



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the fifth periodic report of Chile*

1. The Committee considered the fifth periodic report¹ at its 40th and 41st meetings,² held on 15 and 16 September 2025, and adopted the present concluding observations at its 58th meeting, held on 26 September 2025.

A. Introduction

2. The Committee welcomes the submission of the State Party's fifth periodic report, which was provided in response to the list of issues prior to reporting and in accordance with the simplified reporting procedure.³ The Committee also expresses its appreciation for the constructive dialogue held with the State Party's high-level delegation, composed of representatives of the three branches of government, and thanks the delegation for the oral responses and the supplementary information provided in writing.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and public policy measures taken by the State Party for the protection and progressive realization of economic, social and cultural rights, including the ratification of the International Labour Organization (ILO) Occupational Safety and Health Convention, 1981 (No. 155), the ILO Safety and Health in Mines Convention, 1995 (No. 176), the ILO Violence and Harassment Convention, 2019 (No. 190), and the ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29). It also welcomes the adoption of Act No. 21,645 on work-life balance, Act No. 21,015 on labour inclusion, the Urban Wetlands Act (Act No. 21,202), the Single-Use Plastics Act (Act No. 21,368) and the Framework Act on Cybersecurity (Act No. 21,663), the creation of the Biodiversity and Protected Areas Service through Act No. 21,600 and of the Public Science programme, and the preparation of the National Employment Equality Plan 2021–2030, as well as the other measures noted in the present concluding observations.

C. Principal subjects of concern and recommendations

States of emergency

4. The Committee takes note of the security challenges arising from the tensions related to historical land claims of the Mapuche People, and of the information provided by the delegation on the positive impact of the constitutional state of emergency in the Araucanía region and in the Provinces of Arauco and Biobío in terms of crime reduction. However, it notes with concern the prolonged use of the state of emergency and its impact on the exercise

* Adopted by the Committee at its seventy-eighth session (8–26 September 2025).

¹ E/C.12/CHL/5.

² See E/C.12/2025/SR.42 and E/C.12/2025/SR.43.

³ E/C.12/CHL/QPR/5.



of economic, social and cultural rights, particularly for Indigenous women and children (art. 4).

5. The Committee recommends that the State Party:

(a) **Ensure that any measures taken in the context of a state of emergency are strictly necessary, proportional, temporary and subject to judicial review and that all measures, in particular those that result in restrictions of the right to protest of defenders of economic, social and cultural rights, are consistent with the State Party's obligations under the Covenant;**

(b) **Step up its efforts, particularly through training and monitoring, to prevent human rights violations in police operations, and ensure that all reported violations of Covenant rights committed during states of emergency are promptly and effectively investigated, that those responsible are brought to justice and that victims receive full reparation.**

Domestic application of the Covenant

6. Although the Committee notes the State Party's efforts to move forward with the constitutional reform process, it remains concerned about the absence of explicit recognition in the Constitution of a number of Covenant rights and the lack of judicial indicators in the National Human Rights Plan, which limits the effective legal protection of those rights. The Committee is also concerned that the State Party does not recognize the importance of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, thereby restricting access, for persons under the State Party's jurisdiction, to the communications procedure (art. 2 (1)).

7. The Committee reiterates its recommendation⁴ to the State Party to take the necessary measures to ensure the full recognition and effective legal protection of the economic, social and cultural rights enshrined in the Covenant both in its domestic legislation and in its Constitution. The Committee also urges the State Party to include judicial indicators in the National Human Rights Plan to monitor the effective application of the binding nature of the rights recognized in the Covenant. The Committee refers the State Party to its general comment No. 9 (1998) on the domestic application of the Covenant and encourages it to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Human rights defenders

8. The Committee welcomes the measures adopted by the State Party with regard to human rights defenders, in particular the preparation and entry into force of the protocol for the protection of human rights defenders in application of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). However, it notes with concern the persistent threats and attacks against human rights defenders, including Indigenous and environmental defenders (art. 2 (1)).

9. The Committee recommends that the State Party:

(a) **Continue strengthening the institutional framework for the protection of human rights defenders, ensuring the effective implementation of the protocol for the protection of human rights defenders and the allocation of the necessary financial, technical and human resources;**

(b) **Conduct thorough, impartial and effective investigations into all reports of attacks on the life, physical integrity and freedom of human rights defenders, to prevent impunity, and ensure that victims receive full and adequate reparation;**

⁴ E/C.12/CHL/CO/4, para. 7.

