad (Chile); Corporación Fundo Pihueico (Chile); Corporación Remeco Unidos (Chile); Corporación Hijos de Chan Chan (Chile);
JS4	Joint submission 4 submitted by: Iniciativa por más Periodismo y la Libertad de Expresión – IPLE (Chile); Observatorio por el Derecho a la Comunicación – ODC (Chile); Red de Periodistas y Comunicadoras Feministas de Chile – REDPERIOFEM (Chile); Colegio de Periodistas de Chile (Chile);
JS5	Joint submission 5 submitted by: Clínica Jurídica Personas Mayores – Universidad Alberto Hurtado (Chile); Colegio de Mediadores de Chile (Chile); Organización Voces de la No Violencia (Chile); Participantes Mesa de Curadores Ad Litem de la Región Metropolitana (Chile);
JS6	Joint submission 6 submitted by: Cultural Survival (United States of America); Comunidad Indígena Colla de la Comuna de Copiapó (Chile);

- JS7 **Joint submission 7 submitted by:** Derechos Digitales (Chile); Asociación para el Progreso de las Comunicaciones (South África);
- JS8 **Joint submission 8 submitted by:** Denuncia y Protege, agrupación por los derechos de la infancia (Chile); Agrupación papa y mama (Chile); No más hijos rehenes (Chile); Unión Latam & Europe la Infancia Primero (España); Crianza Compartida Chile (Chile); Padres con Derecho Chile (Chile); Observatorio Judicial Ciudadano (Chile);
- JS9 **Joint submission 9 submitted by:** Acción Solidaria (Chile); AVANZA Inclusión (Chile); Corporación Nuestra Casa (Chile); Fundación De Beneficencia Hogar De Cristo (Chile); Fundación Cristo Vive (Chile); Fundación Salud Calle (Chile); Fundación Vida Más Sueños (Chile); Moviliza (Chile); Núcleo de innovaciones efectivas en políticas públicas – Departamento de Trabajo Social Universidad de Chile (Chile); ONG Fraternidad Las Viñas (Chile);
- JS10 **Joint submission 10 submitted by:** AVANZA Inclusión (Chile); Asociación de Padres y Amigos de Personas con Discapacidad – Aspade (Chile); Corporación Educacional Aspaut Viña Del Mar (Chile); Corporación De Padres Y Amigos Por El Limitado Visual-Corpalliv (Chile); Corporación Para La Inclusión De Personas Con Discapacidad Visual Y Sordociegas – CIDEVI (Chile); Fundación Amigos De Jesús (Chile); Fundación Best Buddies Chile (Chile); Fundación ConTrabajo (Chile); Fundación Cristo Vive (Chile); Fundación Debra (Chile); Fundación Descúbreme (Chile); Fundación De Beneficencia Hogar De Cristo (Chile); Fundaciones Del Mundo Nuevo (Fondacio) (Chile); Fundación Down Up (Chile); Fundación Eres (Chile); Fundación Incluir (Chile); Fundación Luz (Chile); Fundación Misión Batuco (Chile); Fundación Ronda (Chile); ONG Cealivi (Chile);
- JS11 **Joint submission 11 submitted by:** Corporación Miles (Chile); Women’s Link Worldwide (Spain, Colombia, United States); Derechos Digitales (Chile);
- JS12 **Joint submission 12 submitted by:** Corporación Simón De Cirene (Chile); Fundación Adumay (Chile); Fundación Cerro Navia Joven (Chile); Fundación Chile Sin Cáncer (Chile); Fundación Conecta Mayor UC (Chile); Fundación Cohousing Chile (Chile); Fundación De Beneficencia De Los Ss.Cc (Chile); Fundación De Beneficencia Hogar De Cristo (Chile); Fundación Descúbreme (Chile); Fundación Edades (Chile); Fundación Grandes (Chile); Fundación Juan Carlos Kantor “Amanoz” (Chile); Fundación Las Rosas (Chile); Fundación Ludovico Rutten (Chile); Fundación Más (Chile); Fundación Pro Bono (Chile); Fundación Revivir (Chile); ONG Pather Nostrum (Chile);
- JS13 **Joint submission 13 submitted by:** Aguas Dimas (Chile); AVANZA Inclusión (Chile); Bio-Proper (Chile); Construyendo Mis Sueños (Chile); Corporación Abriendo Puertas (Chile); Corporación Nuestra Casa (Chile); LEASUR ONG (Chile); Fundación Banamor (Chile); Fundación Dimas (Chile); Fundación Itaca (Chile); Fundación Kalén (Chile); Fundación Ludovico Rutten (Chile); Fundación Mujer Levántate (Chile); Fundación Paternitas (Chile); Fundación Pro Bono (Chile); Fundación Proyecto B (Chile); Fundación Reinventarse (Chile); INFOCAP (Chile); Minka (Chile); Nöwu Hogar (Chile); ONG CONFAPRECO (Chile); ONG En Marcha (Chile); ONG Good Neighbors (Chile); Proyecto

