



Human Rights Council
Working Group on the Universal Periodic Review
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Chile

Compilation of information prepared by 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 outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

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

2. In 2019, the Committee on Enforced Disappearances commended Chile for having ratified all the core United Nations human rights instruments and most of the optional protocols thereto.² Two committees and the United Nations country team recommended that Chile ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.³

3. In 2022, the Committee on the Elimination of Racial Discrimination recommended that Chile consider ratifying the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against all Forms of Discrimination and Intolerance.⁴

4. The United Nations country team noted that, in 2022, Chile had ratified the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement).⁵

5. In 2021, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Chile ratify the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), and the ILO Migrant Worker (Supplementary Provisions) Convention, 1975 (No. 143).⁶

6. Chile submitted a mid-term report on the implementation of the recommendations made during the third cycle of the universal periodic review, held in 2019.⁷

7. Chile is covered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for South America. OHCHR worked with Chile on, inter alia, the development of a draft law on the right to peaceful assembly. It also provided



technical assistance on the protection of the rights of persons with disabilities and the creation of a protocol for the protection of human rights defenders.⁸

8. Chile made contributions to OHCHR in 2019, 2022 and 2023, including to the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Fund for Indigenous Peoples.⁹

III. National human rights framework

1. Constitutional and legislative framework

9. Several human rights mechanisms and bodies made reference to the constitutional text that was rejected in the 2022 referendum.¹⁰

2. Institutional infrastructure and policy measures

10. The United Nations country team recommended that Chile allocate sufficient financial and human resources for the implementation of the second National Human Rights Plan (2022–2025) and create effective channels for its monitoring by civil society, the National Institute of Human Rights and the Office of the Children’s Ombudsman.¹¹

11. The Committee on the Elimination of Racial Discrimination welcomed the increase in funding for the National Institute of Human Rights. It was concerned, however, that the increase was not sufficient and recommended that Chile provide the Institute with sufficient human and financial resources to enable it to effectively promote and protect human rights.¹² In 2019, the Committee against Torture welcomed the adoption of Law No. 21154 establishing the national torture prevention mechanism.¹³

12. In 2022, the Committee on the Rights of the Child recommended that Chile increase the human and financial resources at the disposal of the Office of the Children’s Ombudsman to allow for the establishment of offices throughout the country and guarantee its full independence.¹⁴

13. The Committee on Migrant Workers recommended that Chile set up a mechanism for monitoring and following up on the implementation of human rights recommendations in coordination with the competent bodies and civil society.¹⁵ The Committee on the Rights of the Child emphasized that such a structure should be adequately supported by dedicated staff.¹⁶

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

14. While noting the legislative advances made to combat racial discrimination, the Committee on the Elimination of Racial Discrimination remained concerned that the Anti-Discrimination Act was limited to “arbitrary” forms of discrimination, which could lead to interpretations that would justify certain discriminatory actions.¹⁷

15. The same Committee was concerned about the multiple forms of discrimination faced by Indigenous Peoples, migrants and women of African descent, which was reflected in their limited access to employment, education, health, and migration regulations.¹⁸ It regretted the rejection by the Congress of the bills on hate speech and incitement to racial discrimination and recommended that Chile urgently enact and implement them.¹⁹

16. In 2020, the Committee on the Elimination of Discrimination against Women welcomed Chile’s legislative efforts to extend the scope of discrimination against women and the bill to amend the Constitution in that regard. It was concerned however about the reported delay in the legislative process.²⁰

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

17. The Committee on Enforced Disappearances was concerned that enforced disappearance had not yet been defined as a separate offence and recommended that Chile establish it.²¹

18. In 2019, seven United Nations experts condemned the excessive use of force by security forces that occurred during the social protests in Chile.²² OHCHR stated that a large number of human rights violations had been committed, including excessive or unnecessary use of force, leading to arbitrary deprivation of life, injuries, torture and ill-treatment, sexual violence and arbitrary detention. It noted that, *inter alia*, less lethal weapons had been used in a disproportionate and sometimes unnecessary way and at short range.²³ In 2023, two United Nations experts noted that more than 10,000 complaints had been filed by victims, although few had resulted in convictions, and none of the high command had been prosecuted. They stressed that Chile must take urgent steps to ensure justice and full reparation for victims.²⁴ The United Nations country team recommended that Chile finalize the adaptation of the protocols on the use of less lethal weapons and eliminate the use of riot shotguns.²⁵

