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Committee on Economic, Social and Cultural Rights

## **Fifth periodic report submitted by Chile under articles 16 and 17 of the Covenant, due in 2021<sup>\*</sup> <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document are available on the Committee's website.



## Introduction

1. This document contains the responses of the State of Chile to the questions raised in the list of issues prior to reporting. It highlights various advances made and challenges faced in fulfilling the rights established in the Covenant on Economic, Social and Cultural Rights in the period 2015–2021. The report was prepared by the Office of the Undersecretary for Social Assessment of the Ministry of Social Development and the Family, drawing on information provided by more than 35 institutions, including other undersecretaries' offices, service agencies and the judicial authorities (see annex 1), that reaffirmed the State's commitments in this area. The State hopes to respond to any questions that it has not been able to address fully in this report during the next constructive dialogue.
2. The report details the mechanisms that the State has developed to protect and promote the rights enshrined in the Covenant in the context of the two issues that have dominated the national agenda, namely, the social protests of October 2019 and their repercussions, including information about the ongoing constitutional review process, and the crisis caused by the coronavirus (COVID-19) pandemic, which has had an adverse impact on people worldwide.
3. With regard to the State response to the pandemic, as at 23 December 2021, a total of 1,796,232 COVID-19 cases had been recorded in Chile, regrettably resulting in 38,954 deaths.<sup>1</sup> Chile has been among the world leaders in terms of progress with vaccination:<sup>2</sup> as at 30 December 2021, 92 per cent of the population was fully vaccinated and a total of 44,166,888 doses had been administered.<sup>3</sup>

## Issues of particular relevance

### Replies to the issues raised in paragraph 2

4. The constitutional review process began on 12 November 2019, when the country was invited to back the Agreement for Social Peace and the New Constitution that laid the groundwork for the process. The Agreement was followed by constitutional amendments to establish the procedure for drafting a new constitution and incorporate provisions to ensure gender equity and the participation of independent experts and persons with disabilities in the review process and reserve seats on the Constitutional Convention for representatives of indigenous peoples. In a referendum held in October 2020, Chileans backed the proposal for a new constitution to be drafted by a Convention composed of persons elected specifically for the purpose. In the elections to select the 155 members of the Convention, held in May 2021, 78 men and 77 women were elected, including 17 representatives of recognized indigenous peoples. The text proposed by the aforementioned Convention will be submitted to a national referendum for adoption or rejection by citizens.
5. One of the main constitutional amendments was the adoption of Act No. 21216, which introduced transitory provisions to the existing Constitution to allow for the formation of electoral pacts of independent candidates and guarantee gender parity among the candidates standing for election to the Convention. In particular, the Act established that the system for the election of members of the Constitutional Convention should be designed to ensure an equitable representation of men and women. To achieve this, in districts sharing an even number of seats, an equal number of men and women should be elected, while in districts

<sup>1</sup> <https://www.gob.cl/coronavirus/cifrasoficiales/>.

<sup>2</sup> [https://ourworldindata.org/explorers/coronavirus-data-explorer?zoomToSelection=true&facet=none&pickerSort=asc&pickerMetric=location&Interval=7-day+rolling+average&Relative+to+Population=true&Align+outbreaks=false&country=ARE~CUB~CHL~PRT~SGP~CHN~IND~USA~IDN~PAK~BRA~NGA~BGD~RUS~MEX~JPN~ETH~PHL~EGY~VNM~TUR~IRN~DEU~THA~GBR~CAN~FRA~ITA~OWID\\_WRL&Metric=People+vaccinated+%28by+dose%29](https://ourworldindata.org/explorers/coronavirus-data-explorer?zoomToSelection=true&facet=none&pickerSort=asc&pickerMetric=location&Interval=7-day+rolling+average&Relative+to+Population=true&Align+outbreaks=false&country=ARE~CUB~CHL~PRT~SGP~CHN~IND~USA~IDN~PAK~BRA~NGA~BGD~RUS~MEX~JPN~ETH~PHL~EGY~VNM~TUR~IRN~DEU~THA~GBR~CAN~FRA~ITA~OWID_WRL&Metric=People+vaccinated+%28by+dose%29).

<sup>3</sup> <https://www.gob.cl/yomevacuno/#vacunados>.

sharing an odd number of seats, the difference in the number of seats occupied by men and the number occupied by women should be no more than one.<sup>4</sup>

6. Another important new law, namely, Act No. 21298, amended the Constitution to reserve seats in the Constitutional Convention for representatives of indigenous peoples and promote and guarantee the participation of persons with disabilities in the election of Constitutional Convention members. Thus, of the total 155 seats, 17 were reserved for representatives of Chilean indigenous peoples, with the following breakdown: 7 for the Mapuche people, 2 for the Aymara, 1 for the Rapa Nui, 1 for the Quechua people, 1 for the Atacameño, 1 for the Diaguita, 1 for the Colla, 1 for the Kawashkar, 1 for the Yagán and 1 for the Chango people. It is thus expected that the proposed text of the new Constitution will formally recognize the country's indigenous peoples, with the terms of this recognition being subject to a process of consultation in accordance with the provisions of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

7. With regard to the recognition of economic, social and cultural rights in the new Convention, the General Regulations of the Constitutional Convention establish that human rights must be a pre-eminent guiding principle of its actions.<sup>5</sup> In addition, the remit of the Commission on Fundamental Rights<sup>6</sup> – one of various thematic committees created – includes working to protect the rights enshrined in the Covenant.

8. In a study entitled “The International Covenant on Economic, Social and Cultural Rights in the jurisprudence of the Supreme Court (2015–2021)”,<sup>7</sup> through a range of research, the Supreme Court provides an up-to-date overview of the extent of the Covenant's application in its case law, quantitatively analysing 90 judgments, the types of remedies and lawsuits on which the Court is called upon to rule, and the norms and rights cited in such judgments. The research also includes a qualitative analysis of Supreme Court decisions in which the norms established in the Covenant have been applied directly, the interpretative function that their application serves and the manner in which the Court invokes the specific obligations arising from the Covenant, the rights the Covenant enshrines and their incorporation in national law.

### **Replies to the issues raised in paragraph 3**

9. With regard to the social demands expressed in the protests of October 2019, responding to citizens' need to be heard and recognized in the context of the social crisis the Ministry of Social Development and the Family launched a social listening process called “The Chile We Want” (El Chile que Queremos). The process began in November 2019 and involved three forms of citizen participation: (i) meetings organized by citizens themselves in different regions of the country (citizen dialogues); ii) one-to-one consultations about social needs, opinions and proposals with persons wishing to contribute on an individual basis; and (iii) citizen dialogues with children and teenagers (organized to encourage their active participation), members of their families and other relevant stakeholders (a different methodology being used for dialogue with the latter). The aim of the dialogues and discussions was to ascertain the main sentiments, needs and contributions of the people, the degree of urgency attached to each and the role the State should play in satisfying needs.

10. The process involved three stages prior to the systematization stage. In the first stage, consisting of design and implementation, forms, operating procedures and protocols for ensuring transparency and neutrality were drawn up and the related web platform was launched. The second stage, involving the dialogues and consultations themselves, consisted of an information-gathering exercise that ran from November 2019 to March 2020. In the third stage, the information gathered was structured into a uniform, workable format by

<sup>4</sup> [https://www.bcn.cl/procesoconstituyente/detalle\\_cronograma?id=f\\_publicacion-de-la-ley-21-216-paridad-de-genero-para-el-proceso-constituyente](https://www.bcn.cl/procesoconstituyente/detalle_cronograma?id=f_publicacion-de-la-ley-21-216-paridad-de-genero-para-el-proceso-constituyente).

<sup>5</sup> Art 3.(a) “Pre-eminence of Human Rights. A conceptual, methodological and interpretative framework the purpose of which is to promote, protect and ensure full compliance with the principles, rights and standards recognized in the international human rights system”.

<sup>6</sup> Art. 65. General Regulations of the Constitutional Convention.

<sup>7</sup> <http://decs.pjud.cl/articulo-el-pacto-internacional-de-derechos-economicos-sociales-y-culturales-en-la-jurisprudenciade-la-corte-suprema-2015-2021-2/>.

feeding the results of the dialogues and interviews into an analytical database. In the fourth stage, the information was systematized and the most important aggregate figures were extracted from the raw data using replicable techniques that allowed for the large volume of information generated from the universe of participants to be processed and manipulated.

11. A total of 91,718 persons took part in the citizen dialogues. The one-to-one consultations were conducted either online or using paper questionnaires, with a total of 12,145 respondents completing questionnaires<sup>8</sup> and 1,802 taking part online. The universe for the individual consultations was thus 13,947, giving a universe for the collective and individual consultations combined of 105,665.

12. With regard to those who suffered ocular trauma during the protests, a series of measures have since been implemented that span five areas, namely: ministerial oversight and interministerial coordination; dialogue with civil society organizations representing persons with ocular trauma; cross-sectoral coordination; coordination with other branches of government and State institutions; and reporting to international organizations. The actions carried out in these five areas have included coordination in the registration of information about the health and socioeconomic situation of victims of ocular trauma and other serious injuries, and bimonthly coordination with the National Institute of Human Rights in managing the care of victims across the care network, in line with needs identified by the Institute's psychosocial teams in given areas of the country.

13. With regard to support for households, in May 2020 the authorities began paying the Guaranteed Minimum Income benefit introduced as part of the Government's New Social Agenda. The Guaranteed Minimum Income is a wage supplement for the lowest paid workers intended to ensure that no full-time worker is left with a net income of less than Ch\$ 319,000 at the end of each month.<sup>9</sup> As at December 2021, a total of 1,121,015 workers had received at least one Guaranteed Minimum Income payment.

14. In education, acting upon a recommendation made by the Office of the Children's Ombudsman in respect of the social protests of October 2019, the Ministry of Education launched an online training programme, entitled "Living together in school" (Convive en la Escuela), for teams in individual institutions that covers teaching discipline and the use of data to promote harmonious coexistence, planning and oversight, among other subjects. The Ministry has also implemented a digital platform called "Citizens for Chile" (Ciudadanos para Chile),<sup>10</sup> the purpose of which is to teach core values and the citizenship skills necessary for life in the community.

15. With a view to revitalizing economic activity, a permanent employment network was set up that works directly with trade unions in different economic sectors through the Small Businesses Division and the Trade Associations Division at the central level and through the 16 ministerial secretariats at the regional and communal levels.

16. At the same time, to identify affected micro-, small and medium-sized enterprises and the extent of the impact on their productive infrastructures, a survey of affected companies was initiated with a view to gathering information about their personnel, commercial activities and the level of impact, in monetary terms, on their equipment, infrastructure and marketable goods.

17. Contact with trade associations was also reactivated and regional round tables on economic revitalization were organized that included representatives of the Ministry of Labour, Ministry of Health, the Production Development Corporation, the Technical Cooperation Service and Banco Estado. Subsequently, a committee of small and medium-sized enterprises<sup>11</sup> was constituted to oversee implementation of the Emergency Plan for the Protection of Household Income and Revitalization of Economic Activity and Employment,

<sup>8</sup> Blank and duplicate questionnaires were excluded from the analysis.

<sup>9</sup> Based on the minimum wage of Ch\$ 337,000 in effect until December 2021, which will be applied until the March 2022 Guaranteed Minimum Income is distributed. As of April 2022, the Guaranteed Minimum Income payment will be based on the minimum wage of Ch\$ 350,000 effective as of January 2022, which guarantees a net income, after the payment, of Ch\$ 322,285.

<sup>10</sup> <https://ciudadanosparachile.mineduc.cl/>.

<sup>11</sup> Pursuant to Act No. 21216 (in effect until September 2021).

within the framework of a medium-term fiscal rebalancing plan concluded on 14 June 2020, and to analyse and propose support measures.

18. To promote access to culture, there has been a series of participatory initiatives in which input was sought from as many citizens and social actors as possible with a view to identifying common challenges and objectives and giving them the opportunity to make a tangible contribution to the guidelines of the Ministry of Culture, Arts and Heritage.

19. Within the Ministry itself, between December 2019 and March 2020, day-long reflection workshops were organized for managers and their teams in all regions of the country.

20. In parallel, representatives and employees of the culture and heritage sectors organized their own citizen dialogues, the results of which were shared with the Ministry. These meetings were an opportunity to identify the subjects and issues behind the social problems that gave rise to the citizen unrest, to examine in depth the problems affecting the culture, arts and heritage sector and to consider the improvements proposed as a solution to the current social crisis, focusing, in the latter case, on the specific solutions proposed for the culture, arts and heritage sector.

21. Lastly, with regard to the regulation of the use of force in accordance with international human rights standards, in 2018, in fulfilment of the recommendations made by the Inter-American Court of Human Rights in case No. 12,880, the Ministry of the Interior and Public Security issued Decree No. 1,364, which contains general guidelines on the use of force in police operations and orders the Carabineros to update its protocols in line with the aforementioned standards and with input from civil society and the National Institute of Human Rights. This update was effected through Circular No. 1832, on the use of force, and General Order No. 2635, both dated March 2019. Guideline No. 4.2 of General Order No. 2635, concerning the deprivation of liberty of children, gives special consideration to indigenous children and teenagers. Subsequently, through General Order No. 2780, of July 2020, the specific police guidelines for the use of anti-riot guns were updated,<sup>12</sup> drawing on input from the Office of the Undersecretary for the Interior, the National Institute of Human Rights, the Office of the Children's Ombudsman and civil society. Lastly, through General Order No. 2870 of September 2021, the general police guidelines on the right of assembly and police intervention were amended after being reviewed by a committee formed of representatives of the Office of the Undersecretary for the Interior, the National Institute of Human Rights, the Office of the Children's Ombudsman and civil society. In this review, clear rules of conduct were established that allow for police intervention when specific offences are committed rather than in response to the non-specific notion of "breach of public order", provision was made for operational audits conducted at regular intervals and overseen by ministerial authorities, and the role of both institutional and non-governmental human rights observers was clarified.