(c) **Ensure that criminal law is not used to arbitrarily criminalize defenders of economic, social and cultural rights, including those defending the rights of Indigenous Peoples;**

(d) **Take into account the Committee's statement on human rights defenders and economic, social and cultural rights.**⁵

Business and human rights

10. The Committee notes the progress made by the State Party in the drafting of the third National Action Plan on Business and Human Rights and the pre-legislative process for the drafting of a law on due diligence. However, it is concerned that there is still no binding legal framework governing human rights due diligence for domestic companies and those with operations abroad. It is also concerned about non-compliance with agreements with Indigenous Peoples, such as the agreement relating to the construction of a hydroelectric plant in the territory of the Mapuche Pehuenche People (arts. 1 and 11).

11. **The Committee recommends that the State Party:**

(a) **Expedite its efforts to achieve the prompt adoption of appropriate legislative and administrative measures to ensure that companies operating in the State Party exercise due diligence in human rights matters in order to prevent their activities from having a negative impact on the exercise of economic, social and cultural rights;**

(b) **Adopt the third National Action Plan on Business and Human Rights and ensure that it is prepared, implemented and evaluated with the effective participation of all stakeholders, including representatives of the business sector, civil society organizations, Indigenous Peoples and directly affected communities;**

(c) **Take all measures necessary to ensure the legal liability of companies that operate in, are headquartered in and/or are under the jurisdiction of the State Party for violations of economic, social and cultural rights resulting from their activities, and ensure that victims have access to effective mechanisms for full reparation;**

(d) **Take into account the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.**

Climate change mitigation

12. While the Committee welcomes the approval of the Framework Act on Climate Change (Act No. 21,455) and the creation of the Biodiversity and Protected Areas Service, it is concerned about the limited implementation of the Act in territories affected by mining activities, such as lithium extraction in salt flats in the high Andes, as well as the absence of specific measures to protect glaciers from mining expansion. The Committee is also concerned that environmental assessments relating to megaprojects, including energy projects such as the Alto Maipo hydroelectric project, are conducted without using a human rights perspective, which jeopardizes compliance with the nationally determined contributions under the Paris Agreement and the goal of carbon neutrality (art. 2 (1)).

13. **The Committee recommends that the State Party:**

(a) **Introduce substantive guarantees for communities and the environment in the implementation of the Framework Act on Climate Change (Act No. 21,455), including in territories affected by mining, salt flats in the high Andes where lithium extraction occurs, and glaciers;**

(b) **Monitor the approval and execution of industrial projects, including energy projects, ensuring that economic, social and cultural rights are respected at all times;**

(c) **Continue taking effective measures to reduce greenhouse gas emissions and meet its nationally determined contributions under the Paris Agreement;**

⁵ [E/C.12/2016/2](#).

(d) **Guarantee the effective implementation of the monitoring, transparency and accountability mechanisms established in Decree No. 4 of the Ministry of the Environment, which approves the regulations on carbon tax compensation through carbon credits, in order to ensure that the system operates as a real and verifiable instrument for compensation and emission reduction to achieve carbon neutrality.**

Rights of Indigenous Peoples

14. The Committee remains concerned by the lack of constitutional recognition of Indigenous Peoples and the absence of effective legal mechanisms guaranteeing that Indigenous Peoples must be consulted, and their free, prior and informed consent obtained, with regard to decisions that may affect the exercise of their economic, social and cultural rights. It is also concerned about the fact that Supreme Decree No. 66/2014 does not conform to international standards, as well as about the adoption of legislation on and the granting of concessions for extractive projects, including as part of the National Lithium Strategy. The Committee welcomes the efforts made by the State Party to achieve the transition to green energy and the closure of coal-fired power plants. However, it remains concerned about environmental conflicts arising from renewable energy projects on the land of Indigenous Peoples. While noting the State Party's efforts in the area of land restitution, the Committee notes with concern the high number of unresolved land disputes, the significant delays in the restitution processes and the limited availability of land. It is also concerned about the negative impact of legislative initiatives, including the initiative to amend Act No. 20,249 on the establishment of marine and coastal areas for Indigenous Peoples, which could restrict the territorial rights of Indigenous Peoples, particularly in coastal areas, and affect their right to continue to have access to their means of subsistence, such as fishing (arts. 1 and 15).

