



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues prior to submission of the fifth periodic report of Chile*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum) by 30 June 2021. The State party's replies to the list of issues prior to reporting will constitute its fifth periodic report under article 16 of the International Covenant on Economic, Social and Cultural Rights.

A. Issues of particular relevance

2. Please provide specific information on the process by which a new Constitution will be drafted and adopted in the State party, in particular with regard to the involvement of different population groups and sectors. Please indicate what provision has been made for the recognition of economic, social and cultural rights and what legal protection mechanisms have been adopted. Please provide information on specific examples of case law in which the rights enshrined in the Covenant have been cited as a basis for judicial decisions and on the extent to which such rights have been enforced.

3. Please describe the measures taken to restore open and participative dialogue at the national level, with a view to finding solutions in response to the social demands expressed in protests since October 2019 on such issues as income inequality and access to social security, health care and education, and with respect to other economic, social and cultural rights. Please also describe the measures taken to ensure respect for the right of assembly and peaceful protest and the right to freedom of expression in the context of the social protests, especially with regard to human rights defenders, student leaders and leaders of indigenous peoples.

4. Please provide information on the results of implementing the measures adopted to reduce poverty and extreme poverty and on whether the State party envisages drafting and adopting a comprehensive plan to combat poverty and extreme poverty, indicating the targets, priorities, planned coordination mechanisms and resources allocated for the implementation of such measures. Please describe the measures taken or planned by the State party to reduce the high levels of inequality in its territory, and the impact of those that have already been taken.

B. Ongoing implementation of the Covenant

5. Please explain how the implementation of the National Human Rights Plan is contributing to the effective enjoyment of economic, social and cultural rights among the most disadvantaged and marginalized groups. Please report on specific results, resources

* Adopted by the pre-session working group at its sixty-sixth session (9–13 March 2020).



allocated and the coordination and participation mechanisms established for effective implementation of the Plan.

6. Please report on the mechanisms that have been established to ensure that businesses comply with the principle of human rights due diligence and respect economic, social and cultural rights in all their activities. Please also report on progress made in the implementation of the National Action Plan on Business and Human Rights 2017–2019.

7. Please provide information on the draft framework law on climate change and on the steps taken to develop a long-term strategy that defines emissions reduction targets and includes mitigation and adaptation plans. Please describe the adaptation measures taken to address the effects of climate change, particularly in relation to the enjoyment of economic, social and cultural rights by the most disadvantaged and marginalized groups. Please also describe the steps that the State party is taking to assess the social and environmental impact of large-scale energy projects, including coal-fired power plants and the Alto Maipo hydroelectric project, so as to ensure that they are compatible with economic, social and cultural rights and the climate change goals set under the Paris Agreement.

8. Please provide information on the mechanisms established to ensure that prior consultation procedures are conducted with a view to obtaining the prior, free and informed consent of indigenous peoples in all decision-making processes that may affect them, including those involving the award of concessions and the execution of investment projects, and indicate in which circumstances such prior consultation takes place. Please also provide information on progress made by the State party in the demarcation and restitution of indigenous territories and the mechanisms established to guarantee the rights of indigenous peoples to dispose freely of their lands, territories and natural resources.

9. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on changes over the past 10 years in:

(a) The percentage of persons below the poverty line, and the levels of inequality, based on the Gini coefficient and the ratio of the total income of the richest 10 per cent of the population to the total income of the poorest 40 per cent of the population (Palma coefficient), as well as those levels of inequality calculated before and after taxes and transfers, specifying also whether the State party has indicators for social mobility that are calculated at regular intervals;

(b) The proportion of public revenue that is generated through taxes, the percentage of tax revenue that comes from income tax and other direct taxes, and the percentage that depends on value added tax and other indirect taxes;

(c) The rates of tax levied on corporate profits and the income of individuals, value added tax (especially that levied on luxury items, tobacco, alcohol, sugary beverages and snacks, and petrol), and the percentage of the total revenue from personal income taxes collected from the wealthiest 10 per cent of the population;

(d) Public expenditure as a percentage of gross domestic product and the proportion of total public expenditure allocated to social priorities (education, food, health, water, sanitation and housing), and, in the event of a decrease in social investment, the mitigation measures adopted to ensure the progressive realization of economic, social and cultural rights;

(e) Absolute levels of social spending, adjusted for inflation.