#### **Replies to the issues raised in paragraph 4**

22. A cross-sectoral social protection system was created in 2009 by Act No. 20379. The system's management model provides for coordinated action across the different ministries and service agencies, through the operation of subsystems, in order to ensure support for those population segments that are most vulnerable in socioeconomic terms. The system constitutes the main State strategy for supporting the most vulnerable families, having been conceived as a management system that uses electronic information processing tools to select and follow up on beneficiary families.

23. There are currently two subsystems: (a) a comprehensive child protection subsystem known as "Chile grows with you" (Chile Crece Contigo), designed to support the development of children receiving care through the public health system from the time of the first pregnancy check-up until they enter the school system at preschool level 1 or its equivalent; and (b) the security and opportunities social welfare and development subsystem,

<sup>12</sup> Following the review, the Resident Coordinator of the United Nations System expressed her appreciation to the Minister of the Interior and Public Security and the Minister of Justice and Human Rights in a letter dated 23 July 2020.

focused on the country's poorest citizens and designed to improve their quality of life and help them to acquire tools that will make them better equipped to deal with the difficulties that life throws at them. The security and opportunities subsystem takes the form of a basic support programme that, in conjunction with cash transfers under the Ethical Family Income programme and priority access to programmes run by the Ministry of Social Development and the Family and other ministries, constitutes the main intervention strategy for combating the difficulties experienced by the population segments targeted by core programmes.

24. Additionally, a national support and care subsystem was created by decree in January 2022. The remit of this subsystem is to monitor, assist and support persons in dependent situations, their caregivers and their support networks through action by State and non-governmental agencies that is coordinated across sectors and takes account of differing degrees of dependence and different life stages.

25. Since homelessness ultimately has severe effects on health, access to employment and the eradication of extreme poverty, Government policy envisages an update of the methods used to measure the number of children living in street situations, such children being one of its priority targets for the delivery of specific short- and medium-term solutions. A national count of children and teenagers living in street situations was conducted at the end of 2018, in an exercise led by a cross-sectoral committee in which representatives of the United Nations Children's Fund (UNICEF) were actively involved that identified a total of 547 children and teenagers in street situations nationwide. In 2019, the Government introduced new and improved services for both the prevention of homelessness and the protection of children and teenagers in street situations. In conjunction with these new services, a cross-sectoral strategic initiative known as the "Protect the Streets" Plan (Plan Protege Calle)<sup>13</sup> led by the Ministry of Social Development and the Family was launched to protect the lives of the almost 16,000 Chileans living in street situations.

26. The public services provided under all the programmes described above have been subject to ongoing monitoring and follow-up, without any concerns being raised about the efficiency of the stated targeting criteria, the allocation of the budget, the estimated administrative expenditure or the assessment of the pertinence, quality and results of both core and complementary indicators.

27. In 2020, there were 84 social programmes running that contributed to the reduction of income poverty. Between them, these programmes disbursed Ch\$ 14.7 billion, equivalent to 61 per cent of the State budget assigned to social programmes.

## **Domestic application of the Covenant**

### **Replies to the issues raised in paragraph 5**

28. The National Human Rights Plan is a cross-sectoral public policy tool for ensuring the full exercise of human rights that facilitates the incorporation of a human rights approach within the different State agencies in the design, development, implementation and evaluation of their respective policies, plans and programmes.

29. The first iteration of the Plan, covering the period 2018–2021, encompassed more than 600 undertakings, organized under 50 goals and grouped into 15 areas. These undertakings correspond to recommendations received from the universal human rights system, the Inter-American system and the National Institute of Human Rights, and are in line with the Sustainable Development Goals of the United Nations Development Programme. At the end of May 2021, 30.10 per cent of the activities envisaged under the Plan had been completed, 5.92 per cent had not yet started and 57.07 per cent were in progress.

30. The second National Human Rights Plan, covering the period 2022–2025, was drawn up in the course of 2021 through a process that offered extensive opportunities for citizen participation, the following five means of contributing being available between May 28 and July 15:

<sup>13</sup> <http://www.nochedigna.cl/wp-content/uploads/2020/05/20200513-Plan-Protege-Calle.pdf>.

(a) Online participation: All persons interested in contributing were invited to register either individually or in groups through the [www.tuopinioncuenta.gob.cl](http://www.tuopinioncuenta.gob.cl) web platform. The aim of this method of participation was to collect opinions on the analyses made under each subject area, propose actions and suggest monitoring mechanisms for the second National Human Rights Plan. More than 900 persons registered;

(b) Children's platform: The digital platform was designed and tailored specifically for the participation of children and teenagers and allowed them to give their opinions either individually or in group. More than 2,800 children and teenagers contributed using this platform;

(c) Thematic meetings: These were intended for representatives of civil society organizations in particular. The aim was to provide spaces for reflection and discussion with a view to identifying the main human rights challenges and the measures and actions that the Plan should address. The meetings addressed a wide range of topics, with 216 civil society representatives participating in 51 different working groups;

(d) Indigenous and tribal peoples' forum: In compliance with the international standards on indigenous rights and participation to which the State has committed, the Aymara, Quechua, Atacameño, Diaguita, Collas, Changos, Rapa Nui, Mapuche, Kawaskar and Yámana peoples were invited to participate, as well as the Chilean tribal people of African descent. A total of 118 representatives of indigenous and tribal peoples participated in the meetings and 39 were interviewed by telephone;

(e) Discussions with prison inmates: For the first time, four in-person meetings were held in two prison units in the Metropolitan Region and structured interviews were carried out. An online meeting with relatives of persons deprived of their liberty was also organized. A total of 36 inmates participated in the in-person meetings, 20 family members participated in the online meeting and 67 inmates responded to the survey.

31. All this information will be collated and systematized before being shared with the different service agencies and, together with the recommendations of national and international human rights organizations and the subject-specific analyses prepared by the Office of the Undersecretary for Human Rights, will be used as input for the definition of the actions that each institution will undertake under the second iteration of the National Human Rights Plan.

#### **Replies to the issues raised in paragraph 6**

32. In January 2019, responsibility for coordinating the National Action Plan on Business and Human Rights was transferred from the Ministry of Foreign Affairs to the Office of the Undersecretary for Human Rights. The aim of the National Action Plan on Business and Human Rights, which was launched in 2017, is to incorporate a human rights-based approach into the daily work of companies through the adoption of the United Nations Guiding Principles on Business and Human Rights. The National Action Plan encompasses 146 actions, organized under three guiding principles and involving 17 public sector institutions. The Plan's implementation is overseen by the Interministerial Committee for Human Rights and Business, which is chaired by the Ministry of Justice and Human Rights and composed of representatives of nine ministries.

33. A second iteration of the Plan is currently being drawn up. For this purpose, a participatory process is under development through which people will be able to specify areas and issues of particular concern in business and human rights and make proposals for actions to be incorporated into the second Plan. This process will involve an online survey open to all members of the public and thematic meetings organized for representatives of civil society organizations and indigenous and Afrodescendent peoples at which the challenges associated with implementation of some of the pillars of the business and human rights model will be addressed, namely:

- (a) Pillar I      The State's obligation to protect human rights;
- (b) Pillar II     Corporate responsibility to respect human rights;
- (c) Pillar III    Access to means of redress.

**Replies to the issues raised in paragraph 7**

34. The framework bill on climate change (State bulletin No. 13191) was first presented in the Senate in January 2020. The bill sets 2050 as the country's target year for achieving carbon neutrality. The first reading was completed in October 2021, when the bill was near unanimously adopted by Senators. The bill is currently at the second reading stage and is being accorded the utmost urgency in the Chamber of Deputies.

35. On the subject of strategic environmental assessments, article 39 of the aforementioned bill establishes that land use and planning instruments must incorporate environmental considerations related to sustainable development and climate change mitigation and adaptation. Accordingly, all projects that have an environmental impact, including the Alto Maipo hydroelectric project, must include climate change among the environmental variables taken into consideration, as required under the respective regulations.

36. Lastly, with a view to compliance with the Paris Agreement, the Government of Chile presented the country's long-term climate strategy,<sup>14</sup> which sets out its road map for achieving carbon neutrality and climate resilience in the coming decades, to the United Nations Framework Convention on Climate Change at the twenty-sixth United Nations Climate Change Conference (COP26). The strategy includes sector-specific greenhouse gas emission limits based on the national target established in the nationally determined contributions submitted to the United Nations Framework Convention on Climate Change in April 2020.

**Replies to the issues raised in paragraph 8**

37. In compliance with the obligations arising from ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), consultations with indigenous communities are regulated in Supreme Decree No. 66 issued by the Ministry of Social Development and the Family in 2014. This Decree defines the consultation process as a duty of State administrative bodies and a right of indigenous peoples likely to be directly affected by the adoption of administrative or legislative measures, the consultation procedure being the appropriate procedure through which to seek agreement or obtain consent concerning the measures in question.

38. Projects implemented pursuant to the Public Works Concessions Act have built-in mechanisms guaranteeing that prior consultation processes are carried out with a view to obtaining free, prior and informed consent in respect of processes likely to affect indigenous peoples. The following measures have been introduced since 2018:

(a) All public and private sector projects at the feasibility study stage must conduct an analysis of indigenous issues to identify any possible direct impacts, as defined in Supreme No. 66;

(b) If direct impacts are identified or there are concerns about their existence, advice must be requested from the Office of the Undersecretary of Social Services under the Ministry of Social Development and the Family, which must issue an opinion as to whether or not a consultation procedure should be carried out;

(c) If a consultation is deemed necessary, it should be carried out before the respective concession contract is awarded. The consultation is overseen by the General Directorate of Concessions of the Ministry of Public Works, in accordance with the procedure established in Supreme Decree No. 66;

(d) Once the concession contract is awarded, and if it must be entered in the environmental impact assessment system, checks are made to ascertain whether the indigenous community must be consulted in accordance with Supreme Decree No. 40 issued by the Ministry of the Environment in 2012, adopting the regulations of the environmental impact assessment system.

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<sup>14</sup> <https://cambioclimatico.mma.gob.cl/wp-content/uploads/2021/11/ECLP-LIVIANO.pdf>.

39. With respect to the Indigenous Land and Water Fund,<sup>15 16</sup> which was created under the Indigenous Peoples Act and is administered by the National Indigenous Development Agency, since 2021 26,255 hectares have been acquired in application of article 20 (a) and 90,898 hectares in application of article 20 (b). Both acquisitions will be of benefit for indigenous communities nationwide.

#### Replies to the issues raised in paragraph 9

40. Income poverty in Chile rose to 10.8 per cent in 2020, affecting a total of 2,112,185 persons. Inequality levels have also risen, owing to the considerable impact of the COVID-19 pandemic on the most vulnerable groups, among whom extreme poverty rose significantly, reaching a rate of 4.3 per cent and affecting 831,232 people.

Table 1  
Poverty rate, 2006–2020

	2011	2013	2015	2017	2020
<b>Total percentage of persons living in poverty</b>	<b>22.2</b>	<b>14.4</b>	<b>11.7</b>	<b>8.6</b>	<b>10.8</b>

Table 2  
Household income, 2006–2020

	2011	2013	2015	2017	2020
Palma ratio	2.5	2.5	2.4	2.5	3.4
Gini coefficient	0.504	0.504	0.495	0.502	0.530

*Note:* The 2020 National Social and Economic Survey during the Pandemic was used, with the methodological changes associated with this type of survey.

*Source:* Ministry of Social Development and the Family.

Table 3  
Distribution of household income by income type, methodology used by the Organisation for Economic Co-operation and Development

	2011	2013	2015	2017	2020*
Gini coefficient for disposable income (after taxes and transfers)	0.471	0.465	0.454	0.460	0.492
Gini coefficient for market income (before taxes and transfers)	0.502	0.498	0.486	0.495	0.539

*Note:* \*Preliminary data in the process of being validated.

*Source:* Ministry of Social Development and the Family.

Table 4  
Percentage of tax revenue derived from income tax, value added tax and other indirect taxes

Year	2011	2013	2015	2017	2019	2020
Percentage derived from income tax	42.6%	39.5%	42.3%	40.7%	41.2%	38.8%
Percentage derived from value added tax	45.2%	48.7%	48.0%	49.0%	47.3%	49.4%

<sup>15</sup> E/C.12/CHL/Q/4/Add.1, para. 6.

<sup>16</sup> Rules for the operation of the Indigenous Land and Water Fund established under article 20 of the Indigenous Peoples Act are set out Supreme Decree No. 395, issued on 24 November 1993 by the Ministry of Planning and Cooperation (now renamed the Ministry of Social Development and the Family).

Year	2011	2013	2015	2017	2019	2020
Percentage derived from other indirect taxes	11.0%	11.1%	10.8%	11.2%	11.0%	10.8%

*Note:* As other sources of revenue, both positive and negative, have not been included in the table, the sum of the columns may be greater or less than 100 per cent. Other indirect taxes include taxes levied on specific products, legal documents and external trade.

*Source:* Budget Office.

41. The following table shows the tax rate levied each year on corporate earnings, personal income, value added tax and certain specific products.

Table 5  
**Tax rates in Chile**

Year	Category 1: general	Category 2: special	Personal income	Value added tax
2021	25%	10–27%	40%	19%
2017	25%	25.5%	35%	19%
2012	20%		40%	19%

Table 6  
**Specific tax rates**

Year	Luxury goods	Tobacco – cigars	Tobacco – processed	Tobacco – cigarettes	Alcohol	Beverages	Gasoline
2021				30% ad valorem 0.0010304240			1.5–6 Monthly tax unit/m <sup>3</sup>
	15–50%	52.6%	59.7%	Monthly tax unit/unit	20.5–31.5%	10–18%	
2017				30% ad valorem 0.0010304240			1.5–6 Monthly tax unit/m <sup>3</sup>
	15–50%	52.6%	59.7%	Monthly tax unit/unit	20.5–31.5%	10–18%	
2012				62.3% ad valorem 0.0000675 Monthly tax unit/unit <sup>3</sup>			1.5–6 Monthly tax unit/m <sup>3</sup>
	15–50%	52.60%	59.70%		15–27%	13%	

*Note:* Monthly tax unit value = 53 476 as at November 2021. For personal taxes, the maximum marginal rate for second category taxes and global supplementary tax is given.