19. The country team observed that, in 2023, faced with a worsening security situation, Chile had adopted Act No. 21.560 with the aim of strengthening and protecting the activities of the police and the prison service, and highlighted that OHCHR had expressed concern that this law might weaken accountability and be applied retroactively to cases related to the social protests that had broken out in October 2019. The country team recommended that Chile move forward with police reform in order to strengthen transparency, civilian control and accountability, avoiding measures that might favour the excessive use of force and impunity.²⁶

20. The Committee on the Rights of the Child recommended that Chile stop using “preventive identity check and control” for all children.²⁷

21. The Committee on the Elimination of Racial Discrimination took note of reports that members of the Mapuche, migrants and communities of African descendants were subjected to racial profiling by the police and other law enforcement agencies.²⁸

22. The country team observed that persons deprived of their liberty faced situations of prison overcrowding and barriers to access to the rights to health and education, among others. It recommended that Chile adopt a sentence enforcement law that incorporates international human rights standards.²⁹

23. The Committee on the Elimination of Racial Discrimination was concerned about instances of mistreatment in prisons affecting several prisoners belonging to the Mapuche people and about the lack of effective regulation that allowed traditions, customs and rituals to be practised.³⁰ The country team noted that a proposed reform of the prison regulations had been presented in 2023, which incorporated aspects related to cultural and religious relevance (with a focus on Indigenous persons deprived of their liberty).³¹

3. Human rights and counter-terrorism

24. The Committee on the Elimination of Racial Discrimination urged Chile to revise the Counter-Terrorism Act, so that it specified exactly what terrorist offences it covered; adapt it to international standards; and ensure that it was not applied to members of the Mapuche community for acts taking place in connection with the expression of social needs.³²

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

25. In December 2023, the High Commissioner for Human Rights welcomed the fact that the Supreme Court had confirmed the convictions of 22 agents of the dissolved Directorate of National Intelligence for the kidnappings and qualified homicides of some victims of Operation Condor, and had ordered reparation measures.³³

26. The United Nations country team noted that the judiciary had made progress in recognizing the imprescriptible nature of crimes against humanity and that the number of trials and judgments for crimes committed under the dictatorship had increased. However, it

noted that there was concern at the slow progress in the investigation and punishment of these offences and that in 2022 and 2023 the number of convicted persons who had fled justice had increased. The country team added that Amnesty Decree-Law No. 2191 was still in force, although it was not enforced by the courts.³⁴

27. The Committee on Enforced Disappearances recommended that Chile ensure that all enforced disappearances were promptly and effectively investigated; that the perpetrators were brought to justice; and that the victims received full reparation.³⁵ It also recommended that Chile ensure that perpetrators of enforced disappearance were always punished with appropriate penalties.³⁶

28. The country team noted that, in 2023, Chile had launched the National Search Plan and a legislative agenda that envisaged the partial lifting of the secrecy of the archives of the National Commission on Political Imprisonment and Torture. The country team recommended that the Plan and the legislative agenda be implemented and a permanent mechanism established for recognizing the victims of the dictatorship.³⁷

29. The Committee on the Rights of the Child was concerned about the disproportionate use of the precautionary measure of remand of children in detention centres and recommended that Chile ensure that detention was used as a measure of last resort and for the shortest possible period of time, and promote non-judicial measures and the use of non-custodial sentences for children.³⁸ It also recommended that Chile designate specialized judges for children and expeditiously adopt laws on child justice.³⁹

5. Fundamental freedoms

30. The United Nations country team noted that Supreme Decree No. 1.086 of 1983 established a system for the notification of demonstrations, which had turned into a de facto system of authorization which did not recognize the possibility of spontaneous demonstrations. It recommended that Chile adopt a law guaranteeing the right to peaceful assembly and put an end to the system of de facto authorization.⁴⁰

31. The Committee on the Elimination of Racial Discrimination was concerned by allegations according to which human rights defenders, in particular of minority groups, had been intimidated by the police, profiled and threatened with arrest in the exercise of their activities.⁴¹ The country team recommended that Chile establish a mechanism or protocol for the protection of human rights defenders.⁴²

