



# Convention on the Rights of Persons with Disabilities

Distr.: General  
29 January 2026  
English  
Original: Spanish  
Arabic, English, French and  
Spanish only

---

## Committee on the Rights of Persons with Disabilities

### **Combined second to fourth periodic reports submitted by Chile under article 35 of the Convention pursuant to the optional reporting procedure, due in 2022\* \*\* \*\*\***

[Date received: 29 December 2022]

---

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

\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CRPD/C/CHL/QPR/2-4).

\*\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. Introduction

1. The Government of Chile hereby reports on progress made in the implementation of the Convention on the Rights of Persons with Disabilities, responding to the list of issues drawn up by the Committee prior to submission of the State's combined second to fourth periodic reports.

2. The report covers the period from 2016 to July 2022 and describes legislative and public policy advances and other relevant events that have had an impact on the exercise of rights by citizens in general and persons with disabilities in particular. More than 40 government bodies were involved in its preparation.

3. At the legislative level, the adoption of the following laws was of particular importance: (i) Act No. 21.015 (2017), which provides incentives for the inclusion of persons with disabilities in the workforce of government bodies and private companies; (ii) Act No. 21.168 (2019), which enshrines the right to priority healthcare for persons with disabilities; (iii) Act No. 21.303 (2021), which promotes the use of Chilean Sign Language, recognizing it as the official language of deaf persons; (iv) Act No. 21.331 (2021), which recognizes and protects the rights of persons affected by mental illness or a psychological or intellectual disability; (v) Act No. 21.380 (2021), which recognizes the right of the caregivers of persons with disabilities to preferential treatment in the field of health; and (vi) Act No. 21.403 (2022), which recognizes deafblindness as a single impairment.

4. At the public policy level, notable efforts have been made to mainstream disability issues in the work of all branches of government, particularly in healthcare, education, labour, disasters and emergencies, housing, public safety, access to justice, gender, sport and culture.

5. There have also been considerable efforts to proceed with the adoption of a disability classification and certification system that takes a human rights-based approach and provides for improvements in the system's application. Also of note are the advances achieved in the area of mental health, which include the promulgation of Act No. 21.331 and the *de jure* recognition of the right of all persons to give or withhold their consent to undergo any procedure or treatment associated with their healthcare. In this context, the forced sterilization of children and adolescents has been expressly prohibited since 2021. Attention should also be drawn to the actions taken to minimize the adverse effects of the pandemic for persons with disabilities, ensuring that information was always accessible and that access to support services, healthcare and education was not interrupted.

6. Despite the progress made, significant challenges to guaranteeing the rights of persons with disabilities were noted during the preparation of this report. To ensure that policies, plans, programmes and initiatives consider the needs of persons with disabilities throughout their lives, taking account of intersectional variables such as gender, nationality, migration status, Indigenous origin and deprivation of liberty, among others, it is imperative that cross-sectoral efforts are further strengthened. Shortcomings were also identified in the compilation of statistics and keeping of public records: the fact that disability status is not always included as a consultable variable makes it difficult to compile more accurate quantitative information about the impact of certain issues, public policies and other initiatives. It is hoped that the results of the 2022 national disability and dependence survey, which are pending release, will rectify this lack of up-to-date data, at least in part. Another major challenge to be resolved is the move towards full recognition of the legal capacity of persons with disabilities by eliminating the substitute decision-making model still in place in Chile and replacing it with a system of support and safeguards. A bill providing for this transition has already been drafted.

7. Human rights are a central, cross-cutting element of the new Government's programme. The current reporting cycle is thus of the utmost importance, constituting an opportunity to demonstrate the firm commitment to addressing disability issues that exists within the public administration. In this context, in October 2022, the National Service for Persons with Disabilities invited persons with disabilities, their organizations and families, and members of the general public to contribute to this report by sharing their views on three

key subjects:<sup>1</sup> disability classification and certification; protecting the integrity of persons with disabilities, and; disability and the coronavirus disease (COVID-19). These subject areas were selected on the basis of the recommendations that the Committee issued to the Government of Chile in 2016 and the list of issues issued in 2020. Additionally, regional civil society committees were invited to attend day-long workshops at which they were able to share their views and opinions on the reporting process and the three aforementioned subject areas.<sup>2</sup> The results of these consultations are set out in the document attached as annex 8, the purpose of which is to synthesize civil society's views on these subjects and supplement the State's response to them.

8. All figures mentioned in this report are expressed in Chilean pesos.

## II. Purpose and general obligations

9. In August 2020, the Permanent Commission for Older Persons and Persons with Disabilities was established within the Chamber of Deputies<sup>3</sup> to oversee the passage of bills<sup>4</sup> concerning disability- and age-related issues and ensure a more specialized review of draft legislation in these areas.

10. The National Service for Persons with Disabilities serves as a source of expert advice for the passage of bills related to the rights of persons with disabilities and takes an active role in their development and review. It also contributes to the formulation of such bills, working with the Ministry of Social Development and Family Services to ensure that they incorporate a disability-inclusive, human rights-based perspective<sup>5</sup> and use the correct terminology.<sup>6</sup>

11. With regard to disability classification and certification, the Ministry of Health has strengthened the capacity of the disability units attached to the preventive medicine and disability committees of the Ministry's 16 regional secretariats. There are 27 disability units, which are staffed by multidisciplinary teams, with a total of 116 professionals working on disability classification and certification nationwide, and have a rolling annual budget. In 2017, disability certification was incorporated into the ISO 9001-2015 Quality Management System of the Office of the Undersecretary for Health, delivering ongoing service improvements that have facilitated compliance with the legal deadlines for disability classification and certification, standardized protocols and procedures which conform to regulations, and measurable results. In 2018, an institutional statistical record-keeping system was introduced that compiles reports and measures indicators on a monthly, yearly and regional basis for each preventive medicine and disability committee associated with the disability classification and certification process. Variables monitored include gender, age, cause of disability, degree of severity and the number of assessments carried out by disability classification units in the area in question.