10. Please describe the impact of the measures, including legislative measures, taken to combat discrimination, especially discrimination against migrants, asylum seekers, refugees and persons with disabilities and discrimination on the grounds of gender identity and/or sexual orientation, in particular with respect to the exercise of economic, social and cultural rights.

11. Please provide information, including statistical information, on the impact of measures taken to achieve equality between men and women in the enjoyment of rights, especially how they have contributed to: (a) eliminating vertical and horizontal gender-based segregation in the labour market and closing the wage gap between men and women;

(b) achieving a more equitable distribution of tasks and responsibilities, in particular caregiving tasks, between men and women in the family and in society; and (c) addressing violence and harassment against women, both within the home and in other locations, including the workplace.

12. Please provide statistical information, disaggregated by age, sex, disability, ethnic or national origin and urban/rural area of residence, on the employment situation in the State party. Please provide information on the implementation, outcome and evaluation of policies to increase labour force participation rates, particularly for young people and women, and on measures to ensure that workers in the informal sector of the economy are covered by labour laws and have access to social protection. Please report on the availability, accessibility and affordability of technical education and training programmes, how they have been tailored to the needs of the job market and how they take into account the needs of the most marginalized and disadvantaged persons and groups.

13. Please provide information on progress made in the consideration and adoption of the bill to amend the Labour Code in relation to discrimination and equality of remuneration and indicate whether it defines the principle of equal pay for work of equal value.

14. Please report on the implementation of measures to improve the working conditions of domestic workers, in particular those who live in the employer's home. Please also provide information on the number of inspections carried out and the results, and the number of reported cases of labour abuse and exploitation, investigations carried out and penalties imposed.

15. Please explain how the measures adopted, in particular Act No. 20940 on the modernization of labour relations, have helped to enhance the protection of the rights of workers, including public sector workers, to form and join a trade union, to engage in collective bargaining and to strike.

16. Please provide information on the reform of the social security system and indicate what provision has been made to extend social protection and ensure sufficient benefits for all workers and individuals belonging to the most disadvantaged and marginalized groups. Please indicate how the State party is addressing the challenges associated with the current benefits system in order to eliminate inequalities between men and women, especially in relation to the pension gap, and to ensure that pension levels are sufficient to guarantee an adequate standard of living.

17. Please provide updated statistical information on the nature and extent of labour by children and adolescents below 15 years of age and on the engagement of children and adolescents in hazardous employment. Please provide information on the prevention measures taken in this regard, the investigations carried out and the penalties imposed.

18. Please provide disaggregated statistical information on access to adequate and affordable housing, in particular for the most disadvantaged and marginalized individuals and groups, and for low-income groups, specifying also the number of homeless persons. Please report on the implementation of housing policies and programmes and their impact with regard to: (a) reducing the housing shortage, both in quantitative and qualitative terms; (b) ensuring access to the right to adequate housing by the most disadvantaged and marginalized groups, particularly those who live in informal settlements and in unfavourable conditions; (c) preventing and eliminating segregation and social exclusion; and (d) providing services and protection for homeless persons. Please provide information on the specific measures taken to prevent forced evictions and on the mechanisms established to ensure that, if an eviction is necessary, it is carried out in full compliance with international human rights standards and principles.

19. Please describe the measures taken to ensure access to safe water and sanitation services, especially in rural areas, and to reduce the inequalities in access between households, based on income level and by region. Please also describe the specific measures taken to ensure that the provision of these services by private companies does not result in unequal access to water and sanitation. Please indicate what measures have been taken to ensure responsible water consumption, especially in the mining industry, and

whether water treatment standards have been adopted. Please provide information on the bill to reform the Water Code and on the status of deliberations and progress towards adoption.