32. The United Nations country team noted that media outlets were concentrated in corporate groups and recommended that Chile strengthen community media and their financial sustainability in order to promote diversity and citizen participation.⁴³ It also recommended that Chile pass the bill on the protection of journalists and media workers.⁴⁴

33. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Chile fully decriminalize defamation and place it within a civil code that is in accordance with international standards.⁴⁵

6. Right to marriage and family life

34. UNESCO reported that in 2022 Chile adopted Law No. 21.515, increasing the legal age of marriage from 16 to 18 without exception.⁴⁶

35. The United Nations country team noted that, in 2021, Chile had passed Act No. 21.400 on Same-Sex Marriage.⁴⁷

7. Prohibition of all forms of slavery, including trafficking in persons

36. The Committee on Migrant Workers noted the various measures taken by Chile to combat trafficking in persons. It recommended that Chile, inter alia, update the National Plan of Action against Trafficking in Persons to include clear timelines, indicators and monitoring and evaluation benchmarks.⁴⁸ The United Nations country team observed the existence of challenges with regard to the proper identification of situations of child trafficking at the border and the absence of adequate protection procedures.⁴⁹

8. Right to work and to just and favourable conditions of work

37. In 2022, the ILO Committee of Experts on the Application of Conventions and Recommendations noted the information provided by Chile about various programmes to promote employment and employability, especially aimed at persons who were vulnerable.⁵⁰

38. The United Nations country team noted that a gender wage gap remained, despite Act No. 20.348, which protected the right to equal pay, having been in force since 2009.⁵¹

39. The Committee on Migrant Workers recommended that Chile ensure greater and more systematic monitoring by labour inspectors of the working conditions of women migrant domestic workers and ensure that they had effective access to mechanisms allowing them to file complaints against their employers.⁵²

9. Right to social security

40. The United Nations country team noted that, in 2023, Chile had passed Act No. 21.538, which expanded the coverage of the universal guaranteed pension to ensure a basic income for the most vulnerable retirees and make the pension system fairer.⁵³

10. Right to an adequate standard of living

41. In 2019, OHCHR noted that, despite having one of the highest per capita incomes in Latin America, Chile was among the countries of the region with the highest level of inequality.⁵⁴

42. The Committee on the Rights of the Child welcomed the measures taken to combat child poverty but was concerned that the overall number of children living in poverty remained high. It recommended that Chile strengthen measures to provide families in need with adequate and long-term social housing and other support measures; increase access to sanitation services, particularly in rural areas; and prioritize the provision of adequate and safe drinking water, and access to food that is available and affordable.⁵⁵

43. In 2020, the Special Rapporteur on the human rights to safe drinking water and sanitation referred to the Alto Maipo Hydroelectric Project and the avocado business in Petorca province, which might put water supply for people at risk, and stated that Chile must not prioritize avocado plantations and electricity generation over the rights to health and water of its people.⁵⁶

11. Right to health

44. The United Nations country team noted the persistence, despite the policies implemented by Chile, of gaps in terms of access to and quality of health care in the private and public health insurance subsystems and recommended strengthening the public health system.⁵⁷

45. Taking note of the law that decriminalized abortion for three causes, the Committee on the Rights of the Child recommended that Chile adopt a comprehensive gender-sensitive sexual and reproductive health policy for adolescents; decriminalize abortion in all circumstances and eliminate conscientious objection; and ensure that modern contraceptives are affordable and available to all adolescents, in particular in rural or remote areas.⁵⁸

46. The same Committee recommended that Chile ensure that indigenous children have access to quality health services that are culturally sensitive and in their language.⁵⁹ The United Nations country team recommended that Chile implement the Special Programme on Health and Indigenous Peoples and ensure the participation of Indigenous Peoples in the formulation and evaluation of intercultural health plans.⁶⁰

47. The country team expressed concern about the health of victims of eye trauma and other serious injuries caused by the misuse of less lethal weapons during the social protests. It noted that Chile had implemented the Plan on Support and Care of Victims of Ocular Trauma, but challenges persisted in relation to the centralization of care services in the capital and the shortage of professionals, especially for mental health care.⁶¹