12. From 2016 to 2019, the disability units attached to the preventive medicine and disability committees organized 94 workshops on the disability classification and certification system, providing training on its use for 2,000 professionals nationwide. Overall, 57% of certifications issued from 2018 to 2021 were based on assessments conducted by regional disability classification and certification units. The certification process was digitalized during the pandemic.<sup>7</sup>

<sup>1</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8846/senadis-invita-a-participar-del-reporte-del-estado-de-chile-al-comite-de-naciones-unidas-sobre-los-derechos-de-las-personas-con-discapacidad](https://www.senadis.gob.cl/sala_prensa/d/noticias/8846/senadis-invita-a-participar-del-reporte-del-estado-de-chile-al-comite-de-naciones-unidas-sobre-los-derechos-de-las-personas-con-discapacidad).

<sup>2</sup> [https://senadis.gob.cl/sala\\_prensa/d/noticias/8850/senadis-desarrolla-encuentros-sobre-reporte-del-estado-de-chile-ante-el-comite-sobre-lo-derechos-de-las-personas-con-discapacidad-con-cosoc-regionales](https://senadis.gob.cl/sala_prensa/d/noticias/8850/senadis-desarrolla-encuentros-sobre-reporte-del-estado-de-chile-ante-el-comite-sobre-lo-derechos-de-las-personas-con-discapacidad-con-cosoc-regionales).

<sup>3</sup> <https://www.diariooficial.interior.gob.cl/publicaciones/2020/08/25/42739/01/1804456.pdf>.

<sup>4</sup> Annex 5.

<sup>5</sup> Annex 1.

<sup>6</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8815](https://www.senadis.gob.cl/sala_prensa/d/noticias/8815).

<sup>7</sup> <https://compin.cerofilas.gob.cl/>.

13. The National Service for Persons with Disabilities has been working to develop the National Disability Classification and Certification Plan since 2019, reviewing and adjusting the classification and certification process to improve administration and awareness. An analytical survey based on inclusive dialogue in which persons with disabilities and representatives of the institutions responsible for or involved in the classification and certification process were invited to take part was conducted in the country's 16 regions from October 2019 to February 2020. In total, 58 round table discussions were organized, including 30 with civil society organizations. Representatives of 164 groups of and for persons with disabilities and 575 individuals took part, with 292 representatives of organizations of and for persons with disabilities contributing. Additionally, 32 interviews with representatives of groups of and for persons with disabilities and persons with disabilities not associated with a particular organization were organized, with priority being given to communes outside the regional capitals.

14. Work to design and implement the strategic lines of the National Disability Classification and Certification Plan was then initiated, drawing on the results of the survey. One of these lines of action was to promote awareness of the process, working to foster an inclusive culture within which disability issues are addressed and the barriers associated with stigmatization and discrimination are eliminated. Sixteen regional reports and one national diagnostic report were produced.<sup>8</sup> A procedural manual for the disability classification and certification process<sup>9</sup> was drawn up in June 2020, in conjunction with the Office of the National Preventive Medicine and Disability Committee. The manual provides guidelines that will allow for the classification and certification process to be standardized while safeguarding the rights of persons with disabilities and ensuring compliance with Act No. 20.422<sup>10</sup> and Decree No. 47.<sup>11</sup> In October 2021, the Office of the National Preventive Medicine and Disability Committee, together with the Hospital Digital telemedicine platform, organized four information-sharing sessions to increase knowledge of the updated classification and certification process, which were attended by 1,200 persons nationwide.

15. To support the implementation of the National Disability Classification and Certification Plan, in 2022 remote training sessions that were accessible nationwide were organized to share information with persons with disabilities and encourage them to register on the National Disability Register. From April to August 2022, 19 workshops, attended by approximately 1,000 persons, were organized as part of the "My Decision, My Credentials" campaign.<sup>12</sup>

16. The National Service for Persons with Disabilities has organized various public consultations, including: (a) in 2017, in implementation of Act No. 21.015<sup>13</sup> and its regulations,<sup>14</sup> a nationwide public consultation,<sup>15</sup> to which members of organizations of and for persons with disabilities and members of the National Service for Persons with Disabilities' civil society committees contributed, both in person and online;<sup>16</sup> (b) in 2017, consultations to update the range of technical aids available,<sup>17</sup> and, in 2018, a call for contributions from persons with disabilities, their family members and caregivers and

---

<sup>8</sup> [https://www.senadis.gob.cl/pag/579/1901/diagnostico\\_del\\_plan\\_nacional\\_de\\_calificacion\\_y\\_certificacion](https://www.senadis.gob.cl/pag/579/1901/diagnostico_del_plan_nacional_de_calificacion_y_certificacion).

<sup>9</sup> [https://milicenciamedica.cl/assets/pdf/MANUAL\\_CALIFICACION\\_Y\\_CERTIFICACION\\_DISCAPACIDAD\\_2022.pdf](https://milicenciamedica.cl/assets/pdf/MANUAL_CALIFICACION_Y_CERTIFICACION_DISCAPACIDAD_2022.pdf).

<sup>10</sup> <http://bcn.cl/2irkh>.

<sup>11</sup> <http://bcn.cl/2ltmx>.

<sup>12</sup> [https://www.senadis.gob.cl/pag/637/1945/campana\\_mi\\_decision\\_mi\\_credencial](https://www.senadis.gob.cl/pag/637/1945/campana_mi_decision_mi_credencial).