15. **The Committee recommends that the State Party:**

(a) **Make progress in the constitutional recognition of Indigenous Peoples, the protection of their rights, including the right to own, use, develop and control their lands, territories and resources and to freely dispose of their natural wealth and resources, and the protection of their tangible and intangible heritage, in accordance with international standards and jurisprudence, by reviewing, in this connection, Act No. 19,253 of 1993 on the protection, promotion and development of Indigenous Peoples;**

(b) **Review and adapt legislation, including Supreme Decree No. 66/2014, in consultation with Indigenous Peoples, to guarantee their right to be consulted and establish an independent mechanism to ensure that free, prior and informed consent is obtained from Indigenous Peoples regarding legislative or administrative measures and projects that may affect their rights or territories, including those initiated by parliamentary motion or through environmental impact statements, and including the right to grant or withhold such consent, in accordance with international standards, in particular the United Nations Declaration on the Rights of Indigenous Peoples and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169);**

(c) **Ensure that the energy transition plan is developed and implemented in consultation with Indigenous Peoples and with their effective participation, and that related projects have a positive impact on their rights, particularly in terms of access to electricity and environmental rights;**

(d) **Establish effective mechanisms to protect the rights of Indigenous Peoples with respect to their lands, territories and resources, particularly those threatened by the extractive, energy, forestry and real estate industries, through demarcation, regularization and titling of lands, and ensure adequate financing;**

(e) **Expedite the process of restitution of Indigenous lands and ensure that it includes territories and resources traditionally owned, occupied or used by Indigenous Peoples, in particular the Mapuche People, in accordance with international standards, in order to ensure their physical and cultural survival;**

(f) **Refrain from amending Act No. 20,249 on the establishment of marine and coastal areas for Indigenous Peoples and guarantee Indigenous Peoples' access to their marine resources and means of subsistence, including fishing.**

Maximum available resources

16. The Committee welcomes the adoption of Act No. 21,713, which is aimed at improving tax compliance and increasing tax revenues. However, it is concerned about the persistent reliance on indirect taxes, such as value added tax, and the limited capacity of the tax system to fulfil its redistributive function. It also notes with concern the increase in corruption, which negatively affects the availability and effective use of public resources (art. 2 (1)).

17. The Committee recommends that the State Party:

(a) **Ensure the progressive realization of economic, social and cultural rights by significantly increasing the level of public social spending, with a view to reducing inequality in the enjoyment of these rights, as well as by pursuing the adoption of a fair, inclusive and effective tax system;**⁶

(b) **Adopt the necessary measures to ensure that the implementation of Act No. 21,713 has a redistributive effect and is conducted in a socially just manner, with a view to reducing inequality and increasing the resources available for the implementation of economic, social and cultural rights;**

(c) **Effectively address the structural causes of corruption, ensure rigorous enforcement of relevant rules and combat impunity;**

(d) **Strengthen transparency and accountability mechanisms in public administration.**

Non-discrimination

18. The Committee welcomes the measures taken by the State Party to promote inclusion and prevent discrimination. However, it is concerned that Act No. 20,609 does not fully incorporate the concept of discrimination as defined in the Covenant, nor does it establish effective redress and compensation mechanisms in connection with economic, social and cultural rights. It is also concerned that structural forms of exclusion persist that disproportionately affect vulnerable groups, including people of African descent, migrants, asylum-seekers and refugees, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons. The Committee is also concerned about initiatives to amend Act No. 21,325 on Migration and Foreign Nationals in order to criminalize clandestine entry into the national territory (art. 2 (2)).

19. The Committee recommends that the State Party intensify its efforts to address structural inequalities and combat persistent discrimination through strategies that are based on comprehensive analysis of the needs of the most disadvantaged groups and supported by disaggregated data in the areas of economic, social and cultural rights. It also urges the State Party to amend Act No. 20,609 to: (a) fully incorporate the concept of discrimination, in accordance with article 2 of the Covenant and explicitly including all the prohibited grounds identified in the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights; (b) establish accessible and effective complaint mechanisms; and (c) ensure adequate redress and enforcement mechanisms. The Committee also urges the State Party to continue its efforts to ensure that the application and any reform of Act No. 21,325 do not result in the persecution, criminalization or collective expulsion of migrants in an irregular situation, expedite processes to regularize migration status and guarantee migrants' access to economic, social and cultural rights and social security benefits, on an equal footing and without discrimination.

Equal rights of men and women

20. While noting the State Party's efforts to strengthen its legislative and institutional framework to ensure the equal enjoyment of economic, social and cultural rights by men and women, the Committee is concerned about the persistence of deep structural inequalities in

⁶ See [E/C.12/2025/1](#).

women's employment, political participation and economic decision-making, which are fuelled by deeply rooted gender stereotypes in the family and in society (art. 3).