48. The Committee on the Rights of the Child recommended that Chile strengthen efforts to prevent and address the high and increasing use of drugs, alcohol and tobacco among children.⁶² It also recommended that Chile ensure access to comprehensive health services and early detection of suicidal behaviour, especially in schools, and continue to support the 24-hour suicide prevention helpline.⁶³

49. The same Committee recommended that Chile continue its efforts to address overweight and obesity in children and actions to promote a healthy lifestyle, including by regulating the marketing of unhealthy foods to children, raising public awareness of nutrition issues and developing intersectoral policies on nutritional health.⁶⁴

50. The Committee recommended that Chile take immediate measures to ensure that children with disabilities have access to health care and enact strict regulations to prohibit forced sterilization of girls with disabilities.⁶⁵ The United Nations country team recommended that Chile continue to implement its strategy on mental health and human rights.⁶⁶

12. Right to education

51. The United Nations country team recognized that Chile had made progress towards an inclusive education system, amended the Inclusive Education Act (putting an end to profit-making in publicly funded education), established a new school admission system and gradually introduced free education.⁶⁷

52. The Committee on the Rights of the Child welcomed the increased public spending on education and the first National Public Education Strategy (2020–2028).⁶⁸ The country team recommended that Chile continue to advance in the establishment of Local Public Education Services to provide appropriate support for teachers throughout the country.⁶⁹

53. The Committee on the Rights of the Child was concerned about the high proportion of students that had no access to online schooling during the coronavirus disease (COVID-19) pandemic. It recommended that Chile address the shortcomings in learning outcomes that children had experienced during the pandemic and further improve the accessibility and quality of education. It also recommended that Chile ensure that all schools have internal regulations for retention and support for pregnant teenagers and adolescent mothers; and strengthen efforts on decreasing violence in schools.⁷⁰

54. UNESCO recommended that Chile continue efforts to ensure the right to inclusive education for minority groups, Indigenous Peoples, migrants and persons with disabilities.⁷¹ The Committee on the Elimination of Racial Discrimination recommended that Chile revise and amend the curriculum with regard to ethnic stereotyping, in particular in school textbooks dealing with the history of Chile.⁷² The Committee on Migrant Workers recommended that Chile increase the resources available for teaching the local languages to migrants and broaden the measures to promote the inclusion of migrant children and adolescents in education.⁷³

55. The country team recommended that Chile strengthen its regulations on comprehensive sexuality education in line with international standards and integrate comprehensive sexuality education into teacher training.⁷⁴ It observed that Chile had made progress in relation to the guidance on LGTBQIA+ students and in updating the national policy on foreign and Indigenous students. However, it pointed out that these initiatives lacked the necessary resources and clear lines of action.⁷⁵

13. Cultural rights

56. The Committee on the Elimination of Racial Discrimination noted with concern that Indigenous languages were less visible in the mainstream media and that alternative media, including Indigenous community radio stations, were not being appropriately supported by the Government.⁷⁶

57. The same Committee was concerned by the desecration of sacred sites, such as Marta Cayulef in Pucón, Coñaripe (Los Ríos) and Chinay (Villarrica), and about the negative impact on the environment, health and traditional ways of life of Indigenous communities

owing to the installation of waste disposal sites on their territories in different parts of the country.⁷⁷

14. Development, the environment, and business and human rights

58. The United Nations country team noted that, in 2022, Chile had enacted the Framework Act on Climate Change, which established a legal framework to achieve and maintain carbon neutrality by 2050. It recommended that Chile develop the implementing regulations of the Act and implement the Escazú Agreement, in particular by ensuring and expanding forums for participation in environmental decision-making processes.⁷⁸

59. In 2023, the United Nations Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment warned that Chile faced a daunting series of interconnected environmental crises, including profoundly disturbing sacrifice zones; water scarcity; and deadly air pollution. He called for stronger environmental laws, substantially increased resources for environmental protection and stricter enforcement of environmental rules.⁷⁹ The country team recommended that Chile make progress in eliminating sacrifice zones.⁸⁰

60. The Committee on the Rights of the Child noted the national action plan on business and human rights. It recommended that Chile continue to adapt its legislative framework to ensure the legal accountability of business in relation to international and national human rights, labour, environmental and other standards; require businesses to undertake due diligence in their operations regarding the harmful effects of environmental degradation on children's rights; and establish monitoring and evaluation mechanisms.⁸¹