<sup>13</sup> <http://bcn.cl/2f9hw>.

<sup>14</sup> [https://www.bcn.cl/leychile/consulta/vinculaciones/reglamento?idNorma=1103997&fechaVigencia=2018-04-01&clase\\_vinculacion=REGLAMENTO](https://www.bcn.cl/leychile/consulta/vinculaciones/reglamento?idNorma=1103997&fechaVigencia=2018-04-01&clase_vinculacion=REGLAMENTO).

<sup>15</sup> [https://www.senadis.gob.cl/pag/459/1740/consulta\\_ciudadana\\_ano\\_2017\\_proceso\\_cerrado](https://www.senadis.gob.cl/pag/459/1740/consulta_ciudadana_ano_2017_proceso_cerrado).

<sup>16</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/6885](https://www.senadis.gob.cl/sala_prensa/d/noticias/6885).

<sup>17</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/6727](https://www.senadis.gob.cl/sala_prensa/d/noticias/6727).

professionals working in the area of disability;<sup>18</sup> (c) in 2018, consultations<sup>19</sup> related to the first public invitation to apply to the Transition to Independent Living Programme, and; (d) in 2021, consultations to assess the implementation of Act No. 21.015,<sup>20</sup> so complying with the legal obligation established thereunder, followed by the production of a report<sup>21</sup> (see para. 166). Although “disability and Indigenous origin” was not one of the variables considered in the consultations conducted with Indigenous Peoples, the services and programmes of the National Indigenous Development Agency include competitive grant funding and initiatives with a productive and social focus in which Indigenous Persons in socially and economically disadvantaged situations and with disabilities are awarded additional points.

17. The Ministry for Women’s Affairs and Gender Equity and the National Service for Women’s Affairs and Gender Equity have established civil society committees on which organizations working with and for women with disabilities are represented.

18. To facilitate the work of civil society organizations, in conjunction with the International Labour Organization (ILO), the National Service for Persons with Disabilities has been developing a programme entitled “More Inclusion, Learning to Include”,<sup>22</sup> designed to foster inclusive practices among State actors, civil society and the private sector. In 2020, a survey of advocacy spaces and citizen participation platforms was conducted to assess the extent to which they included persons with disabilities, drawing on both national data and international experiences. A web page incorporating various training resources (<https://masinclusion.org/>) was developed and round tables were organized in the Metropolitan Region and Maule with a view to formulating an advocacy plan in which the public and private sectors, civil society and trade unions are involved and designing a communications strategy to raise awareness of and share information about the programme. In 2021 and 2022, the Service ran a course on developing skills for participation and partnership to foster the inclusion of persons with disabilities that was designed to provide practical tools and knowledge and focused on strengthening the regional civil society committees.

### III. Specific rights

#### Article 5

19. Act No. 20.609<sup>23</sup> recognizes disability as a prohibited form of discrimination and establishes penalties aimed either at eliminating the effect of the discriminatory act or forcing the respondent to rectify a failure to act, setting, in the latter case, a reasonable deadline for compliance. Additionally, the Act amends article 12 of the Criminal Code to include perpetrating or participating in an offence where the victim’s illness or disability is the motive as an aggravating circumstance.

<sup>18</sup> The aim of the consultations was to gauge public opinion about the pertinence of the range of technical aids supplied by the National Service for Persons with Disabilities and about new products that foster the inclusion of persons with disabilities.

<sup>19</sup> The aim was to gather the opinions of persons with disabilities, family members, friends, caregivers, personal assistants, experts and professionals involved in social inclusion issues about support services and training focused on the transition to independent living.  
[https://www.senadis.gob.cl/pag/507/1796/consulta\\_ciudadana\\_ano\\_2018\\_proceso\\_cerrado](https://www.senadis.gob.cl/pag/507/1796/consulta_ciudadana_ano_2018_proceso_cerrado).

<sup>20</sup> A total of 608 persons took part and various areas for improvement were identified, including the provision of greater information about recruitment and a wider range of support services, with the importance of job placement services and ongoing monitoring to ensure compliance with the law being highlighted.

<sup>21</sup> <https://www.mintrab.gob.cl/wp-content/uploads/2021/06/INFORME-LEY-N-21.015-PDF.pdf>.

<sup>22</sup> <https://masinclusion.org/>.

<sup>23</sup> <http://bcn.cl/2g7mr>.

20. With regard to remedies, national law provides for: (a) proceedings under article 57 of Act No. 20.422,<sup>24</sup> regulating “necessary” accommodation; (b) protective proceedings (Constitution, art. 20);<sup>25</sup> (c) proceedings for the protection of labour rights (Labour Code, art. 85 et seq).<sup>26</sup>

21. By Act No. 20.940,<sup>27</sup> disability was established in the Labour Code as a cause of discrimination that could constitute grounds for labour protection proceedings. Act No. 21.015<sup>28</sup> added to the administrative statute regulating public sector employees a prohibition on any act of arbitrary discrimination that might cause exclusion or restriction, including exclusion or restriction based on disability, that is intended to nullify or undermine equal opportunities and equal treatment in employment. Public sector employees with a disability may invoke this provision in association with Act No. 21.280 to institute labour protection proceedings.<sup>29</sup>

22. Intersectional and multiple discrimination are not expressly recognized in legislation but the lists of prohibited forms of discrimination included in the various legal texts use the conjunction “or” to indicate that the grounds listed are examples only, thereby allowing for claims of intersectional discrimination on two or more grounds to be brought.