21. The Committee recommends that the State Party:

(a) **Redouble its efforts to eliminate gender disparities, including through the effective implementation of the Act aimed at increasing women's representation on boards of directors and through the promotion of women's access to management positions, including through temporary special measures;**

(b) **Strengthen actions to reduce the gender wage gap and ensure equal pay for work of equal value, including by addressing vertical and horizontal segregation between men and women in the labour market and reviewing social and fiscal policies that limit women's full participation in employment;**

(c) **Ensure the effective implementation of Act No. 21,645 on work-life balance and make progress in achieving universal coverage of the day-care centre initiative;**

(d) **Complete the adoption of legislation on the establishment of a national care system and make progress in its implementation;**

(e) **Step up awareness campaigns designed to transform patriarchal attitudes and gender stereotypes, including by promoting joint responsibility for domestic and care tasks;**

(f) **Take account of the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Right to work

22. The Committee welcomes the State Party's efforts to strengthen the labour market in the context of the recovery from the coronavirus disease (COVID-19) pandemic, in particular the reduction in unemployment among young adults and the progress made in the inclusion of persons with disabilities. However, it is concerned that employment rate for mothers in the State Party is among the lowest in the countries forming part of the Organisation for Economic Co-operation and Development. It is also concerned about the high rates of unemployment among persons with disabilities, particularly women, as well as limited access to employment for other disadvantaged and marginalized groups of women, including lesbian, bisexual, transgender and intersex women, Indigenous women and women of African descent (arts. 6 and 7).

23. The Committee recommends that the State Party continue to adopt positive measures that benefit the groups most affected by unemployment and that it evaluate the effectiveness of measures taken to increase employment opportunities both in general and for specific individuals and groups, in particular persons with disabilities and disadvantaged and marginalized women, including lesbian, bisexual, transgender and intersex women, Indigenous women and women of African descent. The Committee urges the State Party to strengthen the implementation of the Labour Inclusion Act (Act No. 21,015) through effective monitoring, oversight and accountability mechanisms and to take into account its general comment No. 18 (2005) on the right to work.

Informal sector

24. The Committee notes with concern the increase in informal employment in the State Party, particularly among domestic workers and migrants, and the lack of protection for informal workers in occupational health and safety legislation. It is concerned about the overrepresentation of women in this sector and the difficulties women and migrant workers face in obtaining access to equitable remuneration, social services and safe working conditions, which puts them at greater risk of exploitation and abuse and makes them vulnerable to excessively long working days and obstacles in processes to regularize migration status (arts. 6, 7 and 9).

25. Recalling its previous recommendation,⁷ the Committee recommends that the State Party take all necessary measures to progressively reduce the number of workers in the informal sector, with a particular focus on women and migrants, and integrate them into the formal sector, in line with the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204). It also urges the State Party to ensure that workers in the informal sector have adequate and immediate labour protection, including access to social protection.

Right to just and favourable conditions of work

26. The Committee welcomes the progress made in the protection of labour rights, in particular the adoption of Act No. 21,643, which imposes new obligations on employers to prevent and report harassment, including sexual harassment, and violence in the workplace. However, it is concerned about the persistence of sexual violence, including in the workplace, and of poor working conditions in certain sectors such as mining, agriculture and the informal economy, which disproportionately affect migrant workers, particularly those who are undocumented or in an irregular situation (art. 7).

27. The Committee recommends that the State Party take measures to combat sexual harassment in the workplace, including through the organization of awareness-raising campaigns, and that it scale up labour inspections, especially in the agriculture, mining and informal sectors, to effectively investigate complaints filed by workers, impose proportionate sanctions on employers who fail to comply with labour standards, particularly in the area of occupational health and safety, and ensure effective access to recourse mechanisms for all victims. In this context, it urges the State Party to conduct an independent investigation into the recent accident at the El Teniente mine and to ensure adequate reparation and compensation measures. The Committee refers the State Party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.

Trade union rights

28. The Committee welcomes the State Party's efforts to ensure respect for trade union rights, in particular through the dialogue between the Ministry of Labour and trade union organizations, which has led to progress including the reduction of the working week to 40 hours and the increase in the minimum wage. However, the Committee is concerned that the coverage of collective bargaining remains limited, that unionization and collective bargaining are not recognized in the public sector and that public administration workers continue to be banned from exercising the right to strike (art. 8).

29. The Committee recommends that the State Party adopt all necessary measures to guarantee full respect for the exercise of trade union rights by all workers, in accordance with article 8 of the Covenant and with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). In particular, the Committee urges the State Party to adopt legislative and administrative measures to expand the coverage of collective bargaining, ensuring that all workers, including those in the public sector, can exercise this right without undue restrictions, and to review its national legislation with a view to ensuring explicit recognition of the right to strike for public administration workers, without undue restrictions.