B. Rights of specific persons or groups

1. Women

61. In 2021, the Committee on the Elimination of Discrimination against Women requested Chile to provide information on the human and financial resources allocated to the Ministry of Women and Gender Equity since February 2018 and the impact of the COVID-19 pandemic on the implementation of the fourth national plan on equality between women and men.⁸²

62. The same Committee requested Chile to provide comprehensive statistical data on the situation of women belonging to disadvantaged or marginalized groups, such as Indigenous women, rural women, women belonging to ethnic minorities, migrant, asylum-seeking and refugee women.⁸³

63. In 2020, the same Committee noted the absence of a judicial complaint mechanism to deal specifically with cases of discrimination against women.⁸⁴

64. The United Nations country team recommended that Chile adopt the draft law on the right of women to a life free from violence and other draft legislation beneficial to women's rights.⁸⁵ In 2020, the Committee on the Elimination of Discrimination against Women considered that the draft law did not recognize intersecting forms of discrimination.⁸⁶

2. Children

65. The Committee on the Rights of the Child welcomed the establishment of the Children's Ombudsman and the Office of the Undersecretary for Children, and the creation of the system of guarantees and integral protection of the rights of children and adolescents.⁸⁷ It welcomed Laws No. 21.302 and No. 21.430 (Law of Guarantees) and recommended their expeditious implementation.⁸⁸ The Committee also recommended that Chile establish a permanent national monitoring system of public investment in children.⁸⁹

66. While noting the actions taken by Chile to address the systematic violations of children's rights in its care, the same Committee remained deeply concerned about, inter alia, the lack of adequate safeguards and clear criteria for the placement of children outside the family environment, the limited progress of the national deinstitutionalization plan and the death of children in alternative care.⁹⁰

67. The United Nations country team observed that a process of truth, justice, reparation and guarantees of non-repetition for children and adolescents who were victims of human rights violations while under the protection of the State in alternative residential care was still pending.⁹¹ The Committee on the Rights of the Child urged Chile to, *inter alia*, establish reparation mechanisms for victims; ensure that all cases of deaths of children while under the care of the State were promptly and impartially investigated; and implement the plan to end institutional violence in alternative residential care.⁹²

68. The country team highlighted Act No. 21.522, which provided for the offence of commercial sexual exploitation of children and adolescents, but noted the need to allocate human and financial resources to investigate and punish perpetrators and to increase the specialization of professionals of State legal representation programmes.⁹³ The Committee on the Rights of the Child recommended that Chile ensure that Internet service providers control, block and promptly remove online sexual abuse material and include tools to facilitate victim identification techniques and rescue operations in the mandatory training of law enforcement officials, lawyers, the judiciary and other relevant professionals.⁹⁴

69. The country team noted that in Chile there is no law prohibiting the corporal punishment of children and adolescents.⁹⁵

70. In 2021, the ILO Committee of Experts welcomed the measures adopted by Chile to reinforce the national legal and institutional framework for the progressive elimination of child labour and requested it to continue its efforts to ensure that no boy or girl under the age of 15 was engaged in child labour, including in the informal economy.⁹⁶ The Committee on Migrant Workers urged Chile to redouble its efforts to eradicate child labour among migrant children and adolescents.⁹⁷

3. Persons with disabilities

71. The United Nations country team noted that, despite some progress, persons with disabilities faced discrimination and obstacles in their access to education, employment and independent living in the community. It pointed out that Act No. 21.545, which promoted the inclusion, comprehensive care and protection of the rights of persons with autism spectrum disorder in the social, health and educational spheres, had been passed in 2023.⁹⁸

72. The country team observed that Chile did not have a mechanism for monitoring implementation of the Convention on the Rights of Persons with Disabilities, which made it difficult to assess the level of said implementation.⁹⁹

73. The country team noted that the Civil Code, by providing for the removal of legal capacity, did not recognize the legal capacity of persons with disabilities on equal terms; it recommended that Chile ensure the recognition of the right to legal capacity of persons with disabilities.¹⁰⁰ The Committee on the Rights of the Child recommended that Chile end the practice of institutionalization of children with disabilities.¹⁰¹