*Source:* Internal Revenue Service.

42. For 2019, 8.46 per cent of the total revenue obtained from personal income tax came from the wealthiest decile of the population.

Table 7  
**Percentage of total revenue derived from the personal income tax levied on the wealthiest decile of the population**

Calendar year	Percentage
2009	9.1%
2010	7.85%
2011	7.54%
2012	8.22%
2013	8.04%
2014	8.62%

<i>Calendar year</i>	<i>Percentage</i>
2015	8.06%
2016	8.1%
2017	8.01%
2018	7.97%
2019	8.46%

*Source:* Internal Revenue Service.

43. The last decade has seen marked progress in the area of social policy at the national level. This progress is in line with the commitments assumed under the Covenant and is reflected in a systematic increase in public spending as a percentage of gross domestic product, which rose from 21.3 per cent in 2011, to 24.5 per cent in 2019, to over 27 per cent in 2020, against the backdrop of the pandemic.

Table 8  
**Total central government expenditure 2011–2020 (as a percentage of gross domestic product)**

	<i>2011</i>	<i>2013</i>	<i>2015</i>	<i>2017</i>	<i>2019</i>	<i>2020</i>
<b>Total expenditure</b>	<b>21.3</b>	<b>21.5</b>	<b>23.2</b>	<b>23.7</b>	<b>24.5</b>	<b>27.3</b>

*Source:* Budget Office.

44. Social expenditure as a percentage of total expenditure increased by 3.7 percentage points between 2011 and 2019. This figure rises to 7 percentage points if the numbers for 2020 are included in the analysis. However, the 2020 figures should be considered in the light of the COVID-19 pandemic, which made it more difficult to execute some expenditure items and inflated others to the extent that fiscal policy had to be adapted in response.

Table 9  
**Social expenditure 2011–2020 (as a percentage of total central government expenditure)**

	<i>2011</i>	<i>2013</i>	<i>2015</i>	<i>2017</i>	<i>2019</i>	<i>2020</i>
Social expenditure	66.9	68.2	68.3	69.4	70.6	73.9
Education	18.1	19.7	20.0	21.5	22.1	19.8
Health	16.4	17.6	18.8	19.9	21.1	22.1
Housing	6.5	5.6	5.4	5.1	5.2	4.6
Water and sanitation	0.5	0.6	0.6	0.6	0.5	0.5
Education, health and social protection	64.2	65.4	65.5	66.8	68.1	71.6

*Source:* Budget Office.

45. About 70 per cent of total public spending is allocated to health, education and social welfare. Social expenditure on health, as a percentage of total expenditure, increased by 4.7 percentage points between 2011 and 2019. In 2020, it increased more quickly, reaching 22.1 per cent of total expenditure. Social expenditure on education has remained at around 20 per cent of total expenditure. Such spending has been a priority for the government and has grown by 6.6 per cent per year in real terms over the last decade. Although spending on education fell in 2020, the dip occurred because quarantines and school closures made it difficult to execute spending plans.

46. Social expenditure on housing has remained relatively stable at around 5 per cent of total expenditure, although it increased in real terms by 13.6 per cent between 2011 and 2020. Social expenditure on water and sanitation as a percentage of total expenditure has also

remained relatively stable over the last 10 years, increasing by an average of 6.3 per cent per year in real terms between 2011 and 2019.

47. Absolute levels of social expenditure, adjusted for inflation, have been on an uptrend for the past 10 years, increasing by an average of 6.7 per cent per year in real terms. In 2020, against the backdrop of the pandemic, social expenditure increased by 15.7 per cent in comparison with the previous year, reaching Ch\$ 40,505,339 million.

Table 10  
**Social expenditure 2011–2020** (Ch\$ millions, 2020)

	2011	2013	2015	2017	2019	2020
Social expenditure	22 753 615	25 249 146	28 929 899	31 954 904	35 015 719	40 505 339

Source: Budget Office.

48. In real terms, there has been positive annual growth in all the main areas of social expenditure over the past 10 years, with social expenditure on health having risen the most (9 per cent per year in real terms). Moreover, in 2020, in the midst of the pandemic, expenditure on social welfare increased by 31.8 per cent. These figures demonstrate the Government's commitment to promoting social programmes that reduce poverty levels and guarantee decent living standards by focusing on universal access to health, education, social protection and housing.

### Replies to the questions raised in paragraph 10

#### *Migrants and refugees*

49. The Migration and Aliens Act (No. 21325) of 2021 establishes an obligation for the State to ensure that foreign nationals, irrespective of their ethnicity, nationality or language, enjoy equality before the law and freedom from discrimination. The Act also requires the State to take steps to ensure due protection against discrimination and compliance with the obligations enshrined in the Constitution, the human rights treaties ratified by Chile and the law. To this end, foreign nationals must enjoy the same labour rights as Chilean nationals and employers must comply with their legal obligations in the area of employment, irrespective of the migration status of foreign workers. In addition, foreign workers must have access to health, social security and education on the same footing as nationals and must enjoy the same rights as nationals in the area of housing.

50. With regard to education, the law guarantees access to preschool, primary school and secondary school education for foreign children on an equal basis with nationals, irrespective of whether they or their parents or legal guardians have irregular migration status. The State has implemented various policies in this area, including the National Policy on Foreign Students<sup>17</sup> of 2018. Also in 2018, it began issuing temporary school identification numbers to foreign children, young persons and adults who do not have a national identity number or are in an irregular migration situation.

51. Migrants have the same rights to health care as nationals, including in cases where they lack resources, have no residence permits or documents, are in an irregular migration situation or belong to one of the more vulnerable population groups. Under Supreme Decree No. 67/2016, migrants have free access to health care as category A beneficiaries of social insurance (i.e. the National Health Fund) and can obtain access to all relevant services, including care for pathologies covered by Explicit Health Guarantees and the COVID-19 care scheme.

52. By law, foreign children and teenagers are guaranteed access to social security and State benefits on the same terms as nationals, irrespective of their or their parents' or

<sup>17</sup> [https://migrantes.mineduc.cl/wp-content/uploads/sites/88/2020/04/Pol %C3 %ADtica-Nacional-Estud-Extranjeros.pdf](https://migrantes.mineduc.cl/wp-content/uploads/sites/88/2020/04/Pol%C3%ADtica-Nacional-Estud-Extranjeros.pdf).

guardians' migration status. Furthermore, foreign nationals or migrants with Chilean children are eligible for benefits under the Emergency Family Income Programme.

53. Where culture is concerned, a programme on interculturality and the inclusion of migrants has been established to give visibility to the cultural expressions of migrants in Chile and highlight their contributions to the development of identity.

54. With regard to asylum and refuge, Act No. 21325 introduced the principle of supplementary protection for foreign asylum seekers whose applications have been rejected. Such persons will be entitled to this protection in accordance with requirements and visa regulations to be established under the national policy on migration and aliens, which will also set out the grounds on which such protection may be withdrawn. Foreign nationals who obtain supplementary protection may not be expelled or returned to a country in which their life, physical integrity or personal freedom may be at risk of being violated on the grounds of their race, ethnicity, nationality, religion or belief, social status, political ideology or opinion, sexual orientation or gender identity.

#### *Persons with disabilities*

55. In the area of employment, the purpose of the Labour Inclusion Act (No. 21015) of 2018 is to promote the labour market inclusion of persons with disabilities by ensuring, inter alia, that they comprise at least 1 per cent of the employees of public bodies and companies with 100 or more staff members. Relevant companies are also required to take steps to facilitate the inclusion of workers with disabilities under Act No. 21275, which came into force in 2020.

56. The fundamental rights of persons with psychosocial disabilities or intellectual impairments, especially their right to personal freedom, physical and mental integrity, health care and inclusion in society and the labour market, are recognized and protected under Act No. 21331 of 2021.

57. Where health is concerned, mention should be made of Act No. 21168 of 2019, which establishes the right of preferential access to general consultations, specialist consultations, medication and examinations by any health provider for persons over 60 years of age and persons with disabilities. In addition, the cap on kinesiological care and speech and language therapy for persons with disabilities has been lifted.

58. With respect to education, attention should be drawn to Exempt Decree No. 83/2015, adopting criteria and guidelines for the adaptation of curricula for students with special educational needs in preschool and basic education and for their educational integration.

59. Where culture is concerned, accessibility is a key consideration in the design of libraries, archives, museums and creative and artistic development centres. The building standards thus applied ensure that everyone can access such facilities, move around them and use the services and information available therein. In addition, the OndaMedia<sup>18</sup> streaming platform has increasing numbers of Chilean films with inclusive subtitles and audiobooks for persons with visual disabilities are more readily available from the Digital Public Library.

#### *Gender identity and/or sexual orientation*

60. Between 2015 and 15 June 2021, the implementation of Act No. 20609, establishing measures to combat arbitrary discrimination, resulted in 402 cases being brought before courts of first instance, 162 appeals being lodged with courts of appeal and 42 appeals being submitted to the Supreme Court. A total of 252 cases brought before courts of first instance, 147 appeals filed with courts of appeal and 34 appeals submitted to the Supreme Court were completed.

61. Act No. 21400 introduces amendments to various legal texts to permit the marriage of same-sex couples in conditions of equality, ending the existing structural discrimination by granting them equal access to civil marriage and recognizing for them all the rights and

<sup>18</sup> <https://ondamedia.cl>.

duties associated with marriage, including the right to start a family. The Act was published on 10 December 2021 and will enter into force on 10 March 2022.

62. Act No. 21120 of 2018 allows all persons of legal age whose gender identity does not correspond to their registered sex and name to apply to have their sex and name rectified. Children over 14 and under 18 years of age must obtain the authorization of their parent or legal guardian.

63. Where education is concerned, Circular No. 768/2017 on the rights of girls, boys and transgender students in the education system, issued by the Office of the Superintendent of Education, sets out guiding principles for the application of a rights-based approach along with a procedure for recognizing the identities of lesbian, gay, bisexual, transgender and intersex students.

64. Lastly, on the cultural front, the Ministry of Culture, Arts and Heritage is introducing measures to recognize non-binary persons in information systems. Such measures have already been implemented in the 2021 National Convention Citizens' Survey, accessible at [hablemosde.cultura.gob.cl](http://hablemosde.cultura.gob.cl), and in the National Register of Cultural Actors, as of the second half of 2021.

### **Replies to the issues raised in paragraph 11**

65. Act No. 20348 of 2009 enshrines the right to equal pay for equal work for men and women; however, in practice, a pay gap still exists. In July 2021, the gap was 18.2 per cent. There are currently two bills to amend the above-mentioned Act, as detailed in the replies to the issues raised in paragraph 13.

66. In addition, mechanisms intended to incentivize the employment of women and reduce the gender pay gap have been introduced. For example, Act No. 20595, which entered into force in May 2012, introduced a subsidy for the employment of women that, by 2019, was benefiting a total of 394,326 women. In 2020, this number rose to 396,851.

67. In parallel, the Ministry of Women's Affairs and Gender Equity has been working on initiatives such as the Register of Women for Boards of Directors, created in 2019, and the 2018 Regulations for the Appointment of Directors of Enterprise System Companies, which establishes that no more than 60 per cent of the total number of directors appointed may be of the same gender. To the same end, in 2020, the Report on Gender Indicators in Chilean Companies was launched.

68. In 2019, a bill on labour market modernization that promotes work-life balance, family and inclusion through flexible working hours and schedules (Official Gazette No. 12618-13) was introduced.

69. Also of note is a bill that extends the right to day-care facilities by eliminating the requirement, established in article 203 of the Labour Code, that limits eligibility to women working for companies with 20 or more employees.

70. The Protected Parenting Act, adopted in response to the pandemic, extended the six-month period of postnatal leave by an additional six months for the duration of the health emergency.

71. In order to protect the jobs of mothers, fathers and caregivers of children under the age of 2 years old, the Protection Allowance introduced in 2020 grants them a monthly sum of Ch\$ 200,000 to cover childcare expenses.

72. Lastly, the "4 to 7" Programme provides women responsible for children aged between 6 and 13 years old with access to childcare services to help them to enter or remain in employment, while the Women Heads of Household Programme provides support intended to contribute to their development, empowerment and economic independence.

73. The authorities have also been working with the private sector in this area, notably through programmes such as the Gender Parity Initiative and in the development of Chilean Standard No. 3262 on Gender Equality and Work-Life Balance.

74. With regard to violence and harassment in the workplace, the aforementioned bill on labour market modernization (Official Gazette No. 12618-13) envisages a strengthening of the regulations outlawing workplace harassment and sexual harassment at work.

75. Act No. 21153, published in 2019, criminalizes sexual harassment in public places and extends the offence of sexual abuse of persons over 14 years of age to include making and disseminating audiovisual recordings with sexual content without the victim's consent in a public place or a place freely accessible to the public. Act No. 21212, published in 2020, extends the legal framework criminalizing femicide to include cases of intimate femicide, (including cases involving non-cohabiting partners and cases where the partners have or have had a child together) and gender-based femicide, under certain circumstances, in addition to increasing the penalties. Lastly, in 2021, Act No. 21369 was enacted to address sexual harassment, violence and gender discrimination in the field of higher education.

### **Replies to the issues raised in paragraph 12**

76. Statistics on the employment situation in Chile are included in the annexes to this report.

77. With respect to policies to increase labour market participation among young people and women in particular, the National Training and Employment Service uses various mechanisms to promote employment in these population segments. The main mechanisms are apprenticeships, the youth employment subsidy, the social security subsidy for young workers and the subsidy for the employment of women.

78. Apprenticeships are designed to increase the labour market insertion of young persons aged 15 to 24 years old through hiring and training incentives. The subsidy consists of a payment for each person hired per month worked; it is paid over a period of 3 to 12 months to the employer, to be passed on to the employee, and is equivalent to 50 per cent of the minimum monthly wage. The training subsidy consists of funding for companies that hire young people and is intended to cover their training costs. The indicators used to assess apprenticeships are the contribution density of graduates, which has increased by an average of 53 per cent over the past three years, and, for the training component, an evaluation by the trainees of the knowledge and skills they have acquired.