Right to social security

30. The Committee welcomes the information on the reform of the pension and social security system, which is aimed at improving access to benefits. However, it notes with concern the persistent problems in the pension system, which disproportionately affect women, who until now have received on average only 50 per cent of the minimum wage upon retirement, compared to 75 per cent for men. The Committee is also concerned that many

⁷ E/C.12/CHL/CO/4, para. 16.

people do not have access to adequate pensions due to insufficient contributions and contribution gaps resulting from informal employment (art. 9).

31. The Committee recommends that the State Party:

(a) **Expedite the adoption and implementation of the reform of the pension and social security system, ensuring universal coverage and adequate and equitable social protection for all;**

(b) **Adopt additional specific measures to reduce gender inequalities in the pension system, including corrective mechanisms to compensate for wage and contribution gaps affecting women;**

(c) **Review and remove undue barriers to accessing social security and ensure that those benefits are indexed to the cost of living, guaranteeing levels that ensure an adequate standard of living for beneficiaries;**

(d) **Take account of the Committee's general comment No. 19 (2007) on the right to social security and its statement on social protection floors as an essential element of the right to social security and of the Sustainable Development Goals.**

Child protection

32. While the Committee welcomes the State Party's commitment to the eradication of child labour, it is concerned that a significant number of children and adolescents under the age of 15 years are engaged in economic activities, including hazardous forms of labour, unpaid work and work in the informal sector. It is particularly concerned about the situation of girls and adolescents, who are often involved in domestic and care work. The Committee also wishes to express concern about the vulnerability of children and adolescents to sexual exploitation and recruitment for illicit activities such as drug trafficking, as well as about the lack of official data in this regard, and the scant progress made in investigating and punishing those responsible (art. 10).

33. The Committee recommends that the State Party scale up its efforts to prevent and eradicate child labour, particularly in its most hazardous forms, by effectively enforcing existing legislation, strengthening labour inspection mechanisms and adopting specific measures to protect girls and adolescents. It also urges the State Party to collect reliable disaggregated data on the worst forms of child labour and to take comprehensive action to detect, raise awareness of and prevent the smuggling of migrants, trafficking in persons and child sexual exploitation, including through the training of public officials and the establishment of official systems to record data on accompanied and unaccompanied children and adolescents entering the country. The Committee urges the State Party to ensure the effective investigation and punishment of all acts of sexual exploitation, trafficking in persons and recruitment of minors for illicit activities, and to provide full reparation for victims.

Poverty

34. The Committee takes note of the State Party's efforts to combat poverty and of the reduction in the poverty rate it achieved in 2022. However, it is concerned about the persistence of high levels of inequality, poverty and extreme poverty, which disproportionately affect the most disadvantaged and marginalized groups, including women, girls, boys, migrants and, in particular, households headed by Indigenous women. It is also concerned about the increase in multidimensional poverty among migrant children and adolescents and Indigenous children (art. 11).

35. The Committee recommends that the State Party step up its efforts to reduce inequality and combat poverty, particularly extreme poverty, by increasing the resources allocated and conducting a comprehensive evaluation of existing programmes in order to identify obstacles and initiate the necessary changes. It also urges the State Party to re-establish an open and participatory national dialogue to ensure that public policies to reduce inequality provide an effective, structural and sustainable response

to the social demands expressed during the 2019 social protests. The Committee refers the State Party to its statement on poverty and the Covenant.⁸

Adaptation to climate change

36. The Committee takes note of the inclusion of sectoral adaptation plans in the Framework Act on Climate Change. However, it wishes to express concern about the persistent insufficiency of adaptation measures, particularly in relation to drought and water crisis preparedness, which could compromise the effective enjoyment of the rights enshrined in the Covenant (art. 11).

37. **The Committee recommends that the State Party:**

(a) **Step up its climate change adaptation efforts to prevent and mitigate its adverse effects on the population and reduce the vulnerability of communities, with a particular focus on Indigenous and rural communities;**

(b) **Continue adopting adaptation measures in effective consultation with affected communities;**

(c) **Significantly increase resources to strengthen the resilience of the economy and society, through initiatives such as reforestation programmes, construction of desalination plants, comprehensive improvement of water and sanitation services, expansion of wastewater treatment capacity, and cooperation with neighbouring countries to ensure the fair and equitable use of shared water resources;**

(d) **Take into account the Committee's general comment No. 15 (2002) on the right to water.**

Right to adequate food

38. While the Committee acknowledges the measures taken by the State Party to promote and protect the right to adequate food, it notes with concern the increase in food insecurity reported in the 2022 national social and economic survey, which disproportionately affects Indigenous Peoples, children and adolescents, households headed by women, and migrants and refugees (art. 11).