- Reinserción (Chile); Raíz Nativo (Chile); Red de Acción Carcelaria (Chile); Volver a Casa (Chile);
- JS14 **Joint submission 14 submitted by:** Centro de Investigación y Defensa Sur – Cid-Sur (Chile); Colectivo Editorial Mapuexpress (Chile); Fiscalía del Medio Ambiente – FIMA (Chile); Observatorio Ciudadano (Chile); Red de Acción por los Derechos Ambientales – RADA (Chile); Red de Mujeres Originarias por la Defensa del Mar (Chile); TERRAM (Chile); Txawün de Comunidades Mapuche de Temuko (Chile);
- JS15 **Joint submission 15 submitted by:** Fundación Reñaca Más Alto (Chile); Corporación ONG María Acoge (Chile); Fundación Patronato de los Sagrados Corazones de Valparaíso (Chile); Corporación Juntos e.V. (Chile); Fundación Javier Arrieta (Chile); Fundación Servicio Jesuita a Migrantes (Chile); Fundación La Frontera (Chile); World Vision (Chile); Fundación Madre Josefa (Chile); Aldeas Infantiles S.O.S. (Chile); Corporación CIEM (Chile); Fundación Creseres (Chile); Corporación Simón De Cirene (Chile); Corporación Atrapasueños (Chile); Maria Ayuda Corporación De Beneficencia (Chile); Fundación Ideas Para La Infancia (Chile); Fundación Sentido (Chile); Ong. Good Neighbors Chile (Chile); Fundación Abrázame (Chile); Fundación América Solidaria (Chile); Fundación Infancia Primero (Chile); Fundación Mi Casa (Chile); Fundación Chilena De La Adopción y familia (Chile); Fundación Encuentro (Chile); Observatorio Niñez y Adolescencia (Chile); Fundación Futuros Para El Tenis (Chile); Fundación Amparo y Justicia (Chile); Fundación Descúbreme (Chile); Fundación Huella Gestión Social (Chile);
- JS16 **Joint submission 16 submitted by:** Akahata – equipo de trabajo en sexualidades y géneros (Argentina); Fundación Meridiana (Chile); Iniciativa por los Derechos Sexuales (Switzerland);
- JS17 **Joint submission 17 submitted by:** Center for Reproductive Rights (Switzerland); Corporación Miles (Chile); Corporación Humanas – Centro Regional de Derechos Humanos y Justicia de Genero (Chile);
- JS18 **Joint submission 18 submitted by:** Movimiento Nacional por la Infancia (Chile); ONG Emprender con alas (Chile); ONG Rancagua Lucha contra el maltrato infantil (Chile);
- JS19 **Joint submission 19 submitted by:** Observatorio Ciudadano (Chile); Crianza Compartida (Chile); Padres con Derecho Chile (Chile); Agrupación Amor de Abuelos (Chile);
- JS20 **Joint submission 20 submitted by:** Corporación de Familiares, Amigos y Personas en Situación de Discapacidad Psíquica de Chile – CORFADICH (Chile); ONG Emprender con Alas (Chile); Corporación C.E.C (Chile); Colegio de Mediadores de Chile (Chile); Litigación Estructural para América del Sur – LEASUR (Chile); Red de acción carcelaria (Chile); Fundación Ojos de Chile (Chile); Asociación de Abogadas Feministas de Chile (ABOFEM); Universidad Católica de Temuco (Chile); Diáspora e integración latinoamericana (Chile); Corporación de Padres por la Igualdad de Derechos (CORPAID); Fundación Embajada del Inmigrante – FEDI (Chile); Fundación TOMI (Chile); Organizando Trans Diversidades – OTD (Chile); Coordinadora de organizaciones de Familiares Usuarios y Amigos de personas con Afecciones de Salud Mental – CORFAUSAM (Chile).