79. The aim of the youth employment subsidy, meanwhile, is to increase participation in the labour market (insertion and continuing employment) among vulnerable young people aged 18 to 25 years old. It has two components: a worker's subsidy and an employer's subsidy. There are three indicators used to assess this programme: the percentage of users who increase their contribution density, which in recent years has been close to 40 per cent; the number of new beneficiaries who begin to contribute, having not done so the year before, with the figure being around 15 per cent; and an evaluation by the beneficiaries of the subsidy as a contribution to the family budget, with approximately 70 per cent of ratings being positive.

80. An assessment of the subsidy's impact shows that it has a positive effect on labour supply, specifically by increasing the employment and labour-market participation rate of the eligible population.

81. The social security subsidy for young workers is a monthly State subsidy that encourages the recruitment of young people aged 18 to 35 years old and is paid to both employers and workers, who are entitled to receive an amount equivalent to 50 per cent of the social security contribution due on a minimum wage, provided that the worker's pay is equal to or less than 1.5 times the minimum monthly wage.

82. The women's employment subsidy, designed to increase the labour participation rate of vulnerable women aged 25 to 59 years old, also has two components: a worker's subsidy and an employer's subsidy. The indicators for the evaluation of this programme are the same as those used for the youth employment subsidy, and the figures show that around 25 per cent of women increase their contribution density, an average of 5 per cent start contributing, and just over 70 per cent give a positive assessment of the subsidy as a contribution to the family budget.

83. The pandemic prompted the introduction of various other subsidies intended to aid the recovery of the Chilean labour market that prioritize women, young people and persons with disabilities. These include the emergency family labour allowance, which provides workers with an incentive to enter formal employment in the form of a subsidy to enhance the terms of the new employment relationship established. It is paid directly to the worker, as long as his or her gross monthly salary is no more than three times the minimum monthly wage, and is equivalent to 50 per cent of gross monthly earnings, subject to a ceiling of Ch\$ 200,000 per month, although for women, young persons between 18 and 24 years of age, men over 55 years of age, persons with a duly certified disability and recipients of a disability pension, the subsidy is 60 per cent of gross monthly earnings, subject to a ceiling of Ch\$ 250,000 per month.

84. Under its technical training programmes, the National Training and Employment Service ran a total of 57,291 sessions in 2019 and 26,424 in 2020. These included training sessions on labour training grants, launching small and medium-sized enterprises, and the training grant for the heads of such enterprises.

85. The Labour Observatory forming part of the National Training and Employment Service is responsible for conducting the National Labour Demand Survey, which has two main objectives: firstly, to identify and define the jobs that will be required in the future; and, secondly, to gauge training needs in order to align the Service's training, certification and job placement services with the needs of the labour market. Some surveys, such as the survey of training needs in micro- and small enterprises, are implemented on a regional basis.

86. The National Training and Employment Service also runs a "trades" programme, which includes modules on special registration, the transport sector, work and education, skills development, persons with disabilities, entrepreneurship, offenders, on-the-job training and apprenticeships, all of which target and are specifically tailored to the needs of the most disadvantaged and marginalized groups. Several of the modules have socio-labour and labour insertion components and offer support mechanisms such as a daily allowance and an allowance for tools (depending on the module). All the modules are available through the "Choose Better" (Elige Mejor)<sup>19</sup> platform and candidates apply online, subject to the requirements of each. The programme is constantly being adapted on the basis of the specific work covered under each module in order to provide courses that meet demand.

87. Lastly, the Service runs an occupational skills certification programme through which participants can gain formal recognition for their occupational skills regardless of how they were acquired and whether or not they have an academic degree or qualification awarded by a formal educational establishment.

### **Replies to the issues raised in paragraph 13**

88. There are currently two bills amending the Labour Code. The first will amend the provisions related to discrimination and equal pay for men and women (Official Gazette No. 9322-1) to ensure that the principle of equal pay is applied not only in respect of "the same work", as currently provided in the Labour Code, but also in respect of comparable work. This bill is undergoing its second reading before the Labour Committee of the Chamber of Deputies.<sup>20</sup>

89. The second bill, which amends the Labour Code to tighten the regulation of the principle of equal pay for men and women and was published in consolidated Official Gazettes Nos. 10.576-13, 12.719-13 and 14.139-34, incorporates the concept of equal pay for men and women for work of equal value, function or responsibility. Since June 2021, it has been undergoing its second reading before the Senate Labour and Social Security Committee.<sup>21</sup>

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<sup>19</sup> <https://eligemejor.sence.cl/>.

<sup>20</sup> <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=9734&prmBOLETIN=9322-13>.

<sup>21</sup> <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=10998&prmBOLETIN=10576-13>.

#### Replies to the issues raised in paragraph 14

90. Act No. 20.786, which modifies the working hours, rest entitlements and pay structure of domestic workers and prohibits the imposition of any requirement to wear uniforms in public places, was published on 27 October 2014. The Act establishes that employment contracts must indicate the type of work to be carried out and the specific address where the services are to be rendered; reduces the limit on hours worked per week from 72 to 45, in line with the general rule; and prohibits the deduction of room and board costs from wages, stipulating instead that these must be covered by the employer. The Act also provides that employers must register employment contracts with the Labour Directorate, through its website, within 15 days of conclusion. The adoption, in 2016, of the ILO Domestic Workers Convention, 2011 (No. 189) has also had an impact in this area.

91. In addition, care has been taken to ensure that the various support measures adopted in response to COVID-19 encompass domestic workers. For example, the Protected Parenting Act, which grants special benefits to salaried workers, self-employed workers and civil servants, expressly gives domestic workers the right to suspend the effects of their contracts for caregiving reasons. Furthermore, as of 13 April 2020, domestic workers are entitled to withdraw funds from the compensation savings account of the pension fund administrator to which they are affiliated upon termination of their employment contract or pursuant to the employment protection law.

92. The bill that extends the right to day-care facilities by eliminating the arbitrary discrimination currently inherent in the Labour Code, in that it requires employers to cover women's day-care costs only if they have 20 or more workers, also encompasses women domestic workers.

93. According to the Labour Directorate's administrative records, there were 2,187 complaints of workplace harassment in 2019. This number fell to 1,436 in 2020 – a drop that can be explained by the impact of the pandemic on the labour market. Complaints may relate to more than one issue or violated right: in 2020, a total of 2,869 issues were reported. Violations of psychological integrity accounted for 40.2 per cent of all issues reported, followed by violations of personal and family honour, accounting for 19.1 per cent, physical integrity, accounting for 12 per cent, respect for privacy and protection of private life, accounting for 8.5 per cent, and violations of the right to non-discrimination, accounting for 6.8 per cent.

94. A total of 2,057 inspections<sup>22</sup> prompted by allegations of workplace harassment were carried out in 2019, with the figure falling to 1,500 in 2020. A total of 3,107 issues gave rise to inspections in 2020. Alleged violations of the right to psychological integrity accounted for 38.8 per cent, followed by alleged violations of personal and family "honour", accounting for 18.7 per cent, violations of physical integrity, accounting for 11.6 per cent, violations of respect for privacy and protection of private life, accounting for 8.2 per cent, and violations of the right to non-discrimination, accounting for 7.2 per cent.

#### Replies to the issues raised in paragraph 15

95. In the area of labour relations, article 1 (1) of Act No. 20940 introduced an important amendment to article 2 of the Labour Code, in line with relevant international instruments, by incorporating the following additional prohibited grounds for discrimination: "socioeconomic status, language, beliefs, participation in trade union organizations, sexual orientation, gender identity, family situation, personal appearance, illness or disability".

96. The Trade Union Training and Collaborative Labour Relations Fund covers trade union training, the promotion of social dialogue and the development of collaborative labour relations. According to the most recent report of the Higher Labour Council, issued in 2021, the Fund has run 20 trade union leadership programmes and 19 women's leadership programmes nationwide, in addition to 19 programmes involving courses for micro- and

<sup>22</sup> Complaints prompt such inspections when they are filed with the Labour Directorate. All complaints must be investigated, which may result in a finding of workplace harassment.

small enterprises. In 2020, training was provided to a total of 2,372 persons, including workers, directors, micro- and small business entrepreneurs and their employees.

97. National unionization rates have increased steadily since 2010, stabilizing at around 21 per cent of salaried workers.

98. Lastly, a major improvement from a gender perspective was the introduction of an obligation for trade unions to include in their statutes a mechanism to ensure either that at least one third of the members of boards of directors are women, subject to the exemptions and prerogatives established in the Labour Code, or that the proportion of female directors is in line with the percentage of female workers in the total number of trade union members, if the latter is lower (article 231 (3) and (4)). From 2010 to 2017, there was a steady increase in the rate of union membership among women employed in the private sector, which rose from 13.1 to 22 per cent and then stabilized at around 22 per cent between 2017 and 2019.

99. Act No. 20940 of 2016 does not apply to civil servants, since their employment is governed by the Administrative Statute, the Municipal Statute and the statutes of other bodies rather than by the Labour Code. However, Act No. 19296 recognizes the right of national and local civil servants to form associations as they see fit.

### **Replies to the issues raised in paragraph 16**

100. The following pension reforms were implemented during the reporting period:

(a) January 2017. Improvement of benefits under the “solidarity” pillar (basic, non-contributory pillar) in the form of a one-off adjustment of the basic non-contributory pension equivalent to 10 per cent in real terms;

(b) February 2019. Inclusion of self-employed workers who issue invoices for services rendered in social welfare schemes. The obligation to pay social security contributions was established for workers who issue invoices amounting to five or more times the minimum monthly wage in the course of a year and who, as at January 2018, were under 55 years of age in the case of men and under 50 years of age in the case of women;

(c) December 2019. Improvement of benefits under the non-contributory pillar: the basic non-contributory pension and the maximum guaranteed pension with a non-contributory component were increased by 50 per cent overall, progressively over a three-year period, with a consequent impact on non-contributory insurance contributions. In addition, a fixed-amount pension was guaranteed under the programmed retirement scheme for future pensioners in receipt of benefits under the non-contributory scheme, and a new benefit was introduced that guarantees at least the basic non-contributory pension for persons who meet the requirements for coverage under the solidarity pillar, irrespective of their initial pension. In short, benefit payments were improved and greater protection was provided against longevity risk;

(d) April 2020. Entry into force of the Employment Protection Act, which provided for the temporary suspension of the contracts of workers whose employers ceased their activities because of COVID-19. It also allowed for the temporary reduction of the working day by no more than 50 per cent of the collectively agreed working day. The Act was supplemented by the Parents and Child Caregivers Act of July 2020 and the Preventive Parental Medical Leave Act of June 2021. Thus, workers who were suspended or had their working hours reduced were able to keep their jobs and continue to receive a proportion of their income, drawn against their individual severance pay account and, subsequently, the non-contributory redundancy fund;

(e) September 2020. Relaxation of eligibility requirements for unemployment insurance and improvement of benefits. For plan members who lost their jobs, the conditions for receiving unemployment benefits were made more flexible and the replacement rates and minimum benefit amounts were increased;

(f) October 2020. Inclusion of domestic workers in the unemployment insurance scheme, assigning part of the contribution previously allocated to the severance savings account. As a result, this group, which is composed mainly of women, became eligible for benefits under the scheme and the Employment Protection Act;

(g) February 2021. Entry into force of the Terminally Ill Patients Act, whereby active members and pensioners who are terminally ill are entitled to receive an increased pension (temporary annuity) for a period of 12 months, without prejudice to the payment of survivors' pensions and death benefits;

(h) December 2021. Submission to Congress of a proposal to amend the Short Pensions Act to establish a universal guaranteed pension to boost, by up to Ch\$ 185,000, the pensions of current and future pensioners aged 65 years and over who are not in the richest 10 per cent of the population in this age bracket.

101. Thanks to these improvements, 93.24 per cent of people over 65 years of age currently have some form of pension. This group includes people who receive some form of pension through the individual capitalization system, the former pension system, non-contributory pensions and armed forces pensions.

102. Congress is currently considering a bill (Official Gazette No. 12.212-13) to introduce changes that will help to bridge certain gaps still existing in the pension system. The specific objectives of the bill are to improve the pensions of the middle classes and women, especially middle-class women who receive no benefits under the non-contributory pillar; to develop special economic protection mechanisms for older adults in a situation of severe functional dependency; to improve the pensions that younger generations of workers will receive in the future as a result of their individual efforts; to strengthen intra-system competition; to improve pension information and education; and to strengthen oversight of the pension system.

#### **Replies to the issues raised in paragraph 17**

103. With regard to statistics on the nature and extent of child labour, the central register of the worst forms of child labour<sup>23 24</sup> – a national database maintained by the National Service for Minors – facilitates the recognition of child and adolescent victims of economic exploitation in its various forms. The juvenile justice system logged zero cases of the worst forms of child labour involving minors under 15 years of age in the period concerned,<sup>25</sup> although the child protection service recorded 207 such cases. These cases fell into three main categories: 62 per cent were related to paid sexual activities involving minors; 33 per cent involved the use of children in the production, promotion and dissemination of pornographic material; and 1 per cent concerned child trafficking for purposes of sexual exploitation. Only one case of the use of minors in activities that endanger their safety was recorded during the period.

104. The “Growing Up Happy” (Crecer Felices)<sup>26</sup> National Strategy for the Eradication of Child Labour and Protection of Adolescent Workers 2015–2025 is the public policy tool currently used to ensure the necessary actions are taken to protect children and teenagers in the world of work. The Strategy sets specific objectives to be achieved at the national and regional levels under the coordination of the Department for the Eradication of Child Labour of the Office of the Undersecretary for Labour. Awareness-raising activities have been organized to highlight the importance of eradicating child labour and protecting teenage workers, in conjunction with training courses, webinars, workshops and cooperation agreements with universities to encourage research on child labour, among other outreach activities.

105. The creation of the Ministerial Advisory Commission for the Prevention and Eradication of Child Labour and the Child Labour Observatory<sup>27</sup> have strengthened the institutional framework.

<sup>23</sup> These figures include information up to September 2021, taking into account the transfer of responsibilities from the National Service for Minors to Mejor Niñez.