23. Bill No. 12.748–17<sup>30</sup> is under consideration. Its main objectives are to eradicate, prevent, punish and provide redress for any forms of discrimination against any person or group of persons and to promote the principles of equality and non-discrimination. Additionally, the bill envisages a special, expedited judicial procedure for addressing acts of arbitrary discrimination.<sup>31</sup>

## Article 6

24. A management improvement programme for gender mainstreaming is in place in all public sector service departments. The aim of these programmes is to ensure that every State agency takes a gender-sensitive approach to the provision of strategic services and/or products and incorporates gender variables in its information systems so that the differing needs of men and women can be identified and differentiated responses can be provided.

25. Paragraphs 50 et seq. of this report describe the action taken to ensure the accessibility of information in situations of risk and humanitarian emergency. Paragraph 106 refers to the agreement to establish a centre for deaf women concluded between the Ministry for Women’s Affairs and Gender Equity and the Nellie Zabel Foundation.

26. Every year, the Ministry for Women’s Affairs and Gender Equity, the National Service for Women’s Affairs and Gender Equity and the National Service for Persons with Disabilities take coordinated action to raise awareness of the rights of women with disabilities, primarily within the framework of their respective gender mainstreaming management improvement programmes and the agreement to cooperate in advancing and raising awareness of the rights of women with disabilities signed in 2020. A gender and disability committee has been established, which, in 2021, adopted an internal work plan that envisages specific actions. In 2020 and 2021, a particular focus of efforts was the preparation and

<sup>24</sup> <http://bcn.cl/33fh9>.

<sup>25</sup> <http://bcn.cl/2j5hn>.

<sup>26</sup> <http://bcn.cl/3129i>.

<sup>27</sup> <http://bcn.cl/32rls>.

<sup>28</sup> <http://bcn.cl/307il>.

<sup>29</sup> <http://bcn.cl/2m4k0>.

<sup>30</sup> <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=13286&amp;prmBOLETIN=12748-17>.

<sup>31</sup> Article 2 bis of the proposed legislation is of particular note in that it expands upon the concept of discrimination and its different forms, distinguishing between direct and indirect discrimination, structural discrimination and multiple or aggravated discrimination.

publication of a guide to providing support for women with disabilities who are victims of violence<sup>32</sup> and a booklet of recommendations, which have been distributed among various State agencies.<sup>33</sup>

27. The draft law on the right of women to a life free from violence (bill No. 11077-07),<sup>34</sup> focused on preventing, punishing and eliminating violence against women, expressly mentions ethnicity, disability and migration status as protected characteristics but leaves open the possibility of “any other characteristic” also being considered. The forms of violence against women covered include symbolic, institutional, political, workplace and indirect violence. The draft law references the Convention on the Rights of Persons with Disabilities and incorporates amendments to Act No. 20,066 to introduce measures to protect and assist persons with disabilities as well as women, older persons and children.<sup>35</sup>

28. The Indigenous Women’s Agenda announced on 9 August 2021 encompasses at least 20 initiatives designed to advance the leadership, economic independence, physical autonomy and right to a life free from violence of Indigenous women.

## Article 7

29. Act No. 21.430 on safeguards and comprehensive protection for the rights of children and adolescents was promulgated on 15 March 2022. The principles enshrined therein include the right of children and adolescents to be recognized as subjects of law, the best interests of the child, the right to progressive autonomy and the gender perspective. Other rights and safeguards are also recognized.<sup>36</sup>

30. Article 8 of the Act expands upon the principle of equality and non-arbitrary discrimination, stating that children and adolescents “have the right to equality in the enjoyment, exercise and protection of their rights, without arbitrary discrimination, in accordance with the Constitution, the Children and Adolescents’ Code, and other in-force international human rights treaties ratified by Chile and national legislation.” The article prohibits arbitrary discrimination on grounds of the disability status of children and adolescents.

31. Article 19 enshrines the principle of inclusion, indicating that the State must adopt the measures necessary to facilitate the social and educational inclusion of all children and adolescents, especially those who, due to their physical or psychological circumstances, or any other situation or circumstance, may be susceptible to discriminatory treatment, and help them to realize their full potential.

## Article 8

32. No specific action has been taken to address the situation of Indigenous persons with disabilities but training programmes that promote the equal treatment of persons with disabilities have been developed. Examples include: (a) The “Ready to Include” programme,<sup>37</sup> designed to educate government officials about issues including<sup>38</sup> the right to

<sup>32</sup> <https://www.senadis.gob.cl/descarga/i/6034/documento>.

<sup>33</sup> Training in the use of this guide was provided at the national and regional levels to the institutions of the Support Network for Victims, namely the Public Prosecution Service, the judiciary, the National Service for Women’s Affairs and Gender Equity, the National Service for Minors and the Ministry of Justice and Human Rights. In November 2020, the National Service for Persons with Disabilities shared the guide with lawyers attached to the Access to Justice Programme for persons with disabilities.

<sup>34</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=11077-07](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=11077-07).

<sup>35</sup> Although the draft agreed on first reading does not expressly introduce the concept of intersectionality, there are indirect references.

<sup>36</sup> <http://bcn.cl/2yieq>.

<sup>37</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8268/senadis-y-servicio-civil-lanzan-cursos-sobre-inclusion-de-personas-con-discapacidad-para-funcionarios-publicos](https://www.senadis.gob.cl/sala_prensa/d/noticias/8268/senadis-y-servicio-civil-lanzan-cursos-sobre-inclusion-de-personas-con-discapacidad-para-funcionarios-publicos).