National human rights institution:

- NHRI National Human Rights Institute, (Chile);
- ³ NHRI, p. 1.
- ⁴ NHRI, p. 5.
- ⁵ NHRI, p. 2.
- ⁶ NHRI, p. 3.
- ⁷ NHRI, p. 1.
- ⁸ NHRI, p. 3.
- ⁹ NHRI, p. 3.
- ¹⁰ NHRI, p. 5.
- ¹¹ NHRI, p. 4.
- ¹² NHRI, p. 1.
- ¹³ NHRI, p. 5.
- ¹⁴ NHRI, p. 6.
- ¹⁵ NHRI, p. 1.
- ¹⁶ NHRI, p. 6.
- ¹⁷ NHRI, p. 6.
- ¹⁸ JS7, p. 3; JS11, p. 2; and JS16, p. 1.
- ¹⁹ JS3, p. 6. See also AI, p. 3.
- ²⁰ JS2, p. 5; JS6, p. 1; JS 7, p. 2; JS14, pp. 3–4; JS16, p. 3; JS17, pp. 3, and 10–11; APGXXXIII, p. 2; CCHDH, pp. 3–7; ECLJ, pp. 3–4; La Caleta, p. 9.
- ²¹ JS6, p. 1; JS14, pp. 3–4; APGXXXIII, p. 2; CCHDH, pp. 5–6.
- ²² Casa Memoria, pp. 7–8. See also JS15, p. 5; and La Caleta, p. 9.
- ²³ AI, p. 5. See also JS15, p. 11.
- ²⁴ Casa Memoria, p. 7. See also AI, p. 2.
- ²⁵ AI, p. 5.
- ²⁶ JS20, p. 4.
- ²⁷ MOVILH, p. 2. See also JS2, p. 1; and Fundación Iguales, p. 7.
- ²⁸ TRANSED, pp. 9–10. See also MOVILH, p. 3; and JS2, p. 1.
- ²⁹ Amaranta, p. 1.
- ³⁰ JS4, p. 8. See also RedMigra, p. 5.
- ³¹ JS2, p. 2. See also AI, pp. 1 and 4; and Casa Memoria, p. 2.
- ³² COLPSICHILE, pp. 3–4. See also CCHDH, p. 2.
- ³³ JS2, p. 1; JS3, p. 8; JS14, pp. 2–3; CCHDH, p. 2; CINTRAS, p. 2; COLPSICHILE, pp. 3–4; FUDESOS, p. 3; La Caleta, pp. 3–5; and RedMigra, p. 2. See also JS7, pp. 1–2; and OTD, p. 4.
- ³⁴ AI, pp. 2 and 5. See also Casa Memoria, p. 5.
- ³⁵ AI, p. 2. See also JS3, p. 8; and CINTRAS, p. 5.
- ³⁶ JS3, p. 8.
- ³⁷ JS2, pp. 3 and 5; and JS3, pp. 9–10 and 12. See also JS13, pp. 5–6.
- ³⁸ JS13, pp. 6–8 and 9. See also JS14, p. 5.
- ³⁹ JS2, p. 4; JS3, p. 12; and JS13, p. 9.
- ⁴⁰ JS13, pp. 9–11.
- ⁴¹ JS2, p. 5; and JS3, p. 13.
- ⁴² AI, p. 3.
- ⁴³ JS2, pp. 1 and 4; JS14, pp. 2–3; AI, pp. 3–4; Casa Memoria, pp. 4 and 6; CINTRAS, p. 6; FUDESOS, p. 3; and La Caleta, p. 3. See also JS3, p. 8; and COLPSICHILE, pp. 4 and 6; and RedMigra, p. 5.
- ⁴⁴ CINTRAS, pp. 2, 3 and 4. See also JS3, p. 8; AI, pp. 3–4; COLPSICHILE, pp. 5 y 6; and FUDESOS, p. 4.
- ⁴⁵ Casa Memoria, p. 3.
- ⁴⁶ JS2, p. 4
- ⁴⁷ Casa Memoria, p. 3.
- ⁴⁸ JS2, p. 4.
- ⁴⁹ JS2, pp. 2 and 4; AI, p. 4; and Casa Memoria, p. 3.
- ⁵⁰ JS2, pp. 3 and 4 See also AI, p. 1.
- ⁵¹ JS2, pp. 8–9.
- ⁵² AI, p. 1; and Casa Memoria, p. 4.
- ⁵³ JS7, p. 3.
- ⁵⁴ AI, pp. 3 and 5. See also MOVILH, p. 4.
- ⁵⁵ JS1, p. 2.
- ⁵⁶ JS4, p. 6.
- ⁵⁷ JS4, pp. 3–4 and 5. See also JS7, pp. 5 and 13.
- ⁵⁸ JS4, p. 3.
- ⁵⁹ JS11, p. 8.