20. Please report on progress made towards drafting and adopting a comprehensive national strategy to promote and protect the right to adequate food. Please explain what impact the “Choose a healthy life” programme and Act No. 20060, known as the Food Labelling Act, have had in terms of reducing child overweight and obesity rates.

21. Please indicate what measures the State party has taken to prevent and offset the effects of air, water and soil pollution in different regions of the State, in particular in the Quintero-Puchuncaví area of Valparaíso and in the region of Arica y Parinacota, and whether these measures have been accompanied by an exhaustive, independent assessment of the impact of such pollution on the right to health and on the enjoyment of other economic, social and cultural rights, such as the right to adequate housing and the right to water.

22. Please provide information, including statistical data, on the results of the health-care system reform and its impact in terms of: (a) improving the accessibility, availability and quality of health-care services, including appropriate mental health services in the State party, especially in rural and remote areas; (b) reducing disparities in access to health services, products and information, including by reducing high out-of-pocket health costs, which have a particularly negative impact on low-income households; and (c) reducing the length of waiting lists and treating patients with illnesses or diseases requiring urgent attention, including cervical, uterine and breast cancer, in an appropriate and timely manner.

23. Please report on the measures taken by the State party to reduce the consumption of tobacco, alcohol and other psychoactive substances, to reduce the risks and harmful consequences of such consumption and to provide high-quality evidence-based treatment to those who require it. Please also describe the measures taken to ensure that persons requiring palliative treatment or treatment with controlled substances, such as medical cannabis, can gain access to such treatment.

24. Please describe the measures taken by the State party to prevent the spread of HIV/AIDS and mother-to-child transmission of HIV, and to ensure the availability and accessibility of antiretroviral therapy.

25. Please provide information on the implementation of Act No. 21030, which decriminalizes voluntary termination of pregnancy, and on the measures taken to ensure that sexual and reproductive health services and information are available and equally accessible to all persons throughout the country. Please explain how the State party regulates conscientious objection in relation to the provision of sexual and reproductive health services, whether it has made provision for referral to an accessible provider capable of and willing to provide the services being sought and how it ensures the performance of services in urgent or emergency situations.

26. Please describe the impact of the education reform, in particular the adoption of the Inclusive Education Act and Act No. 21040 establishing the public education system, and indicate to what extent it has contributed to eliminating disparities in access to education at the different levels and to improving the quality of public education. Please also describe the impact of the implementation of Act No. 21128, known as the “Safe Classrooms” Act. Please report on the results of the measures taken to ensure access to education, including intercultural education, by children and adolescents who are refugees, asylum seekers or migrants, or who are members of indigenous peoples. Please report on the measures intended to overcome inequalities among households, especially in relation to income, access to preschool education and access to university education.

27. Please provide information on the consideration and adoption of the draft Heritage Act and how it facilitates action by indigenous peoples and communities of African descent to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

28. Please describe the measures taken or planned to conserve, develop and diffuse science and culture and to ensure that all individuals, particularly women, persons with

disabilities and persons living in poverty, have access to the benefits of scientific progress and its applications, without discrimination. Please also describe the measures taken to ensure the availability, accessibility and affordability of Internet services and explain how the State party is addressing the challenge of reducing the digital gap, which disproportionately affects certain groups and individuals such as women, older persons, indigenous peoples and persons with low incomes.

29. Please report on the State party's use of biometric identification systems and algorithm-based automated systems for access to and provision of social services. Please indicate whether there has been any assessment of the potential impact of these systems on the exercise and enjoyment, without discrimination, of economic, social and cultural rights.

C. Good practices

30. Please provide information on good practices in policy formulation and implementation that have been developed by the State party during the reporting period and that have effectively contributed to the realization of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups. Please indicate how the Committee's previous concluding observations (E/C.12/CHL/CO/4) have been taken into account in developing and implementing such practices.