<sup>24</sup> This information is recorded by the Carabineros (police), the Labour Directorate and the National Service for Minors Network. There is also an agreement whereby the investigative police can feed data into the platform if they identify children and teenagers being involved in these activities.

<sup>25</sup> January to September 2021.

<sup>26</sup> <http://www.noaltrabajoinfantil.cl/>.

<sup>27</sup> <http://www.bcn.cl/leychile/navegar?idNorma=1163612&idParte=10259651&idVersion=2021-08-13>.

106. Furthermore, Act No. 21271<sup>28</sup> amended the provisions of the Labour Code that deal with the protection of children and teenagers in the world of work, introducing a conceptual shift by replacing the term “minors” with “boys and girls (persons under 14 years of age)”, “adolescents not of working age (14 years old)” and “adolescents of working age (between 15 and 17 years old)”, and tightening the requirements for hiring teenagers of working age and for recruiting children and teenagers to work in entertainment. It also increased the fines payable for non-compliance, making them more or less substantial depending on the form of non-compliance and the size of the company.

107. The list of hazardous jobs and the guidelines for employers and educational establishments on preventing hazardous work have been updated.<sup>29</sup>

108. From January to September 2021, the National Service for Minors continued to implement specialized projects designed to protect minors, including victims of the worst forms of child labour, and restore their rights, placing an emphasis on the care of those affected by the various forms of commercial sexual exploitation of children. Between January and September 2021, a total of 1,314 children and adolescents received assistance under the Sexual Exploitation Programme.

109. Lastly, a series of qualitative studies have been carried out on topics including child labour in the agricultural sector<sup>30</sup> and in retail trade,<sup>31</sup> the migrant population<sup>32</sup> and the Child Labour Vulnerability Index.<sup>33</sup>

#### Replies to the issues raised in paragraph 18

110. The housing deficit is determined by the number of households that require housing either because they do not have a home or their current home has serious deficiencies. According to the National Social and Economic Survey for 2015, there were 399,910 households, equivalent to 7.1 per cent of the total, in such a position. In 2020, this number rose to 438,113 (6.6 per cent of all households), an absolute increase mainly attributable to an increase in the number of clustered households, where several households share the same housing unit, in all population segments. Three-quarters of the 2020 deficit is concentrated in households in the first three income quintiles.<sup>34</sup>

111. The adequate housing deficit is determined by the number of homes that need to be upgraded or renovated. In 2017, there were 1,303,484 such homes (23.6 per cent of the total). Although this figure has fallen steadily since 2006, when it was 33 per cent, it edged up by 0.6 of a percentage point between 2015 and 2017 owing to an increase in the number of households lacking access to basic sanitation services. The deficit is 76 per cent concentrated in the first three income quintiles.

112. To reduce the housing deficit, housing policy has been updated, with different housing solutions being offered in order to make the allocation and application of subsidies more efficient. Between 2015 and 2020, the Ministry of Housing and Town Planning delivered housing solutions worth a total of 218,330,221 development units to reduce the quantitative housing deficit and address the lack of affordable homes. Overall, 128,229 new homes were completed and made available debt-free to vulnerable sectors through the Housing of Choice Solidarity Fund (Supreme Decree No. 49), 2,358 new homes were completed in rural areas (Supreme Decree No. 10), 117,551 subsidies were paid to support middle-income population segments (Supreme Decree No. 1) and 59,037 homes were completed under social integration projects (Supreme Decree No. 19) designed to address segregation and social exclusion. In

<sup>28</sup> <https://www.bcn.cl/leychile/navegar?idNorma=1150357>.

<sup>29</sup> [http://www.noaltrabajoinfantil.cl/wp-content/uploads/2021/06/Decreto-1\\_22-MAY-2021.pdf](http://www.noaltrabajoinfantil.cl/wp-content/uploads/2021/06/Decreto-1_22-MAY-2021.pdf).

<sup>30</sup> <http://www.noaltrabajoinfantil.cl/wp-content/uploads/2019/01/2016-Informe-Final-Estudio-Cualitativo-Sector-Agricola.pdf>.

<sup>31</sup> <http://www.noaltrabajoinfantil.cl/wp-content/uploads/2019/01/2016-Informe-Final-Estudio-Cualitativo-Comercio.pdf>.

<sup>32</sup> <http://www.noaltrabajoinfantil.cl/wp-content/uploads/2019/01/2018-Estudio-cualitativo-sobre-trabajo-infantil-y-poblacion-migrante-version-extendida.pdf>.

<sup>33</sup> <http://www.noaltrabajoinfantil.cl/wp-content/uploads/2020/07/17-Ficha-Nacional-Chile.pdf>.

<sup>34</sup> The figures do not take into account homeless persons, of whom there were 15,501, according to the Ministry of Social Development and the Family (2020).

addition, 106,874 rental subsidies and 9,659 leasing subsidies were granted. A total of 676,698 improvements were made through the programme introduced under Supreme Decree No. 255, and 2,403 were made in rural areas under Supreme Decree No. 10.

113. Regarding access to decent housing, particularly for people who live in informal settlements in disadvantaged conditions, in 2019, the Ministry of Housing and Town Planning presented the most recent national survey of informal settlements, which identified a total of 802 settlements between them accommodating a total of 47,050 households. Since new families joined the settlements during the analysis stage of the survey, updated information will soon be available.

114. To address the situation in these informal settlements, the Ministry of Housing and Town Planning launched the Precarious Settlements Programme, which is built around three strategies for action, namely, resettlement, relocation and urbanization.

115. Since 2015, a total of 11,786 subsidies have been allocated and 7,473 homes have been delivered to families living in informal settlements. There were delays in 2020 because of the pandemic.

116. The current urban housing policy includes specific intervention strategies for the prevention of segregation and social exclusion. These include the Integrated Public Land Bank as well as interventions under the Precarious Settlements Programme,<sup>35</sup> the Rental Subsidy Programme,<sup>36</sup> the Neighbourhood Rehabilitation Programme,<sup>37</sup> the Habitable Rural Housing Programme,<sup>38</sup> the Social and Territorial Integration Programme,<sup>39</sup> Urban Housing Plans, the Small Condominiums Plan<sup>40</sup> (micro-settlements), programmes that address the shortage of decent housing – specifically, the Programme for the Protection of Family Assets and the Housing and Neighbourhood Improvement Programme – and the Housing Regeneration Programme.

117. Also worth mentioning is the bill on social and urban integration currently before Congress, which is spearheaded by the Ministry of Housing and Town Planning and will introduce various relevant legal amendments.

118. As regards assistance for homeless people, 2019 marked the start of a joint initiative of the Housing First (Vivienda Primero) Programme and the Ministry of Social Development and the Family to provide housing subsidies through direct allocations from the Rental Subsidy Programme introduced by Supreme Decree No. 52 of 2013. The Decree is currently being amended so that the direct allocation model can also be applied to collective housing as an alternative option under the Rental Subsidy Programme.

119. In terms of housing and accommodation for homeless persons, the “Dignified Night” (Noche Digna) Programme – now called the Street Protection (Plan Protege) Programme – launched in 2011 provides 8,233 daily assistance slots for homeless persons, 6,500 of them during the winter period (May–September).

120. The Government’s goal is to end homelessness by implementing the Housing First Programme and participating in the Vanguard Cities Global Plan spearheaded by the Institute of Global Homelessness, which ranks Chile among the leaders in Latin America. By the end of 2020, 164 new housing units had been built, and access to stable housing had been provided to 333 homeless people, 98 per cent of whom had been able to remain in the accommodation provided. Under this initiative, homeless people have access to stable and secure housing in the form of housing units shared with one, two or three persons with significant support needs, as a first step towards finding a genuine way out of their situation,

<sup>35</sup> <https://www.minvu.cl/wp-content/uploads/2019/12/Informe-Metodológico.pdf>.

<sup>36</sup> <https://www.minvu.gob.cl/subsidio-de-arriendo-llamado-regular-2021/>.

<sup>37</sup> <https://programassociales.ministeriodesarrollosocial.gob.cl/programas/100059498/2016/3>.

<sup>38</sup> <https://www.minvu.gob.cl/beneficio/vivienda/programa-de-habitabilidad-rural-construccion-en-sitio-del-residente-localidades-de-hasta-5-000-habitantes/>.

<sup>39</sup> <https://www.minvu.gob.cl/beneficio/vivienda/subsidio-de-integracion-social-y-territorial-ds19/>.

<sup>40</sup> <https://www.minvu.gob.cl/postulacion/llamado-en-condiciones-especiales-del-ds49-para-construccion-en-sitio-propio-densificacion-predial-y-pequeno-condominio-incluyendo-el-procedimiento-de-autoconstruccion-asistida-2/>.

as well as to specialized support services that help them to develop the skills that will enable them to resume their life projects, re-establish family ties, regain their mental health, integrate into the community and increase their independent income.

121. Pursuant to General Order No. 2635 of 1 March 2019, the Carabineros are responsible for overseeing eviction procedures necessitated by squatting or the illegal appropriation of property. The procedure is in line with relevant national and international regulations, it being established that: (a) an eviction may be carried out only at the request of the owner in response to an ongoing offence, in response to an administrative resolution in the case of State property, or in execution to a court order; (b) as part of the eviction, the number, sex and age of the illegal occupants or squatters must be identified, to the extent possible; (c) female staff must be involved in carrying out the eviction; (d) measures must always be implemented gradually, and in a differentiated manner; (e) any arrests of persons involved in the eviction who commit crimes must be individual and selective, it being understood that mass or indiscriminate arrests should be avoided and that arresting officers must provide information on the gender and age range of the persons arrested as promptly as possible; and (f) injured persons must be transferred to health-care facilities.

122. Two points concerning relevant jurisprudence in the period 2015–2021 should be highlighted: (a) in these cases, enforcement without recourse to the courts is contrary to the law, in view of the constitutional guarantee set forth in article 19 (3) (5) of the Constitution, and deemed to constitute a form of special commission; and (b) due process and the right to a defence must be respected.

#### **Replies to the issues raised in paragraph 19**

123. The Rural Sanitation Services Subdivision of the Waterworks Directorate is taking various steps to increase access to drinking water in rural areas. Specifically, it is developing new rural drinking water services, upgrading, expanding and maintaining existing services, and carrying out the pre-feasibility studies required to execute this work, including hydrogeological studies, the construction of boreholes and engineering designs. As at June 2021, the Directorate was providing advice, assistance and investment subsidies for 2,285 rural sanitation systems. In recent years this investment has reached record-high levels, amounting to Ch\$ 876,051,000<sup>41</sup> between 2015 and 2020.

124. Pursuant to Act No. 20998, the budget specifications for 2021 covered investment in the maintenance of the current sewage collection and treatment systems only, for the time being precluding any possibility of new programmes and projects encompassing sanitation works in rural areas.

125. As for measures to guarantee access and reduce inequalities in this area, the Rural Drinking Water Programme covers more than 99 per cent of concentrated populations and 22 per cent of semi-concentrated populations. Since the Programme's inception, it has been the communities themselves, organized into committees or cooperatives, that have managed, operated and maintained the rural drinking water systems. At present, there are 2,285 systems in operation throughout the country, supplying 2,053,993 persons.

126. Where water and sanitation services are provided by private companies, the current coverage rates in urban areas are 99.9 per cent for drinking water and 96.8 per cent for sewerage, with wastewater treatment services reaching 99.93 per cent of the population with access to a sewage system. These figures are comparable with those of countries forming part of the Organisation for Economic Co-operation and Development. The risk of inequalities in access is addressed through State investment in secondary drinking water and sewerage networks and through demand subsidies (Act No. 18778) whereby the State covers part of the monthly cost of drinking water consumption and sewerage services for families in need.

127. With a view to ensuring responsible water consumption in the mining industry, the National Mining Policy 2050 recognizes that water stress is one of the main threats to Chilean

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<sup>41</sup> This amount takes into account project management expenses and the fees for advisory services and assistance provided to rural drinking water committees and/or cooperatives, which are paid to the sanitation companies that perform this function through ad-referendum agreements.

mining. Thus, following a strategic environmental assessment of the Policy that focused on six factors critical for the sustainability of mining, including water, seven goals directly related to water resources were established in order to minimize the environmental impact and reconcile the development of mining activities with environmental considerations.

128. A bill to amend the Water Code was passed unanimously by the Senate on 28 July 2021. It was also approved in the Chamber of Deputies, although 14 points were rejected and, at the time of writing, are being analysed by a joint commission of Deputies and Senators.

129. The amendment recognizes access to water and sanitation as an essential and inalienable human right, in that water is a national asset for public use that belongs to all citizens. The bill stipulates that water use rights must be based on the public interest and take account of the need to protect human consumption and sanitation, preserve the ecosystem and ensure water availability and aquifer sustainability; in other words, it promotes a balance between efficiency and security in productive uses. The bill modifies the concept of the right to use water, indicating that the right is temporary and granted by concession for a period of 30 years, depending on both the availability of the supply source and the sustainability of the aquifer.

130. Another innovative feature of the bill is the concept of “rights of use at source”, which are water use rights intended to preserve ecosystems. To manage these rights, the Directorate General of Water will have to establish the minimum environmental flows necessary to ensure nature conservation and environmental protection. The President will have the power to reserve water resources for conservation purposes.

131. The bill incorporates a vision for the future, establishing that a strategic water resources plan must be drawn up for all water basins to address the need for better information and a long-term view of the current and projected availability of water in the basins and thus to implement a portfolio of actions. The Directorate General of Water has already started work on this task.

132. Lastly, the bill strengthens the Directorate General’s sanctioning powers, incorporates provisions on groundwater and sustainable management, sets out clear rules for the artificial recharge of aquifers and incorporates improvements related to the authority’s duty to provide information and its power to demand information from the holders of water rights.

#### **Replies to the issues raised in paragraph 20**

133. In April 2020, the secretariat of the “Choose a healthy life” (Elige Vivir Sano) Programme launched an intersectoral initiative to develop the Food Security Plan, with input from various public bodies and non-governmental organizations. The Plan consists of 29 measures to be implemented in the short and medium term by different ministries and services.