<sup>38</sup> [https://academia.senadis.cl/?utm\\_source=serviciocivil&utm\\_medium=tarjeta&utm\\_campaign=campus](https://academia.senadis.cl/?utm_source=serviciocivil&utm_medium=tarjeta&utm_campaign=campus).

universal accessibility, challenges for public service providers and accessibility standards in building and urban planning and in which 5,681 persons have enrolled since the launch of the [academia.senadis.cl](https://academia.senadis.cl) learning platform; (b) the “More Inclusion, Learning to Include” programme,<sup>39</sup> consisting of an online community for sharing training resources developed by the National Service for Persons with Disabilities with support from ILO; and (c) the “Including” programme,<sup>40</sup> consisting of a web platform for inclusive communication.<sup>41</sup>

33. Inclusive communication from a rights perspective, with a view to raising awareness, informing and educating about the rights of persons with disabilities, is one of the lines of action promoted by the National Fund for Inclusive Initiatives administered by the National Service for Persons with Disabilities. All activities must include measures to enhance accessibility for persons with a sensory and/or intellectual disability and must be designed from a rights-based perspective, in accordance with the Convention on the Rights of Persons with Disabilities and Act No. 20.422.<sup>42</sup>

34. The National Service for Persons with Disabilities has run campaigns with the following focuses:<sup>43</sup> (a) the International Day of Persons with Disabilities; (b) promoting the correct use of disability-related language and how to interact with persons with disabilities; (c) Act No. 21.015; (d) the global campaign for the proper treatment of children with disabilities around the world<sup>44</sup> (2019); (e) Get Active for Inclusion (2019); (f) the communications strategy for raising awareness of the National Disability Classification and Certification Plan (2020); (g) outreach activities in the context of the COVID-19 health crisis; (h) promotion of the “Inclusive Chile” seal; (i) Inclusive Summer (2016, 2017 and 2018); (j) 10-year anniversary of the Convention on the Rights of Persons with Disabilities (2016), and; (k) raising awareness of available services and topics of interest (2022).

35. The Office of the Minister and Secretary General of Government organized a communications campaign to promote the correct use of language,<sup>45</sup> which is still running.

36. The National Service for Persons with Disabilities has developed various mechanisms for consultation with organizations of and for persons with disabilities. These have included: (a) inclusive consultations on the National Disability Classification and Certification Plan, conducted from October 2019 to February 2020 and referred to in paragraph 13; (b) the formation of regional civil society committees and the National Disability Advisory Committee;<sup>46</sup> (c) the “PaísDI<sup>47</sup> – Chile for Intellectual Disabilities” advocacy programme, launched in 2019 with support from the National Service for Persons with Disabilities<sup>48</sup> to promote social engagement on intellectual disability and led by persons with intellectual disabilities together with family members, professionals and academics, under which

<sup>39</sup> <https://masinclusion.org/>.

<sup>40</sup> <https://includiendo.senadis.cl/>.

<sup>41</sup> A web platform created by persons with and without disabilities with the aim of building a community by sharing news, videos, testimonials, reports and information about the world of disability.

<sup>42</sup> <http://bcn.cl/2irkh>.

<sup>43</sup> Annex 2

<sup>44</sup> [https://www.senadis.gob.cl/pag/509/1798/campana\\_buen\\_trato\\_de\\_ninas\\_ninos\\_y\\_adolescentes\\_con\\_discapacidad\\_en\\_el\\_mundo](https://www.senadis.gob.cl/pag/509/1798/campana_buen_trato_de_ninas_ninos_y_adolescentes_con_discapacidad_en_el_mundo).

<sup>45</sup> <https://observatorio.msgg.gob.cl/las-palabras-correctas-hacen-la-diferencia/>.

<sup>46</sup> These committees gather together the opinions of committee members and representatives of organizations of and for persons with disabilities regarding the design and implementation of service programmes and policies. The minutes of meetings are available at:

[https://www.senadis.gob.cl/pag/390/1654/actas\\_de\\_sesiones\\_ano\\_2015\\_2019](https://www.senadis.gob.cl/pag/390/1654/actas_de_sesiones_ano_2015_2019) and

[https://www.senadis.gob.cl/pag/629/1971/actas\\_de\\_sesiones\\_ano\\_2021\\_2024](https://www.senadis.gob.cl/pag/629/1971/actas_de_sesiones_ano_2021_2024). The minutes of committee meetings are available at <https://www.senadis.gob.cl/pag/194/1427/descripcion>. Call for candidates to join regional civil society committees available at:

[https://www.senadis.gob.cl/pag/603/1903/convocatoria\\_2021\\_consejos\\_regionales\\_de\\_la\\_sociedad\\_civil](https://www.senadis.gob.cl/pag/603/1903/convocatoria_2021_consejos_regionales_de_la_sociedad_civil). Call for candidates to join the National Disability Advisory Committee available at:

[https://www.senadis.gob.cl/pag/348/1612/avisos\\_publicados](https://www.senadis.gob.cl/pag/348/1612/avisos_publicados).

<sup>47</sup> For more information, visit: <https://paisdi.senadis.cl/>.

<sup>48</sup> This initiative has two components: the design and implementation of regional schools to provide leadership training for persons with an intellectual disability, from a rights- and intellectual disability-based perspective; and the creation of local committees on intellectual disability.

regional committees and schools have been established in 14 regions of the country and the <https://paisdi.senadis.cl/> website has been set up to report on activities carried out; (d) the “More Inclusion, Learning to Include” programme, run with support from ILO (see paras. 18 and 32); (e) a day-long symposium to reflect on the social protests of October 2019, which brought together over 74 representatives of social organizations of and for persons with disabilities to promote the participation of persons with disabilities and obtain their recommendations for inclusive dialogue mechanisms;<sup>49</sup> (f) the National Symposium for the Inclusion of Persons with Disabilities, the conclusions of which informed the “The Chile We Want” initiative, a forum for dialogue and social listening with the aim of building a roadmap that incorporates citizens’ suggestions in the new post-October 2019 social agenda;<sup>50</sup> (g) in 2020, public consultations to gather views and opinions on the implementation of Act No. 21.015 (para. 16), and; (h) in 2022, regional inclusive consultations focused on strengthening organizations of and for persons with disabilities, providing information and skills to facilitate their participation in the mechanisms established by central Government and local public institutions.