4. Indigenous Peoples and minorities

74. The Committee on the Elimination of Racial Discrimination was concerned about the continuation of the “state of constitutional emergency” and the militarization of the conflict with the Mapuche people. It was also concerned about numerous reports of excessive use of force by Carabineros against members of Mapuche communities, in particular in the context of demonstrations in defence of their rights. The Committee urged Chile to ensure that the actions of law enforcement officials comply fully with human rights obligations and investigate allegations of acts of violence committed by them, prosecute and punish those found guilty, while granting adequate reparations to victims.¹⁰² The United Nations country team recommended that Chile continue to implement policies towards the just resolution of the differences between the State and the Mapuche people.¹⁰³

75. The Committee on the Elimination of Racial Discrimination was concerned that ineffective or absent consultations with Indigenous Peoples on issues affecting land and territory had led to conflicts. It urged Chile to expedite the establishment of the Ministry of Indigenous Peoples and the National Council of Indigenous Peoples; expedite the implementation of Act No. 19.253, which sets out rules on the protection, advancement and

development of Indigenous Peoples and the establishment of a historical cadastre of Indigenous lands and water resources; and expedite the restitution of ancestral lands.¹⁰⁴

76. The Committee on the Rights of the Child was seriously concerned about the unequal access by Indigenous children to health care, education and social protection. It recommended that Chile ensure that all Indigenous children were treated as a priority group in public policies and programmes.¹⁰⁵

77. The country team noted that Act No. 21.151, which granted legal recognition to the Chilean tribal people of African descent, had been adopted in 2019, but that the implementing regulations foreseen in the Act had not been published.¹⁰⁶ The Committee on the Elimination of Racial Discrimination recommended that Chile adopt and implement measures to guarantee equality in the enjoyment and exercise of the rights of people of African descent.¹⁰⁷

5. Lesbian, gay, bisexual, transgender and intersex persons

78. The United Nations country team observed that, in 2022, Chile had amended Act No. 21.120, which recognized and guaranteed the right to gender identity, including for adolescents over the age of 14 years.¹⁰⁸ The Committee on the Rights of the Child recommended that Chile allocate sufficient budget for professional counselling programmes for children considering gender change.¹⁰⁹

79. The country team noted that a 2022 study had revealed that LGBTIQ+ persons faced discrimination in education and in access to housing, health and formal employment and were concerned about violence at the hands of public officials or police officers. The country team recommended the implementation of policies to prevent and punish violence against LGBTIQ+ persons.¹¹⁰

6. Migrants, refugees and asylum-seekers

80. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that Chile had issued, in 2021, a new migration law (Law No. 21.325) and, in 2023, the National Migration Policy, which significantly contributed to the establishment of a framework to address the human mobility situation in the country.¹¹¹

81. The Committee on Migrant Workers recommended that Chile increase the capacity of public officials at border crossing points to ensure that its border governance measures protected the rights of migrants and refugees and were in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsion.¹¹² The Committee on the Rights of the Child urged Chile to end the practices of forced returns (“pushbacks”) of families and children in situations of migration.¹¹³

82. The Committee on Migrant Workers was very concerned about the collective expulsion of migrants and the large number of expulsions arising from proceedings in which individual decisions were issued but the expulsion orders were identically worded, which amounted to collective expulsions.¹¹⁴ The United Nations country team noted that ongoing legislative initiatives aimed to broaden the scope of the measure of “immediate return to the border” without providing for a review to determine international protection needs. It also observed that a bill that would criminalize clandestine entry into the country was currently under consideration.¹¹⁵

83. The country team noted that, in 2023, Chile had extended from 48 hours to 5 days the period for which foreign nationals may be detained in the context of administrative expulsions.¹¹⁶ In 2021, the Special Rapporteur on the human rights of migrants, together with other special procedures, stated that immigration detention should be used only as a measure of last resort and for the shortest appropriate period and added that it was essential to comply with due process guarantees.¹¹⁷

84. The country team recommended that Chile ensure effective access to the asylum procedure by removing legal and practical barriers and arbitrary requirements. It noted that there was an unjustified backlog in the processing of pending asylum applications and concern at the low rate of acceptance, reflecting a restrictive interpretation of the definition of a refugee under Act No. 20.430.¹¹⁸