39. **The Committee recommends that the State Party strengthen its efforts to protect the right to adequate food by, inter alia, developing national legislation on agricultural work to ensure equitable access to nutritious and affordable food; adopt measures to address the structural causes of food insecurity; and establish effective monitoring and evaluation mechanisms to ensure responses tailored to the needs of the groups most affected by food insecurity. The Committee refers the State Party to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted by the Food and Agriculture Organization of the United Nations (FAO).**

Right to adequate housing

40. The Committee notes the measures taken by the State Party to address the housing crisis. However, it is concerned about the housing deficit, which is estimated to affect more than 650,000 households, and about reports suggesting that more than 1.4 million people live in precarious conditions, including approximately 120,500 families in informal settlements, according to official data. The Committee is concerned about forced evictions and threats made against people living in informal settlements without adequate procedural safeguards. It also notes with concern the lack of specific measures to provide access to housing for refugees and migrants, including undocumented migrants, who face high levels of exclusion (art. 11).

⁸ [E/C.12/2001/10](#).

41. The Committee recommends that the State Party:

(a) **Adopt urgent and sustained measures to address the housing deficit and improve housing conditions, particularly in informal settlements, public spaces without shelter and rural areas;**

(b) **Take effective measures against forced evictions in accordance with international human rights law and ensure that victims have access to an effective remedy that allows them to regain their property, return to their homes or land or obtain a suitable alternative, and appropriate compensation;**

(c) **Adopt specific measures to provide access to adequate housing for refugees and migrants, including those in an irregular situation, in order to reduce their marginalization and vulnerability, especially in households headed by women, Indigenous Peoples, children and adolescents;**

(d) **Take into account the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.**

Right to water and sanitation

42. The Committee takes note of the amendment to the Water Code introduced by Act No. 21,740, which recognizes access to drinking water and sanitation as an essential human right. However, it wishes to express concern about the privatization of water resources and the negative effects thereof on equity of access to these resources, with a particular focus on the low coverage in regions such as Los Lagos and La Araucanía, as well as in informal settlements in urban areas. The Committee also notes with concern the growing control of the water supply by the agriculture, forestry, mining and other sectors, to the detriment of rural communities, Indigenous Peoples and small farmers. It is also concerned about persistent unsanitary conditions and serious deficiencies in access to water, hygiene and sanitation services in disadvantaged areas (art. 11).

43. The Committee recommends that the State Party:

(a) **Take urgent measures to ensure equitable, dignified and sustainable access to safe drinking water and adequate hygiene and sanitation services, especially in rural areas, regions with low coverage and high demand such as Los Lagos and La Araucanía, and informal settlements;**

(b) **Strengthen regulation and oversight of services provided by private companies and ensure that their activities do not compromise universal and equitable access to water and sanitation as essential human rights;**

(c) **Limit the extent to which control over water supply is concentrated in the industrial agriculture, forestry, mining and other sectors, and ensure that rural communities, Indigenous Peoples and small farmers have sufficient and priority access to this resource;**

(d) **Ensure that the recognition of water as a public good is translated into concrete policies that prevent its commodification and promote its sustainable, participatory and human rights-based management;**

(e) **Take account of the Committee's general comment No. 15 (2002) on the right to water.**

Right to physical and mental health

44. The Committee wishes to express concern about the persistent gaps between the public and private healthcare subsystems in terms of access and quality, which affect in particular the most vulnerable populations, due to long waiting times, staff shortages, limited resources and territorial disparities. In the context of the 2019 and 2020 demonstrations, while noting the State Party's efforts, the Committee notes with concern the challenges in the care of victims of ocular trauma, including the centralized nature of services, the lack of mental health professionals and the limited access to comprehensive reparations. The Committee is also concerned about the limited access to adequate health services for persons

with disabilities, migrants and Indigenous Peoples, as well as the shortage of psychiatric beds and the insufficient number of psychiatrists in the public system of free choice (art. 12).