## Article 9

37. The “Accessible Chile” Plan developed by the National Service for Persons with Disabilities sets out a basic methodology for formulating regional accessibility plans. In 2017, in conjunction with the Ministry of Housing and Town Planning, the Ministry of Public Works, the Ministry of Public Goods and the Ministry of Transport and Telecommunications, the Service published a guidebook entitled “Accessible Chile: Methodological bases for implementing a regional accessibility plan”.<sup>51</sup>

38. In October 2021, by Decree No. 37,<sup>52</sup> the Ministry of Social Development and Family Services created a new presidential advisory committee, namely the Committee on Universal Accessibility for Persons with Disabilities,<sup>53</sup> tasked with formulating a proposal for a national universal accessibility plan to be implemented over the period 2022–2032. The plan was tabled in December 2021 and adopted as a presidential commitment in June 2022. The aim of the National Universal Accessibility Plan<sup>54</sup> is to improve the accessibility of the physical environments, communications, information technologies and practices of those who provide services to citizens by applying universal design principles.

39. As part of its “Accessibility in Public Institutions” programme, the National Service for Persons with Disabilities has run courses for public officials on accessibility in buildings and public spaces, access to information and communications. This programme has also provided the framework for the implementation of accessibility assessments and accessibility plans in public buildings nationwide. In 2021 and 2022 combined, nationwide, accessibility reports on 180 public buildings were published. For details of other advances in accessibility, see annex 3.

<sup>49</sup> See: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8052/](https://www.senadis.gob.cl/sala_prensa/d/noticias/8052/).

<sup>50</sup> More than 200 representatives of organizations of and for persons with disabilities from all regions took part. The conclusions were incorporated into the [www.chilequequeremos.cl](http://www.chilequequeremos.cl) platform. This event was publicized on social media and on the website of the National Service for Persons with Disabilities: See: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8147](https://www.senadis.gob.cl/sala_prensa/d/noticias/8147), [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8140](https://www.senadis.gob.cl/sala_prensa/d/noticias/8140), [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8169](https://www.senadis.gob.cl/sala_prensa/d/noticias/8169), [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8133](https://www.senadis.gob.cl/sala_prensa/d/noticias/8133), [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8146](https://www.senadis.gob.cl/sala_prensa/d/noticias/8146).

<sup>51</sup> <https://www.senadis.gob.cl/descarga/i/4722/documento>.

<sup>52</sup> <https://bcn.cl/2to97>.

<sup>53</sup> Composed of 15 persons – including persons with disabilities – who are experts in accessibility and representatives of organizations of and for persons with disabilities, universities and municipal associations.

<sup>54</sup> The Plan envisages 120 measures to be implemented over periods of 3, 5 and 10 years and focuses on 13 priority areas. It also includes proposals for coordinating action to ensure compliance with the current universal accessibility regulations and investment in urban upgrading at the municipal level, as well as proposals for the administration and governance of the Plan.

40. The procedure for reporting cases of non-compliance with accessibility requirements is set out in article 57 of Act No. 20.422.<sup>55</sup> Cases in which non-compliance might be linked to discrimination may be reported using the anti-discrimination procedure set out in article 3 of Act No. 20.609.<sup>56</sup> Additionally, article 28 of Act No. 20.422 stipulates that the Department of Municipal Works has a responsibility to report cases of non-compliance with accessibility requirements to the local police courts. At the request of the Department of Municipal Works, municipal authorities may conclude collaboration agreements with individuals or companies who will work with them to monitor compliance.

41. Pursuant to Act No. 20.422, a fine of between 10 and 120 monthly tax units (an official inflation-linked reference unit referred to as UTM) may be imposed. In the case of repeat offences, the fine is doubled and in some cases the establishment may be ordered to close. The funds received through these fines will be used exclusively to fund programmes and activities that benefit persons with disabilities. The fine applicable under the anti-discrimination procedure is between 5 and 50 monthly tax units, in this case payable to the Treasury. In both cases, the court may also order other measures. The judiciary does not have disaggregated data specifically related to these forms of legal proceedings but, in 2021, 35 claims were brought pursuant to Act 20.609. In this same year, 28 cases were closed (4 by final judgment, 2 by settlement and the rest for other reasons). The local police courts responsible for hearing cases under Act No. 20.422 do not have data disaggregated in a manner that would allow for the figures requested to be provided.

42. Regarding the accessibility of information and communications, Act No. 20.422<sup>57</sup> establishes an obligation for public authorities to provide audiovisual means of communication that enable persons who are hard-of-hearing to access their services as and when needed. Public service campaigns, party political broadcasts, presidential debates, national television channels, information issued by the National Emergency Office and other news items broadcast in response to public emergencies or disasters must be broadcast or aired with subtitles and in Chilean Sign Language.

43. Act No. 21.303 (2021)<sup>58</sup> recognizes Chilean Sign Language as the natural means of communication, first language and intangible heritage of deaf persons and an essential element of their culture and individual and collective identity and establishes it as their official language. The Act stipulates that, in the education of deaf students, access to all content in the common curriculum in Chilean Sign Language as first language and written Spanish as second must be guaranteed. Act No. 21.398<sup>59</sup> establishes an obligation to use accessible formats in contracts regulated under the Consumer Act to ensure that their content can be understood by persons with disabilities. Act No. 21.403<sup>60</sup> provides that the State will recognize fingerspelling, Braille, orientation and mobility techniques and other recognized alternative communication systems as official communication systems, in accordance with regulations to be issued.