134. The preliminary results of the Plan included a reduction in the number of food-insecure households during the pandemic from 19.4 per cent in July 2020 to 11.5 per cent in November/December of the same year (COVID-19 social survey, first and second rounds, Ministry of Social Development and the Family). A total of 1,156,031 households were moderately or severely food-insecure in July 2020, but the figure had fallen to 693,649 households by the end of the year.

135. Act No. 20606 on the Nutritional Composition of Food and Food Advertising (the Food Act) regulates the composition and labelling of food through the inclusion of a “high in” warning stamp on beverages and foods that exceed the limits established for critical nutrients (calories, saturated fats, sugars and sodium). It prohibits the advertising of such foods to children under 14 years of age and their sale and advertising in preschool, primary and secondary educational establishments, the main objective being to protect the health of Chilean children and teenagers and promote informed food choices.

136. Key outcomes of the Act’s implementation include a compliance rate in excess of 80 per cent – a figure that is estimated to have been rising consistently since the Act’s entry into force. Furthermore, the Act is viewed positively by the population, with ratings ranging from

5.7 to 6.2.<sup>42</sup> The information provided on the warning stamps is understood by 92.9 per cent of consumers; 48.1 per cent of them compare the stamps when making a purchase and 79.1 per cent indicate that the stamps influence their decisions. In parallel, there has been a decrease in children's exposure to the advertising of foods high in critical nutrients and a marked impact on food production, with the food industry reducing the amounts of critical nutrients in its products (Ministry of Health, 2017).

137. The aim of the Zero Obesity Strategy launched in 2019 was to halt the rise in obesity among children and teenagers by 2030. Between 2009 and 2016, the proportion of the population that ate fruit and vegetables seven days a week increased from 35 to 40 per cent (Ministry of Health, 2017 National Health Survey) and the proportion of physically active people increased from 14 to 19 per cent (Ministry of Sport, 2018 survey of physical activity and sports habits in people over 18 years of age). There has also been a notable increase in the use of public spaces for physical activity, with the use of streets and squares rising from 20 to 40 per cent, and the use of recreational facilities rising from 29 to 34 per cent between 2015 and 2018 (Ministry of Sport, 2018 survey of physical activity and sports habits in people over 18 years of age).

138. Despite these achievements, obesity has increased and affects one in three adults. Among children aged 4 to 7 years old, the prevalence of obesity increased by an average of 3 per cent between 2010 and 2019. However, the prevalence of overweight remained stable at around 26 per cent over the same period.

#### **Replies to the issues raised in paragraph 21**

139. Measures to prevent and counteract the effects of pollution at the national level are framed within the regulatory mechanisms defined in the Health Code. Specifically, article 67 of the Code requires the health authorities to ensure that all environmental factors, elements or agents that affect public health, safety and well-being are eliminated or controlled. The authorities achieve this goal through health and environmental regulations that take account of environmental factors that may create risks to health in mains water pipes, the atmosphere and waste products, among other places.

140. The Ministry of Health has issued a series of nationally applicable regulations on water for human consumption and sanitary conditions for the delivery of drinking water from tanker trucks, the storage of hazardous substances, hazardous waste management, waste management in health facilities, basic health and safety conditions in landfill sites, sewers and septic tanks, minimum sanitary and hygiene standards for schools and workplaces, air pollution monitoring stations and the obligation to report emissions.<sup>43</sup>

141. The purpose of these regulations is to protect public health by ensuring that the regional ministerial secretariats for health implement preventive and corrective programmes related to the atmosphere, water, waste and hazardous chemicals.

142. In general terms, the law empowers the regional ministerial secretariats for health to implement monitoring programmes in the different regions of the country in order to promote and verify compliance with the health regulations in those matters already defined in the Health Code, namely, waste, the atmosphere, chemicals, water intended for human consumption, wastewater and industrial water. The programmes are intended to fulfil a preventive function by monitoring environmental factors that pose a risk to health and thus to protect the right to health.

143. Specific health-related actions carried out by the health authorities in the municipalities of Quintero and Puchuncaví in the Valparaíso Region and in the Arica y Parinacota Region include:

(a) Arica y Parinacota: pursuant to Act No. 20590, the Ministry of Health has: (i) set up a public and environmental health laboratory with the analytical capacity to take samples from the environment and individuals; (ii) decided to carry out epidemiological studies on persons exposed to heavy metal pollution in the commune of Arica; (iii) monitored

<sup>42</sup> On a scale of 1 to 7.

<sup>43</sup> See the table in the annex setting out current sanitary and environmental regulations.

water and food quality within the scope of its competencies; and (iv) allocated resources to activities aimed at the beneficiaries of the programme established in the Act.

(b) Valparaíso Region (Quintero and Puchuncaví): the authorities have taken a number of measures under the Atmospheric Decontamination Plan (Supreme Decree No. 105 of 2019, articles 9, 27–31, 32 and 49), including: (i) issuing an updated list of boilers registered with the health authorities; (ii) drawing up a register of local sources of polluting emissions in the area; (iii) defining requirements for monitoring emissions from local sources and overseeing monitoring activities; (iv) drawing up a register of emissions from volatile organic compounds in the area; and (v) monitoring compliance with the measures set out in the operational plans governing major emitters during critical episodes of sulphur dioxide (SO<sub>2</sub>) pollution.<sup>44</sup> In order to monitor and maintain up-to-date information on public health, a report on the health of the inhabitants of four selected communes in the Valparaíso Region (Quintero, Puchuncaví, Concón and Catemu) was prepared for the period 2009–2019, which provided information on the current epidemiological profiles of the communes. For the same purposes, an epidemiological study of the health of the inhabitants of the Puchuncaví, Quintero and Concón communes, in relation to health determinants, was drawn up for 2021. The aim of this study was to establish the local prevalence of diseases associated with environmental degradation, the prevalence of high levels of inorganic arsenic in urine and lead in the blood and associated risk factors in a representative sample of the population.

144. Rulings on significant environmental disputes issued by the ordinary courts around the country have resulted in measures directed at State agencies and private parties being taken with a view to preventing and remedying the effects of pollution and protecting and restoring public enjoyment of economic, social and cultural rights affected by polluting activities. For example, the Supreme Court judgment in case No. 8573-2019 of 13 January 2021, related to the right to water, expressly states that climate change is a variable that must be taken into account in the environmental assessment of aquifers. Furthermore, in the Supreme Court judgments issued in case No. 72198-2020 of 18 January 2021 and case No. 131140-2020 of 23 March 2021, the Court recognizes the right to water of the inhabitants of the commune of Nogales and guarantees them access to at least 100 litres of water per person per day, in compliance with the Committee's general comment No. 15 (2003).

145. The courts have issued rulings to protect and restore the economic, social and cultural rights of the residents of Arica-Parinacota and Quintero-Puchuncaví.<sup>45</sup>

### **Replies to the issues raised in paragraph 22**

146. Improving the accessibility, availability and quality of mental health services is the stated goal of the two main sets of guidelines on mental health policy issued in Chile, namely, the National Mental Health Plan 2017–2025 (Ministry of Health, 2017) and the Management Model for the Mental Health Network within the General Health Network (Ministry of Health, 2018). These guidelines envisage for a multidimensional approach to mental health and establish technically and theoretically focused objectives that serve to guide decisions on public investment in mental health and drive changes in practice and corresponding increases in resources.

147. The development of the Mental Health Network has been focused both on introducing new services and programmes and progressively standardizing existing services. It has entailed the expansion of a care-in-the-community model that allows for social inclusion, recognizes the rights of users and their families and delivers an efficient and sustainable State response.

148. Resources are organized and distributed around the network in accordance with the specific characteristics of each area and community. The goal is to maintain and promote public well-being by responding to people's mental health needs, which range from prevention and recovery to inclusion in society and the community, and is achieved by working in coordination with the community, in accordance with quality standards that are

<sup>44</sup> See the annex for information on other measures implemented.

<sup>45</sup> See the annexes for information on court rulings and enforcement actions taken by the State.

monitored and enhanced on an ongoing basis. To this end, the network employs transdisciplinary teams with well-developed specialist skills and capacities.

149. All health services in the country are composed of mechanisms and facilities organized according to their complexity, collaborate through a system of referrals and counter-referrals and together constitute what is known as a care network. Within this framework, each health service's care network is organized as follows:

- For individuals, families and the community in a given area, primary health-care services are the first point of contact with the public health system. The purpose of primary services is to provide comprehensive outpatient care for individuals and their families, with a focus on treatment, rehabilitation and the anticipation of illness through educational and preventive activities.
- Other, more complex levels of care are currently provided by specialist outpatient and inpatient services, which, except in emergency and other situations defined in law and the relevant regulations, receive referrals from primary care units in accordance with the technical standards defined for the purpose by the Ministry of Health.

150. A summary of the various units and care centres that make up the specialist outpatient and in-patient mental health network can be found in the annexes.

151. In order to guarantee timely service delivery and safeguard funding, there has been a separation of functions within the health system and a quality system for patient care has been established. The aim of this quality system is to guarantee common health-care standards for the public, irrespective of the health subsystem that they use. Thus, the Office of the Superintendent of Health is responsible for ensuring that all health service providers in the country comply with quality standards, in accordance with Law-Ranking Decree No. 1 of 24 April 2006.<sup>46</sup> The Office of the Superintendent also periodically inspects the legal and financial operations of health insurance institutions, monitoring their compliance with the obligations established in law and those arising from health contracts. It also monitors compliance with health-care guarantees, the benefits and services provided by institutions and freely chosen health providers, the contents of health plans, and financial information to ensure that they comply with the regulations in force and that the inspected entities make any pertinent modifications.

152. With regard to disparities in access to health services, goods and information, one of the objectives of the National Health Strategy for the period 2011–2020, which provides increased funding for the sector, is to reduce out-of-pocket health costs as a proportion of total expenditure on health by 20 per cent (Ministry of Health, 2011).

153. Details of household expenditure on out-of-pocket health costs for the period 2010–2020 are included in the annexes. As a percentage of total expenditure on health, these costs fell by 9 per cent between 2010 (the base year established in the National Health Strategy for measurement purposes) and 2020.

154. Other noteworthy measures introduced in the field of health include:

- (a) Explicit Health Guarantees, which establish guarantees of access, timeliness, quality and financial protection for a series of illnesses and health conditions (currently numbering 85);
- (b) Emergency Act No. 19650, which provides that patients in need of life-saving emergency services may receive immediate care at the nearest public or private emergency service unit, irrespective of their financial situation or the health system to which they are subscribed;
- (c) Catastrophe health insurance under the National Health Fund, which covers 100 per cent of the cost of treatment and surgery included under the programme and establishes maximum waiting periods for services covered by the insurance;

<sup>46</sup> <https://www.bcn.cl/leychile/navegar?idNorma=249177>.

(d) Additional cover for catastrophic illnesses, which supplements the health plans provided by some health insurance institutions and, provided certain requirements are met, covers up to 100 per cent of the costs of expensive care for catastrophic diseases;

(e) Act No. 20850, which provides financial protection for specific health conditions, including oncological, immunological and rare illnesses.

### Replies to the issues raised in paragraph 23

155. The Ministry of Health has been implementing various national strategies to reduce the consumption of tobacco, alcohol and other psychoactive substances, including the National Health Strategy for the Achievement of Health Targets for the period 2011–2020 and the National Mental Health Plan for the period 2017–2025.<sup>47</sup>

156. The Ministry of Health and the National Service for the Prevention of Drug and Alcohol Use and the Rehabilitation of Users work together to combat the risks of consumption and provide services that meet the specific needs of persons with substance use disorders. Both entities have organized the services they offer in a way that guarantees the availability of care sufficient to meet public needs. Thanks to the implementation of this strategy, Chile has a sizeable network of treatment services for persons with substance use disorders that is increasingly integrated within the general health network.

157. In order to respond to the health needs of substance users, the Ministry of Health has set up different intersectoral mechanisms within both primary care and specialized mental health-care services.<sup>48</sup>

158. In 2020, 19,657 adults and teenagers received treatment for the problematic consumption of alcohol and other drugs at treatment centres partnered with the National Service for the Prevention of Drug and Alcohol Use and the Rehabilitation of Users. Seven treatment programmes are in force at these centres: (i) a treatment programme for the general adult population; (ii) a treatment programme specifically for women; (iii) a treatment programme for homeless adults; (iv) a treatment programme for adults whose consumption of drugs and alcohol is problematic and who are subject to a system of ordinary or strictly monitored parole (Act No. 18216); (v) a treatment programme for adult offenders whose drug and alcohol use is problematic and who have been deprived of their liberty (under an agreement between the Prison Service and the National Service for the Prevention of Drug and Alcohol Use and the Rehabilitation of Users); (vi) a treatment programme for children and teenagers; and (vii) a comprehensive treatment programme for teenagers and young persons under the supervision or custody of the criminal justice system pursuant to Act No. 20084 who engage in problematic drug and/or alcohol consumption or have other mental health disorders.

159. Four new programmes focused on preventing substance use were set up in 2020 and an information initiative was launched with a view to strengthening protection and reducing risks.<sup>49</sup>

160. Treatment centres have continued to operate throughout the coronavirus disease (COVID-19) pandemic, providing treatment online where possible but also in-person, by teams working in shifts. A number of tailored measures have also been introduced, given the need to conduct some activities remotely and to ensure continued support for organizations and users of the aforementioned programmes. Applicable regulations and protocols have been adjusted on an ongoing basis to take account of the health situation.

161. Since 2015, the Ministry of Health has made the relevant regulatory amendments to permit the use of cannabis-derived drugs in Chile.

162. Medicines required for palliative treatments, such as tramadol, morphine, fentanyl, pregabalin and buprenorphine, are available, but may be obtained only with a prescription

<sup>47</sup> See the annex for further details.

<sup>48</sup> See the annex for details of collaboration agreements.

<sup>49</sup> See the annex for information on the programmes and publication.

subject to certain restrictions or a prescription issued on an official form, and are subject to ongoing drug safety monitoring.