85. The Committee on the Elimination of Racial Discrimination urged Chile to implement measures to enhance the full integration of migrants into the society and remove barriers that, in practice, impeded access to health services, education and employment by ensuring the timely issuance of identity documents.¹¹⁹ The Committee on Migrant Workers recommended that Chile develop measures to eliminate xenophobia and discriminatory stereotypes in respect of migrant workers and members of their families.¹²⁰

7. Stateless persons

86. The Committee on the Elimination of Racial Discrimination welcomed the adoption, in 2021, of Act No. 21.325, which recognized the right to nationality as a fundamental right.¹²¹

87. UNHCR noted that Chile had yet to implement a statelessness determination procedure and recommended that it adopt a comprehensive legal framework for the protection of stateless persons.¹²²

Notes

- 1 See [A/HRC/41/6](#), [A/HRC/41/6/Add.1](#) and [A/HRC/41/2](#).
- 2 [CED/C/CHL/CO/1](#), para. 3. Also [CRC/C/CHL/CO/6-7](#), para. 4.
- 3 [CRC/C/CHL/CO/6-7](#), para. 44; [CERD/C/CHL/CO/22-23](#), para. 38; and United Nations country team submission, p. 2.
- 4 [CERD/C/CHL/CO/22-23](#), para. 38.
- 5 United Nations country team submission, p. 2.
- 6 [CMW/C/CHL/CO/2](#), para. 16. Also United Nations country team submission, p. 2.
- 7 <https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>.
- 8 OHCHR, *United Nations Human Rights Report 2019*, p. 293; *United Nations Human Rights Report 2020*, p. 329; *United Nations Human Rights Report 2021*, p. 294; and *United Nations Human Rights Report 2022*, pp. 267–269.
- 9 *United Nations Human Rights Report 2019*, pp. 91, 124 and 181; *United Nations Human Rights Report 2022*, pp. 99, 120, 432 and 449; and *United Nations Human Rights Report 2023*, forthcoming.
- 10 [CERD/C/CHL/CO/22-23](#), para. 8; [CEDAW/C/CHL/QPR/8](#), para. 4; [E/C.12/CHL/QPR/5](#), para. 11; <https://www.ohchr.org/es/press-releases/2022/09/chile-referendum-presents-unique-opportunity-recognise-right-housing-new>; and United Nations country team submission, pp. 8, 10, 12 and 13.
- 11 United Nations country team submission, p. 2.
- 12 [CERD/C/CHL/CO/22-23](#), paras. 16–17. Also [CMW/C/CHL/CO/2](#), para. 20, and United Nations country team submission, p. 2.
- 13 See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FCHL%2F39764&Lang=en. Also [CAT/C/CHL/CO/6/Add.1](#), paras. 2–7, and [CAT/C/CHL/QPR/7](#), para. 4.
- 14 [CRC/C/CHL/CO/6-7](#), para. 10 (a) and (b). Also United Nations country team submission, p. 2.
- 15 [CMW/C/CHL/CO/2](#), para. 64. Also [CRC/C/CHL/CO/6-7](#), para. 47, and United Nations country team submission, p. 2.
- 16 [CRC/C/CHL/CO/6-7](#), para. 47.
- 17 [CERD/C/CHL/CO/22-23](#), para. 10.
- 18 *Ibid.*, para. 12.
- 19 *Ibid.*, paras. 18 and 19 (b). Also [CERD/C/CHL/FCO/22-23](#), paras. 2–8, and https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FFUL%2FCHL%2F52644&Lang=en, pp. 1 and 2.
- 20 See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FFUL%2FCHL%2F42755&Lang=en. Also [CEDAW/C/CHL/FCO/7](#), paras. 1–9, and [CEDAW/C/CHL/QPR/8](#), para. 4.
- 21 [CED/C/CHL/CO/1](#), paras. 8 and 9. Also [CED/C/CHL/FCO/1](#), paras. 2–5, and United Nations country team submission, p. 6.
- 22 See also <https://www.ohchr.org/en/press-releases/2019/10/bachelet-urges-immediate-dialogue-resolve-crisis-chile>.
- 23 See https://www.ohchr.org/sites/default/files/Documents/Countries/CL/Report_Chile_2019_EN.pdf, pp. 29 and 31. See also https://www.ohchr.org/sites/default/files/Documents/Countries/CL/State_Reply_Chile2019.pdf.
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