44. The Congressional Committee on Older Persons and Disability has overseen the passage of the following regulations: (a) a bill amending Act No. 20.422 to introduce a requirement for accessibility measures to be implemented in the libraries of higher education establishments (Bulletin No. 11,080–31);<sup>61</sup> (b) a bill amending Act No. 18.838 to empower the National Television Council to require the inclusion of Chilean Sign Language in children's programmes, for the benefit of those with hearing impairments (Bulletin No. 13,965–35),<sup>62</sup> and; (c) a bill amending Act No. 20.609 to introduce a requirement for

<sup>55</sup> <https://bcn.cl/33fh9>.

<sup>56</sup> <https://bcn.cl/34jpb>.

<sup>57</sup> <http://bcn.cl/2irkh>.

<sup>58</sup> <http://bcn.cl/2nbtt>.

<sup>59</sup> <https://bcn.cl/2upv5>.

<sup>60</sup> <http://bcn.cl/2v1ja>.

<sup>61</sup> <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=13286&prmBOLETIN=12748-17>.

<sup>62</sup> <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=14,531&prmBOLETIN=13,965-35>.

public-facing employees in State and private sector institutions, in the circumstances indicated, to wear transparent face masks to facilitate communication with deaf persons (Bulletin No. 14,218–35).<sup>63</sup>

45. In June 2015, the Minister and Secretary-General of the Office of the President published Decree No. 1,<sup>64</sup> adopting technical standards for the systems and websites of State agencies and stipulating that they must guarantee the availability and accessibility of information. In line with this Decree, in January 2019, the Government issued a presidential instruction on digital transformation,<sup>65</sup> which requires public service providers to comply with accessibility requirements for Web content.

46. Since 2016, the Public Prosecution Service has been offering Chilean Sign Language interpretation services via videoconferencing when assisting persons who visit its offices in person. Because of the pandemic, in 2020 access to Chilean Sign Language interpretation was expanded to include remote services. To facilitate the provision of assistance to especially vulnerable victims, since 2020 service hours on working days have been extended until 11:59 p.m.<sup>66</sup>

## Article 11

47. In 2019, the National Service for Persons with Disabilities signed an agreement with the National Firefighters Academy to design a training course on inclusive rescue with a disability perspective which is now available to the various first responder institutions (firefighters, emergency medical services, Carabineros (police), investigative police, etc.). In addition, two mobile applications were created.<sup>67</sup>

48. A pilot project<sup>68</sup> for Disability Inclusion in Hospital Disaster Risk Management (INGRID-H) has been implemented in three hospitals, in conjunction with the Pan American Health Organization (PAHO).<sup>69</sup> A workshop was held at the end of 2018, and the corrective actions necessary to complete the project were carried out during 2019 and 2020.<sup>70</sup>

49. The National Service for Persons with Disabilities has published the following documents: (a) Technical information on accessibility related to Supreme Decree No. 50 and other related regulations;<sup>71</sup> and (b) Instructions for implementation of the general

<sup>63</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=14218-35](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=14218-35).

<sup>64</sup> <https://www.leychile.cl/Navegar?idNorma=1078308>.

<sup>65</sup> <https://cms-dgd-prod.s3-us-west-2.amazonaws.com/uploads/pdf/Instructivo-N%C2%BA001-Transformacion-Digital-2019.pdf?>

<sup>66</sup> From the start of 2016 until 31 July 2022, assistance was provided to hard-of hearing persons on 309 occasions (2016: 37; 2017: 33; 2018: 40; 2019: 70; 2020: 50; 2021: 45; 2022: 34), with needs being met in full each time.

<sup>67</sup> The first ([https://play.google.com/store/apps/details?id=com.exefire.primeros\\_respondedores\\_app](https://play.google.com/store/apps/details?id=com.exefire.primeros_respondedores_app)) provides support for first responders in emergencies and disasters, including suggestions for working with persons with disabilities, a sign language vocabulary list and guide questions in Chilean Sign Language. The second (<https://play.google.com/store/apps/details?id=com.exefire.comunidadesordal32>) contains questions and answers in Chilean Sign Language to enable deaf persons to request assistance from firefighters. The developers worked with the deaf community in the design and testing of the latter application.

<sup>68</sup> <https://degreyd.minsal.cl/hospitales-se-preparan-para-que-personas-con-dicapacidad-enfrenten-emergencias-y-desastres/>, <https://degreyd.minsal.cl/hospital-de-coyhaique-inicio-trabajo-para-incluir-a-personas-con-dicapacidad-en-planes-de-emergencias/>. Technical guidelines for safe establishments where INGRIDH is implemented: <https://degreyd.minsal.cl/wp-content/uploads/2019/07/Orientaciones-T%C3%A9cnicas-Establecimiento-Seguro-2019.pdf>. Annex 7.

<sup>69</sup> <https://www.paho.org/es/noticias/6-12-2018-inclusion-para-gestion-riesgo-desastres-hospitales-ingrid-h>; <https://www.rln.cl/regional/56545-hrc-es-el-primer-recinto-de-salud-fuera-de-la-region-metropolitana-sumado-a-plan-de-inclusion-para-la-gestion-de-riesgo-de-desastres-en-hospitales>.

<sup>70</sup> See: [https://twitter.com/degreyd\\_minsal](https://twitter.com/degreyd_minsal) and <https://degreyd.minsal.cl/> for information on inclusive disaster risk management.