45. The Committee recommends that the State Party:

(a) **Pursue its efforts to allocate sufficient resources to the healthcare sector with a view to guaranteeing and improving the accessibility, availability and quality of healthcare services for all persons, without discrimination, with a particular focus on migrants, Indigenous Peoples and persons living in rural or remote areas;**

(b) **Improve primary healthcare infrastructure and ensure that hospitals in all parts of the country have the necessary medical personnel, supplies and medicines, including for emergencies;**

(c) **Allocate funds to improve the availability, accessibility, affordability and quality, throughout the State Party, of services for the prevention and treatment of mental health issues, especially for victims of ocular trauma;**

(d) **Ensure that Indigenous children have access, in their communities and in their own languages, to quality health services that are culturally sensitive;**

(e) **Take into consideration the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health.**

Sexual and reproductive health

46. The Committee welcomes the progress made by the State Party in decriminalizing voluntary termination of pregnancy. However, it wishes to express concern about the barriers that continue to hinder women's effective access to this right – in both public and private establishments – even in the cases permitted by law. This is mainly due to conscientious objection, both at the institutional and the personal level, insufficient training of clinical teams and poor dissemination of the regulations. It is also concerned about the lack of comprehensive sex and relationships education and the fact that the national legislation on forced or non-consensual sterilization of persons with disabilities has not yet been amended (art. 12).

47. The Committee recommends that the State Party:

(a) **Guarantee unimpeded access to safe abortion and post-abortion care services, and ensure, in both public and private health facilities, that the exercise of individual or institutional conscientious objection does not become a barrier to access to legal abortion;**

(b) **Strengthen policies on the provision of information, dignified care and effective referrals to ensure equitable access to voluntary termination of pregnancy;**

(c) **Revise its legislation on abortion, broadening the circumstances in which it is legally permitted, to ensure its compatibility with women's rights to integrity, autonomy and health, with reference to the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health and the World Health Organization abortion care guideline;**

(d) **Promote the adoption and subsequent implementation of the bill on comprehensive sexuality and relationships education and ensure that the legislation includes content related to appropriate healthcare for sexually transmitted diseases, unwanted pregnancies, including child and adolescent pregnancy, prevention of violence and abuse and other related issues;**

(e) **Adopt the necessary legislative and other measures to ensure the prohibition and prevention of forced or non-consensual sterilization of persons with disabilities and guarantee their right to free and informed consent in all decisions affecting their sexual and reproductive health.**

Right to education

48. The Committee notes the State Party's efforts to guarantee access to free education. However, it is concerned about the lack of recognition of education as a human right and the deterioration in the levels of school retention and academic performance, as well as the decrease in specialized care for children and adolescents with disabilities. Furthermore, the Committee wishes to express concern about the negative effects of Act No. 21,128 (the Safe Classrooms Act) on access to education, as well as the lack of information on how the State ensures that private schools comply fully with the official curriculum (art. 13).

49. **The Committee recommends that the State Party:**

(a) **Consider according constitutional recognition to education as a human right in itself;**

(b) **Continue its efforts to allocate financial, human and technical resources to the education sector in order to ensure universal and equal access, taking into consideration the differentiated needs of children and adolescents with disabilities, including through the provision of grants to schools for students with disabilities and the continued operation of such schools to the highest possible standards of quality;**

(c) **Conduct a comprehensive analysis of the impact of Act No. 21,128 (the Safe Classrooms Act) on access to education, and adopt measures to prevent school violence and avoid the arbitrary expulsion of students, as well as to encourage the reintegration into the educational system of students expelled under the Act, ensuring that all interventions respect human rights and promote inclusive and safe educational environments;**

(d) **Take the necessary budgetary and administrative measures to guarantee access to free universal education for children and adolescents, including migrants;**

(e) **Ensure that the content of the curriculum designed by the competent authorities is equally applied at the primary and secondary levels in private schools and colleges;**

(f) **Take account of the Committee's general comment No. 13 (1999) on the right to education.**

Multilingual and intercultural education

50. The Committee takes note of the State Party's efforts to promote intercultural curricula and multilingual education. However, it wishes to express concern about the lack of educational and teaching programmes in Indigenous languages for all the Indigenous Peoples in the State Party, thereby limiting the effective exercise of their cultural and linguistic rights (arts. 13 and 15).

51. **The Committee recommends that the State Party, in consultation with Indigenous Peoples, maintain and strengthen measures to ensure that Indigenous languages are systematically taught in schools with a significant number of Indigenous children, and design, approve and implement intercultural curricula for Indigenous children, in their own languages and in line with their cultural methods of teaching and learning, and which reflect Indigenous Peoples' cultures, traditions, histories and aspirations in education and public information.**

Human rights education

52. The Committee notes that the school curriculum does not systematically incorporate content on the military dictatorship, human rights education or the culture of non-repetition. It is concerned about the limited use of memorial sites for educational and teaching purposes (arts. 14 and 15).