- 60 JS7, p. 7.
61 ASOCH, p. 3.
62 JS20, pp. 3 and 4.
63 JS7, pp. 7 and 12. See also JS11, pp. 8–9.
64 MOVILH, p. 1; and TRANSED, p. 9.
65 JS2, p. 5.
66 MOVILH, p. 6.
67 ECLJ, pp. 5 and 6. See also NHRI, p. 6.
68 JS2, pp. 6 y 7.
69 JS6, p. 8.
70 ANEF, p. 4.
71 JS10, p. 5.
72 JS6, pp. 8 and 9.
73 JS9, pp. 5, 7 and 8.
74 JS2, p. 6; JS3, pp. 14–15; JS11, pp. 2–4; JS16, pp. 1 and 4–5; JS17, pp. 2, and 3–7; and AI, p. 2.
75 ECLJ, pp. 3–4.
76 JS16, pp. 1–2.
77 JS2, p. 6.
78 JS17, p. 7–8.
79 MNI, pp. 3 and 4.
80 JS15, pp. 10 and 11. See also La Caleta, p. 10.
81 JS10, p. 8.
82 JS2, p. 9.
83 OTD, p. 1.
84 TRANSED, p. 11.
85 Broken Chalk, pp. 5–6 and 9.
86 Broken Chalk, pp. 3 and 9.
87 Amaranta, p. 2. See also Broken Chalk, p. 9.
88 Psicopedagogos de Chile, pp. 2–3, and 5.
89 JS16, pp. 5–6. See also Amaranta, p. 2.
90 JS16, p. 7; Amaranta, p. 3; La Caleta, p. 2. See also ODT, p. 5; and TRANSED, pp. 11–13.
91 Amaranta, p. 3.
92 OTD, p. 5.
93 MOVILH, p. 5. See also OTD, p. 5.
94 APGXXXIII, p. 5. See also Broken Chalk, p. 8.
95 JS14, p. 6.
96 JS14, p. 8.
97 JS6, pp. 3–4.
98 JS14, p. 9. See also JS3, pp. 6–7.
99 JS2, p. 6. See also Amaranta, p. 4.
100 JS2, pp. 6 and 7; and AI, p. 2. See also JS3, p. 15.
101 Amaranta, p. 5.
102 JS7, p. 10. See also Amaranta, pp. 5–6.
103 Amaranta, p. 3.
104 JS2, pp. 7–8. See also JS15, p. 5; JS18, p. 1; and La Caleta, p. 8.
105 JS15, p. 8; JS18, p. 1; and La Caleta, p. 8.
106 JS15, p. 11. See also JS2, p. 8.
107 JS2, p. 7. See also JS15, p. 6; and JS18, p. 8.
108 JS18, p. 6.
109 JS20, p. 7.
110 Emprender con alas, pp. 1–6. See also JS8, p. 2.
111 JS8, p. 2; and JS19, p. 1.
112 ECP, pp. 1–4. See also La Caleta, p. 10.
113 Colmedia Chile, p. 3. See also JS5, p. 3.
114 JS12, p. 8.
115 Colmedia Chile, p. 4.
116 Colmedia Chile, pp. 2 and 4.
117 JS10, p. 3.
118 JS10, p. 4.
119 MNI, pp. 5 and 6.
120 JS12, pp. 6–7. See also JS5, p. 3; and JS10, p. 5.
121 JS2, p. 10; JS14, p. 5; and APGXXXIII, p. 2; and FUEDES, p. 5. See also JS6, p. 1.
122 La Caleta, p. 6. See also JS6, p. 1.

¹²³ JS6, p. 2. See also Images for Inclusion, pp. 1–3.

¹²⁴ JS6, p. 9.

¹²⁵ JS14, p. 6. See also JS3, p. 9.

¹²⁶ JS2, p. 10. See also Images for Inclusion, pp. 1 and 2.

¹²⁷ JS14, p. 3.

¹²⁸ APGXXIII, pp. 2 and 3. See also JS6, p. 9; Casa Memoria, p. 7; and Images for Inclusion, p. 6.

¹²⁹ JS6, p. 4.

¹³⁰ OTD, pp. 3 y 4. See also MOVILH, p. 7.

¹³¹ MOVILH, p. 8.

¹³² TRANSED, p. 9.

¹³³ Fundación Iguales, pp. 6 and 9. See also JS3, p. 15.

¹³⁴ MOVILH, p. 7.

¹³⁵ JS2, p. 10.

¹³⁶ AI, pp. 2 and 5. See also JS13, p. 13.

¹³⁷ JS2, pp. 3 and 5.

¹³⁸ AI, p. 3.

¹³⁹ JS2, p. 11.

¹⁴⁰ RedMigra, p. 5.

¹⁴¹ JS3, p. 5.