163. Chile currently has several laws that ensure access to health care and safeguard the dignity of patients and their palliative care.<sup>50</sup>

#### **Replies to the issues raised in paragraph 24**

164. Implementation of the National Strategy for the Prevention of HIV/AIDS and Sexually Transmitted Infections continued during the reporting period, in accordance with international recommendations and national commitments including those established in the National Health Strategy and the National Programme for the Prevention and Control of HIV/AIDS and Sexually Transmitted Infections of the Ministry of Health.

165. The goals of the National Prevention Strategy are to reduce the transmission of HIV/AIDS and sexually transmitted infections, to promote inclusion and to combat discrimination by strengthening people's ability to manage risks, thereby helping to reduce their vulnerability.

166. A total of 77,000 people in Chile were living with HIV at the end of 2020.

167. Chile adheres to the global goal of ending the AIDS epidemic, having implemented National Plans for the Prevention and Control of HIV/AIDS and Sexually Transmitted Infections for 2018–2019 and for 2020. The National Plan for the 2021–2022 biennium currently being implemented has strengthened combination HIV prevention, maintaining and expanding access to men's and women's condoms as a means of promoting autonomy and prevention among women, teenagers and young persons. Rapid testing has been introduced to facilitate access to early diagnosis and innovative strategies, such as pre-exposure prophylaxis, have been added to the services available. Post-exposure prophylaxis following exposure to HIV is to be introduced in 2022.

168. The National Plan establishes differentiated strategies for key groups, such as migrants and indigenous peoples, with targeted measures aimed at teenagers and young persons, adults and women of childbearing age, among others, in order to ensure that culturally relevant messages with a gender perspective are being sent out through the different media formats and different forms of preventive education. With regard to social communication, five communication strategies were launched in the mass media and on social networks during the reporting period to encourage access to early diagnosis and the adoption of preventive measures.

169. All the strategies set out in the National Plan are based on social determinants, intersectoral collaboration, participation and decentralization, and all actions taken thereunder are intended to reduce the stigma and discrimination associated with HIV/AIDS and thus improve the quality of life of persons living with the virus. In this connection, collaborative working agreements have been established with government agencies that implement public policies aimed at young persons, women, indigenous peoples, prisoners, people living in rural areas, members of the Armed Forces, university students, workers and members of professional associations, among others. In addition, decentralized projects related to combination HIV prevention have been put out to tender in order to enhance access to funding for civil society organizations.

170. With regard to comprehensive care for persons living with HIV/AIDS, the Act on Explicit Health Guarantees ensures access to diagnoses, antiretroviral treatment and examinations for monitoring and follow-up purposes, including CD4, viral load and genotyping tests.

171. During the COVID-19 pandemic, strategies have been implemented to ensure continuity of treatment for persons living with HIV. As at December 2020, 44,028 persons were being treated in the public health sector while 10,178 were being treated in the private sector.

<sup>50</sup> See the annex for information on laws related to this area.

172. With regard to measures to prevent mother-to-child transmission of HIV, the Government of Chile has taken up the challenge of eliminating the vertical transmission of HIV and syphilis pursuant to the elimination initiative spearheaded by the World Health Organization, the Pan American Health Organization, the United Nations Children's Fund (UNICEF) and the Joint United Nations Programme on HIV/AIDS and is working towards certifying elimination in the near future.

173. Prevention of vertical transmission is guaranteed under the Act on Explicit Health Guarantees, which ensures access to HIV screening for all pregnant women, treatment for HIV-positive mothers during pregnancy and delivery, and treatment for newborns up to 6 weeks of age. The Act also guarantees access to artificial feeding with breast milk substitutes for children up to 6 months of age. This is free of charge for persons covered by the public health system; persons registered with the private health system must make an out-of-pocket payment equivalent to 20 per cent of the total cost.

174. Since the Government of Chile established its National Strategy for the Elimination of HIV, the quality of clinical procedures has progressively improved, explicit coordination mechanisms have been established and the associated record systems have been refined. The National Strategy is implemented in conjunction with the health system and is coordinated by the National Programme for the Prevention and Control of HIV/AIDS and Sexually Transmitted Infections. Coordination at different levels within the sector and adjustments to specific local situations are essential to ensuring that efforts to achieve health goals and objectives are successful.

175. Adjustments to take account of local situations are guided by analyses of the epidemiological situation, the profile of pregnant women living with HIV, and the vulnerability and risk factors associated with the condition in women, including pregnant women, in local areas and communes (i.e. social determinants).

176. In the mid-1990s, the proportion of children born to HIV-infected mothers who were found also to carry the virus was close to 30 per cent but by 2020 the transmission rate had fallen to 1.3 per cent. Notwithstanding the progress achieved, much has been learned from the efforts made to implement the Strategy over the years and various areas for improvement have been identified in the journey towards eliminating transmission.

#### **Replies to the issues raised in paragraph 25**

177. Act No. 21030 of 2017 decriminalizes voluntary termination of pregnancy in three situations. The following noteworthy legislation has been adopted to make services available across the health system (both public and private): the regulations on the services included in the Support and Related Issues Programme (resolution No. 44 of 2018);<sup>51</sup> the national technical standard on support and comprehensive care for women in one of the three situations covered under Act No. 21030 (resolution No. 129 of 2018);<sup>52</sup> and Circular No. 2 of March 2019 containing guidelines for verifying the existence of qualifying conditions established under Act No. 21030.<sup>53</sup>

178. Regarding access to information by the community, the Ministry of Health's website contains details of Act No. 21030, including information on its implementation, an archive of related documents, a list of non-governmental organizations that provide support and a list of public servants who are conscientious objectors. Strategies for disseminating information in health facilities have also been defined.

179. See the table below for statistics on the topic.

<sup>51</sup> <https://www.bcn.cl/leychile/navegar?idNorma=1114797>.

<sup>52</sup> [https://www.minsal.cl/wp-content/uploads/2018/02/NORMA-IVE-ACOMPANAMIENTO\\_02.pdf](https://www.minsal.cl/wp-content/uploads/2018/02/NORMA-IVE-ACOMPANAMIENTO_02.pdf).

<sup>53</sup> [https://diprece.minsal.cl/wp-content/uploads/2019/03/circular\\_02\\_IVE\\_Directrices.pdf](https://diprece.minsal.cl/wp-content/uploads/2019/03/circular_02_IVE_Directrices.pdf).

Table 11  
**Number of cases where women chose to terminate their pregnancy, by situation and year, 2018–2021**

<i>Situation</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>January–June 2021*</i>
1	227	220	129	95
2	273	327	284	161
3	117	122	143	45
<b>Total</b>	617	669	556	301

\* The data from January to June 2021 are preliminary and subject to change on the basis of technical validation processes and the updating of the database.

*Source:* Department of Health Statistics and Information, database on voluntary termination of pregnancy.<sup>54</sup>

180. Conscientious objection is regulated by Regulation No. CVE 1482452 of June 2018, which establishes that, where there are no medical professionals to provide an abortion, the patient must be referred to another health facility in a position to perform the procedure. Where no medical professionals are available at a facility within the same health district, the patient must be referred to a nearby hospital or other centre with a protocol established for this purpose. The Regulation also requires facilities to take all necessary measures to ensure that the exercise of the right to conscientious objection does not in any way affect access to or the quality and timeliness of abortion services, thus ensuring that the procedure can be performed in urgent or emergency situations. Non-compliance with the Regulation is punished by the competent authority in accordance with the procedures set forth in the Health Code.

#### **Replies to the issues raised in paragraph 26**

181. The Ministry of Education has taken a series of measures to guarantee access to education, including for groups requiring special protection in the context of the COVID-19 pandemic, during which it was essential to put in place mechanisms to retain vulnerable students. The following measures have been taken:

(a) An early warning system was set up in 2020, and is available to all establishments in the country. It identifies students between the seventh year of primary education and the fourth year of secondary education at greatest risk of dropping out on the basis of an analysis of various indicators (e.g. education, socioeconomic status, family situation). School principals may access the platform and obtain a list of at-risk students with a view to putting in place tailored retention strategies;

(b) A contact management tool, set up in 2020, makes it possible to gather information on the situation of each student and view it in a simplified format in the context of remote or hybrid education. Every month, school principals download a table containing their establishment's enrolment list, gather the requisite information from students and upload the completed table to the system. They then automatically receive a report that contains a summary of the information, a list of students who are disengaged and/or failing to connect for remote classes, and suggested courses of action;

(c) A timely reintegration scheme was established in 2021, which works by sending text or WhatsApp messages to the guardians of children who were enrolled in school in 2020 but, in 2021, were either out of education or had applied through the school admissions system and been accepted to a secondary school but had not actually enrolled;

(d) In response to the COVID-19 pandemic, the use of funds distributed through the Preferential School Subsidy was made more flexible in 2020 in order to make it easier to move classes online and implement other distance learning strategies, for instance through

<sup>54</sup> <https://deis.minsal.cl/#tableros>. Search the "Tableros" section using the keyword "IVE".

the purchase of applications, digital platforms, software, Internet access, technological equipment, and hygiene and disinfection supplies.

182. The National Indigenous Development Agency<sup>55</sup> has rolled out the Indigenous Languages of Chile Recovery and Revitalization Programme through which training in the various languages spoken in Chile is provided. The target audience is persons under the age of 30 who can show, through a certificate of indigenous identity, that they belong to an indigenous people and yet do not understand or speak any of the country's indigenous languages. The Programme has three components: educational resources and phonetic materials for the learning of indigenous languages; organizations for the teaching of indigenous languages to children and young people; and a subsidy for the development of workshops and classes on indigenous languages.

183. The Programme offers three education modalities: Language Nests (for children aged 0 to 4 years); indigenous language immersion to develop spoken skills (for ages 10 to 29; can include external participants, such as relatives of beneficiaries and other members of their indigenous community);<sup>56</sup> and indigenous language workshops or classes for speaking and writing (for ages 5 to 29). Group projects of 15 to 25 persons are led by an educator who speaks indigenous languages and has official accreditation in the form of a certificate or letter of recommendation.

184. Approximately 92,895 people took part in the Programme between 2015 and 2021. It should be noted, however, that, due to the COVID-19 pandemic, it was not possible to increase the Programme's allocation from the national budget.

#### **Replies to the issues raised in paragraph 27**

185. The cultural heritage bill is at the first reading stage and has been debated more particularly since July 2021. Its purpose is to amend the National Monuments Act in three areas, specifically by: decentralizing the institutional structure and decision-making processes regarding cultural heritage and updating the composition of the National Cultural Heritage Board;<sup>57</sup> broadening categories of protection in order to take a comprehensive view of cultural heritage;<sup>58</sup> and establishing an effective system for the protection of cultural heritage through management and financing tools, which are currently insufficient.

186. Concerning intangible cultural heritage, the bill stipulates that the State, with input from legatee communities, should adopt measures to disseminate, raise awareness of and protect elements of intangible cultural heritage and ensure access to its various expressions while fully respecting customary uses.

<sup>55</sup> The Indigenous Peoples Act establishes the State's duty to promote indigenous cultures, as part of the heritage of the Chilean nation, and requires that indigenous cultures be recognized, respected and protected and that indigenous cultures and languages be used and preserved alongside Spanish in areas with a high proportion of indigenous persons.

<sup>56</sup> An application attesting to the applicants' indigenous identity and indicating their age and the level for which they are applying is necessary for the first two modalities.

<sup>57</sup> Thus, nine new councillors were added to the Regional Culture, Arts and Heritage Councils and were granted certain responsibilities in respect of legally protected cultural heritage. The current 13 members include a representative of indigenous peoples with a distinguished background in the arts, culture and heritage, who was appointed by the indigenous communities, associations and organizations established in keeping with the law.

<sup>58</sup> The bill incorporates the concept of public interest and establishes that it is the State's responsibility to recognize the public interest of the various categories of cultural heritage, irrespective of ownership, and to take the necessary action to protect, develop and effectively safeguard that heritage. In so doing, Government institutions must take into account the value that the various communities and conservators ascribe to the cultural heritage. In the bill, the concept of "communities" is understood broadly and includes both non-indigenous and indigenous communities without distinction or differentiation. The bill further establishes that, in identifying, documenting, registering, inventorying, researching, conserving, restoring, preserving, protecting, developing, emphasizing, safeguarding, promoting and disseminating cultural heritage in Chile that is protected under the Cultural Heritage Act, the State acts in coordination and collaboration with the owners and possessors of heritage assets, as well as the various communities and conservators, and promotes their active participation and that of the various civil society actors."

187. The bill provides for amendments to the Industrial Property Act to introduce mechanisms enabling legatee communities to exercise their civil and procedural rights and make commercial activities involving the practices, know-how and techniques of legatee communities contingent on these communities' authorization. Compensation would be envisaged in the event of non-compliance.

188. Lastly, the bill proposes the adoption of a law on indigenous cultural heritage, which would be subject to prior consultation. Similarly, it establishes that any administrative measure adopted pursuant to the Cultural Heritage Act the execution of which might directly affect the cultural heritage of indigenous or tribal peoples is subject to consultation with indigenous peoples. Furthermore, each of the regional councils with specific jurisdiction over cultural heritage protected under the National Monuments Act must include a representative of indigenous peoples.

189. The Culture and Education Unit of the National Indigenous Development Agency runs programmes designed to protect the cultural heritage of indigenous peoples. These include the following initiatives: work with intercultural gardens under the Indigenous Intercultural Education Programme; indigenous language workshops, along with other strategies, to stop the loss of indigenous languages through the Indigenous Languages of Chile Recovery and Revitalization Programme; promotion and dissemination of the culture of indigenous peoples through the Culture Dissemination and Development Programme; support for the work of traditional healers; and protection of sites of great significance in indigenous culture through the Indigenous Cultural Heritage Management and Protection Programme.

190. Lastly, indigenous experts and professionals are provided with training through grants to fund post-graduate or specialization studies.