53. **The Committee encourages the State Party to:**

(a) **Ensure that the educational curriculum includes training on the military dictatorship and its human rights impacts, in order to promote human rights education as a strategy to guarantee non-repetition;**

(b) **Guarantee the protection and proper maintenance of memorial sites related to the military dictatorship and include, in the national school curriculum, content on the meaning of such sites and their historical importance.**

Cultural rights

54. The Committee takes note of the State Party's efforts to protect Indigenous Peoples' cultural heritage, in particular through the bill on Indigenous cultural heritage and the initiatives to promote the revitalization and use of Indigenous languages as part of the International Decade of Indigenous Languages. However, it wishes to express concern about the situation of Indigenous languages that are at risk of disappearing, which directly affects the exercise of the cultural rights of Indigenous Peoples, in particular their right to preserve, develop and transmit their identity, knowledge and traditions (art. 15).

55. **The Committee recommends that the State Party maintain and strengthen measures to protect and promote the cultural rights of Indigenous Peoples. In particular, the Committee recommends that the State Party:**

(a) **Promote, through legislative and administrative measures, and in accordance with the other relevant recommendations in the present concluding observations, favourable conditions in which Indigenous Peoples can freely preserve, develop, express and disseminate their identity, history, culture, languages, traditions and customs;**

(b) **Adopt effective measures to preserve and promote the use of all Indigenous languages, including in public settings, in the media and in the education system;**

(c) **Expedite the adoption of the bill on the recognition, protection and promotion of the linguistic and cultural rights of Indigenous Peoples and the bill on Indigenous cultural heritage;**

(d) **Take measures to protect and guarantee Indigenous Peoples' access to their sacred, religious and cultural sites, and ensure the right of Indigenous persons deprived of liberty to practice their spiritual and religious customs and ceremonies.**

Right to participate in and to enjoy the benefits of scientific progress

56. The Committee welcomes the State Party's initiatives to encourage women's participation in science. However, it notes with concern their underrepresentation in the fields of science, technology, engineering and mathematics, as well as the persistent gaps in higher education and technical training. It is also concerned that gender stereotypes in teaching and curricula continue to discourage women's enrolment in these disciplines (arts. 13 and 15).

57. **The Committee recommends that the State Party strengthen its efforts to eliminate gender stereotypes in education, in particular in the fields of science, technology, engineering and mathematics, through curriculum changes, teacher training and awareness-raising campaigns. It also urges the State Party to adopt specific measures to increase women's participation in higher education and technical training in these sectors.**

D. Other recommendations

58. **The Committee recommends that the State Party consider accepting article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, concerning inter-State communications, and article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, concerning the individual communications procedure.**

59. **The Committee recommends that the State Party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. The**

achievement of the Sustainable Development Goals would be considerably facilitated by the State Party's establishment of independent mechanisms for monitoring progress and treating the beneficiaries of public programmes as rights holders who are entitled to avail themselves of their rights. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State Party's attention to its statement on the pledge to leave no one behind.⁹

60. The Committee recommends that the State Party take steps to progressively develop and apply appropriate indicators on the exercise of economic, social and cultural rights in order to facilitate the assessment of the progress achieved by the State Party in fulfilling its obligations under the Covenant in respect of various segments of the population. In that context, the Committee refers the State Party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights.¹⁰

61. The Committee requests that the State Party disseminate the present concluding observations widely at all levels of society, including at the national, provincial and local levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State Party to continue engaging with the National Institute of Human Rights and other national human rights institutions, non-governmental organizations and other members of civil society in the follow-up given to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report. Furthermore, the Committee recommends that the State Party strengthen its efforts to establish its national mechanism to follow up on the implementation of the recommendations, on an ongoing basis and with the participation of national human rights institutions and civil society organizations.

62. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State Party is requested to provide, within 24 months of the adoption of the present concluding observations (by 30 September 2027), information on the implementation of the recommendations contained in paragraphs 11 (b) (National Action Plan on Business and Human Rights), 15 (b) (consultation and free, prior and informed consent of Indigenous Peoples) and 49 (c) (necessary amendments to Act No. 21,128 (the Safe Classrooms Act)).

63. The Committee requests the State Party to submit its sixth periodic report in accordance with article 16 of the Covenant by 30 September 2030, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

⁹ E/C.12/2019/1.

¹⁰ HRI/MC/2008/3.