#### **Replies to the issues raised in paragraph 28**

191. The Office of the Undersecretary for Telecommunications has designed a number of initiatives aimed at achieving universal access to good quality Internet in the home and thus closing the digital divide. The Government's development policies are focused on improving the coverage and quality of such services. The initiatives include: the Fixed Internet Programme to connect homes and businesses and encourage a shift towards new technologies, such as fibre optics, that provide better service; the National Fibre Optic Project, the aim of which is to equip the entire national territory with fibre-optic networks so that at least all mainland towns will have access to the high-speed digital highway by 2030; the deployment of fifth generation (5G) networks, which are known to provide far better quality of service than existing mobile networks; and the installation of wireless and satellite Internet networks in remote and inaccessible areas.

192. It is important to bear in mind when speaking of the digital divide that factors in addition to insufficient coverage, such as socioeconomic status and a lack of interest in or disinformation about new technologies, can play a part. However, the Office of the Undersecretary for Telecommunications has always been available to support organizations that need help in designing programmes that will bring their services closer to the public. In 2020, the Ministry of Social Development and the Family identified 53 indigenous communities without access to the Internet, 35 of which the Office of the Undersecretary for Telecommunications had already included in connectivity projects including the National Fibre Optic project, WiFi ChileGob, Todo Chile Comunicado, Última Milla and the payments associated with the 700MHz and 5G tenders.<sup>59</sup> For the La Araucanía area, the Office of the Undersecretary for Telecommunications has developed the "Conectemos Araucanía" Plan,<sup>60</sup> which envisages private and public investment of US\$ 190 million to enhance connectivity through a mix of technologies comprising fibre optic, 5G and Long-Term Evolution.

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<sup>59</sup> For detailed information on the National Fibre Optic project, WiFi ChileGob, Todo Chile Comunicado, Última Milla and the payment associated with the 700MHz tender, see: [https://www.subtel.gob.cl/wp-content/uploads/2021/10/Informe\\_Nacional\\_3T\\_2021.pdf](https://www.subtel.gob.cl/wp-content/uploads/2021/10/Informe_Nacional_3T_2021.pdf).

<sup>60</sup> Coverage of the entire La Araucanía Region and Arauco Province.

193. Closing the digital divide is not a simple task, and the Office of the Undersecretary for Telecommunications takes seriously its responsibility for designing plans to extend the nationwide coverage of quality services, including in coordination with the public and private organizations that request its assistance.

194. The Ministry of Science, Technology, Knowledge and Innovation runs the Public Science and Explore Programmes<sup>61</sup> that are designed to increase the population's scientific knowledge through various projects at the national level.

195. The Public Science Programme<sup>62</sup> – a large-scale initiative that promotes the democratization of knowledge through stakeholders and institutions, the development of memorable experiences and work with communities – contributes to public ownership of science, technology, knowledge and innovation. The Programme includes the “Open Science” project, a science festival and public science contests. To prevent discrimination of any kind, these elements of the Programme adhere to the following principles:

(a) Horizontal approach: individuals are recognized as conveyors of knowledge; therefore, efforts are being made to abandon the vertical approach to knowledge transmission in favour of a horizontal and participatory vision;

(b) Children's rights: the rights of children and adolescents are integrated into the projects;

(c) Gender perspective: it is explicitly acknowledged that everyone has equal potential to learn and develop regardless of their gender;

(d) Diversity: diversity is valued and empowered through strategies that reflect differences;

(e) Inclusive development: strategies that enable everyone to understand their environment are fostered;

(f) Interculturality: the contribution of original peoples and migrant communities to the national culture is valued, thus promoting the comprehensive development of society, taking into account the interaction and overlap between actors, regardless of their origin.

196. The Explore Programme,<sup>63</sup> designed to foster knowledge and appreciation of science, technology and innovation with a view to nurturing critical, creative and reflective thinking among the public in general, has three main target audiences: the general public; school communities; and scientists, researchers and disseminators. The programme incorporates human rights as a cross-cutting element of the activities envisaged thereunder, with four specific focuses, namely, inclusion, interculturality, gender and the rights of children and young people. The activities undertaken under the Programme consider both components of each area of focus, namely, citizens as rights holders and education as a protected right.

197. The principles of the Ministry of Culture, Arts and Heritage include democracy and cultural participation, meaning that individuals and communities are recognized as creators of content, practices and works of symbolic representation and, as such, have a right to play an active part in the country's cultural development and enjoy equitable social and territorial access to cultural assets, events and services. In addition, the Ministry contributes to the recognition and preservation of cultural heritage by promoting awareness and access and encouraging the involvement of individuals and communities in collective memory efforts and the process of defining heritage; brings cultural heritage to a wider audience; facilitates equitable access to knowledge and appreciation of artistic, cultural and heritage works, expression and goods; and promotes, within the scope of its mandate, the right of persons with disabilities to equal opportunities in access to and participation in culture.

<sup>61</sup> Reach of the programmes:

Explore Programme: 6,515 persons (2020) and 14,678 persons (2021)

Public Science Programme: 85,595 persons (2020) and 321,756 persons (2021).

<sup>62</sup> <http://cienciapublica.cl/>.

<sup>63</sup> <https://www.explora.cl/>.

198. The mission of the Ministry of Culture, Arts and Heritage is to design, formulate and implement policies, plans and programmes contributing to the harmonious and equitable development of the culture and heritage of Chile in all its diversity while recognizing and showcasing the cultures of indigenous peoples, geographical diversity and regional and local identities.

199. The following initiatives have been launched to ensure technological access to cultural goods and services:

(a) Choose Culture: a platform that lists artistic, cultural and heritage programmes in all regions of the country;

(b) Heritage 360: the digitization of museum collections and creation of virtual tours;

(c) Digital Public Library: free access to public interest digital books, audiobooks and video books;

(d) Ondamedia.cl website: free access to Chilean audiovisual content (e.g. films and documentaries).

200. Also of note is the Culture Network Programme,<sup>64</sup> the aim of which to strengthen cultural planning and management at the local level by funding projects designed for municipalities and cultural spaces that are public or intended for public use. Another aim is to bolster community-based cultural organizations through project funding and the promotion of collaborative practices, with beneficiaries being selected based on a prioritization index of vulnerable communities. The programme is available in all regions of Chile, contributing to cultural development at the local and national levels by involving diverse groups active and influential in the area of cultural policy. To support this aim, as part of community development efforts, mechanisms for cultural participation are set up that make it possible to plan cultural activities with a rights- and territory-based approach and thus achieve cultural development that takes into account diversity, including diversity within and among the country's towns.

201. As for the participation of women in science, in 2020, the Ministry for Women and Gender Equality, together with the Ministry of Foreign Affairs, took on, at the country level, the international challenge of heading the Action Coalition on Technology and Innovation for Gender Equality of the Generation Equality Forum. The Action Coalition is led by the Ministry for Women and Gender Equality, with support from partners including Microsoft, the Government of Finland and the Rockefeller Foundation. The aim is to encourage policies and initiatives in the following areas: bridging the gender gap in access to technology and digital literacy; increasing women's workforce participation and leadership in the fields of technology and innovation; eliminating gender-based violence and discrimination online; and developing innovation for gender equality.

202. Within this framework, the Ministry of Science, Technology, Knowledge and Innovation, the Ministry for Women and Gender Equality, the Ministry of Foreign Affairs and the Office of the Undersecretary for Telecommunications have spearheaded the first National Policy on Gender Equality in Science, Technology, Knowledge and Innovation,<sup>65</sup> which includes a plan containing 30 actions aimed at reaching gender parity by 2030.

203. In pursuit of the same goal, the Ministry for Women and Gender Equality has rolled out initiatives to promote the participation of women and girls in science, technology, engineering and mathematics (STEM). For example, more than 1,700 female students aged 13 to 16 years old have been mentored by women in these fields under the National Women in STEM Programme and the Powerful Women Programme, 240 people attended the online STEM Festival organized by Ingeniosas (an initiative dedicated to making the STEM world more open and attractive to girls), 2,000 STEM kits were distributed to 53 establishments around the country and 463 teachers and students from technical and vocational or

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<sup>64</sup> <https://www.cultura.gob.cl/redcultura/>.

<sup>65</sup> Further information about the National Policy, the associated action plan and how it was developed can be found at <https://minciencia.gob.cl/genero/>.

bicentennial high schools attended an online vocational talk on stereotypes given by IBM, the Ministry of Education and the Ministry for Women and Gender Equality.

204. In addition, the Ministry for Women and Gender Equality, together with the Ministry of Science, Technology, Knowledge and Innovation and the Ministry of Education, is piloting the STEM and Gender Advancement project of the United Nations Educational, Scientific and Cultural Organization. In this connection, information about indicators and current policies on inequalities, gaps and barriers in STEM has been gathered from all the ministries, a technical committee has been set up to implement the project, and a report on the indicators and policies with a gender perspective being applied by the State of Chile in STEM was recently published.

205. Furthermore, the Fourth National Plan on Gender Equality for the period 2018–2030<sup>66</sup> contains various goals relating to the promotion of gender equality in STEM, such as increasing to 40 per cent the percentage of higher education students in the field of technology that are women, stimulating access to high-potential enterprises for women and boosting women's participation in traditionally masculine areas of work.

### **Replies to the issues raised in paragraph 29**

206. Since 2019, the Ministry of Social Development and the Family has widened access to national government programmes through algorithm-based information systems under the Social Protection Network. Over 18 public services are coordinated through the Network, and its particularly noteworthy achievements include creating the digital platform [www.reddeproteccion.cl](http://www.reddeproteccion.cl), which gives the population access to 157 services.

207. Thus, by facilitating access and eliminating barriers to information, the authorities are ensuring that families can access government benefits to help them to weather adverse or unplanned events that jeopardize their progress or well-being. The Social Protection Network uses easy to understand language, which makes it easier to navigate the system and gain access to benefits. The platform contains links to various institutions that provide information (access via a single password).

208. Moreover, through the benefits search function, members of the public are directed to the benefits, including the social measures adopted in response to COVID-19, for which they may be eligible on the basis of their profile.

## **C. Good practices**

### **Replies to the issues raised in paragraph 30**

209. The main policies designed and implemented in 2021 in the area of economic, social and cultural rights, especially those of marginalized or disadvantaged people and groups, were aimed at addressing the serious economic and social impacts of the COVID-19 pandemic.

210. Through the 18 monthly transfers made between May 2020 and November 2021, a total of US\$ 25,644 million was disbursed, an amount 28 times higher than total expenditure on direct transfers in 2019. In November 2021, the Emergency Family Income – referred to as the Universal Emergency Family Income on this occasion – benefited 16,737,359 people, or 8,374,718 households, representing 96.5 per cent of the total population registered in the Social Registry of Households for that month.

211. Furthermore, responding to the serious economic situation in which many Chilean families find themselves, the Social Protection Network expanded its benefit programmes in 2020, extending eligibility for the middle-class grants, the State solidarity loan and the rental subsidy, implementing the Employment Protection Act, the Small Business Safeguard Fund, a ban on cutting basic services, the Working Mothers and Fathers Protection Subsidy, a grant for drivers and pensioners, employment subsidies, and direct support for small and medium-

<sup>66</sup> <https://minmujeryeg.gob.cl/wp-content/uploads/2020/02/Res.-Ex.-69-20-Aprueba-Actualizacion-Cuarto-Plan-de-Igualdad-MMEG.pdf>.

sized enterprises. According to the Budget Directorate, the fiscal cost of the temporary measures taken to strengthen and expand the Social Protection Network over the period from January to September 2021, which, according to the corresponding data, mitigated the impact on millions of families and prevented them from falling into poverty, was US\$ 23,057 million.<sup>67</sup>

212. An itemized statement of the assistance provided by the State can be found at <https://www.gob.cl/ayudasdeestado/>.

213. Concerning persons with disabilities, good practices in the area of education include the Support Programme for Students with Disabilities in Higher Education Establishments,<sup>68</sup> which has funded technical aids and support services for students with disabilities in higher education since 2015 (nationwide coverage since 2016), and the Support Programme for Educational Establishments, which has funded projects aimed at reducing environmental barriers to enhance education inclusion since 2017. In the area of health, the Community-Based Rehabilitation Network Strengthening Programme is intended to support the development and transformation of community rehabilitation centres and other rehabilitation facilities under the national health system in order to provide more comprehensive, community-based rehabilitation services. In the area of employment, Act No. 21015, described above, establishes incentives for the workforce integration of persons with disabilities. Lastly, regarding culture and sports, the purpose of the National Inclusive Projects Fund is to fund initiatives that contribute to the social inclusion of persons with disabilities.

214. Lastly, with regard to older persons, Chile ratified the Inter-American Convention on Protecting the Human Rights of Older Persons in 2017 and a bill on positive ageing was presented in 2020 with a view to strengthening protection for the rights of older persons, increasing their participation and promoting age-friendly cities.

215. Other good practices in this area include:

- (a) Programme for the Proper Treatment of Older Persons;
- (b) Communication campaigns about age discrimination;
- (c) Social and legal advice services for older persons through tandem teams made up of a social worker and a lawyer. In order to protect their estates, older persons can obtain a free document proving legal ownership of their homes and lands;
- (d) From January 2022, all beneficiaries of the non-contributory pension will see a 50 per cent increase in their pension, while those who receive top-up payments will see an average rise of 34 per cent;
- (e) Contributions have been reduced under the Taxation Modernization Act. For instance, older persons with a monthly income of Ch\$ 669,000 or less are exempt from property taxes, while the property taxes of older persons with an income of Ch\$ 1.5 million have been halved;
- (f) Through a fund for adapting the homes of older persons and rental subsidies, the State pays part of the rent of families and older persons among the 70 per cent most vulnerable in the Social Registry of Households who rent rather than own their homes.

<sup>67</sup> Nearly 7 per cent of gross domestic product.

<sup>68</sup> The number of beneficiaries and budgetary allocations: 2015: 128 students, Ch\$ 244,020 million; 2016: 199 students, Ch\$ 415,767 million; 2017: 303 students, Ch\$ 487,671 million; 2018: 332 students, Ch\$ 677,394 million; 2019: 230 students, Ch\$ 449,029 million; 2020: 457 students, Ch\$ 521,327 million. Owing to the pandemic, the focus of the programme was to allocate the specific technical equipment and support services needed to facilitate and ensure access to virtual classes.