<sup>71</sup> <http://www.senadis.gob.cl/descarga/i/4670/documento>.

recommendations for inclusive service<sup>72</sup> and a handbook providing a model for comprehensive information systems and inclusive citizen services.<sup>73</sup> During the COVID-19 pandemic, with the support of the Ministry of Health, the Service conducted an assessment accessibility in residential healthcare facilities with a view to ensuring appropriate referrals for persons with disabilities affected by COVID-19.

50. With regard to training, the “Disaster Risk Management within Everyone’s Reach” initiative,<sup>74</sup> developed by the National Emergency Office with support from the National Service for Persons with Disabilities, is designed to make it easier for persons with disabilities to obtain access to information on action to prevent and prepare for emergencies. In addition to incorporating Chilean Sign Language and subtitles in videos about different possible emergencies, the Office has produced an audio file containing inclusive recommendations,<sup>75</sup> a video containing inclusive recommendations for persons with disabilities,<sup>76</sup> and a video containing recommendations for assisting persons with disabilities in emergencies.<sup>77</sup> The Office has also concluded a cooperation agreement for the inclusion of Chilean Sign Language interpretation in its official broadcasts. In addition, the National Service for Persons with Disabilities has worked with the National Emergency Office to review regulations for the management of municipal shelters and provide training on the formulation of regional emergency plans for its regional teams. The guidance for the assessment of high-intensity earthquake and tsunami drills in the education sector has been updated to incorporate inclusive preparedness measures for persons with disabilities.

51. Since 2019, the National Emergency Office has been incorporating cross-cutting issues such as gender, disability, children and adolescents and older persons into the framework for formulating emergency plans, seeking to strengthen the rights-based approach and the extent to which it is incorporated in disaster risk management in the country. Additionally, the Office has launched an initiative to ensure that preventive culture is within everyone’s reach,<sup>78</sup> drawing on the resources of the National Fund for Inclusive Initiatives, and, in 2020, it issued a guide for implementing disaster risk reduction plans in the workplace.<sup>79</sup>

52. The approach to emergency situations set out in the National Universal Accessibility Plan requires the ministries to determine the measures, plans, programmes and regulatory amendments needed to ensure universal accessibility in the methodologies, protocols, routes and safety systems established for different types of disasters and emergencies.

53. The national policy for disaster risk reduction 2020–2030 was adopted by Decree No. 434,<sup>80</sup> issued in March 2021. By Act No. 21.364,<sup>81</sup> promulgated in August 2021, the National Emergency Office was replaced by the National Disaster Prevention and Response System. Transparency is a key principle in disaster risk management, meaning that the

<sup>72</sup> [https://www.senadis.gob.cl/descarga/i/3410/documento#:~:text=H%C3%A1blele%20de%20frente%2C%20la%20persona%20necesita%20ver%20sus%20labios.&text=Modular%20con%20naturalidad.&text=Repita%20las%20indicaciones%20o%20la%20informaci%C3%B3n%20si%20es%20necesario.&text=No%20debe%20alzar%20exageradamente%20la,menos%](https://www.senadis.gob.cl/descarga/i/3410/documento#:~:text=H%C3%A1blele%20de%20frente%2C%20la%20persona%20necesita%20ver%20sus%20labios.&text=Modular%20con%20naturalidad.&text=Repita%20las%20indicaciones%20o%20la%20informaci%C3%B3n%20si%20es%20necesario.&text=No%20debe%20alzar%20exageradamente%20la,menos%20)

<sup>73</sup> <https://www.senadis.gob.cl/descarga/i/3434/documento>.

<sup>74</sup> <https://www.onemi.gov.cl/preparacion-inclusiva/>.

<sup>75</sup> [https://siac.onemi.gov.cl/documentos/TEMP/Audio\\_Recomendaciones\\_Inclusivas.mp3](https://siac.onemi.gov.cl/documentos/TEMP/Audio_Recomendaciones_Inclusivas.mp3).

<sup>76</sup> <https://www.youtube.com/watch?v=Z1jeYXkwtO0>.

<sup>77</sup> [https://youtu.be/9uVuW\\_O9eD4](https://youtu.be/9uVuW_O9eD4).

<sup>78</sup> The initiative has two lines of action: (a) recommendations for emergency and disaster preparedness and response for persons with disabilities and their companions and/or caregivers, provided in accessible formats; and (b) recommendations validated through consultation with persons with disabilities in Araucanía. Subsequently, the Office organized training sessions and distributed inclusive emergency backpacks to persons with disabilities.

<sup>79</sup> Drawn up by the Office of the Undersecretary for Social Security, with input from the National Emergency Office and other institutions. Its purpose is to foster action in the preventive phase of the risk cycle through which natural and human risks that could affect the workplace might be eliminated, mitigated and prepared for. See: <https://www.previsionsocial.gob.cl/sps/download/Guia-de-Implementacon-del-PRRD-en-los-centros-de-trabajo.pdf>.

<sup>80</sup> <http://bcn.cl/2o14m>.

<sup>81</sup> <http://bcn.cl/2qtdx>.

management system must be inclusive, informed and adapted to all phases of the disaster risk cycle and must provide for data and information to be exchanged and disseminated in an accessible, up-to-date and understandable manner.

### Accessible information on the pandemic and prevention

54. During the pandemic, official information on infection rates, available beds and residential healthcare facilities, among other subjects, was made available to the public on the accessible website <https://www.gob.cl/pasoapaso/>. The National Service for Persons with Disabilities convened an intersectoral round table to consider the situation of persons with disabilities, their families and caregivers in the context of COVID-19,<sup>82</sup> in which 21 representatives of civil society, State agencies, trade unions and international organizations took part. Following the consultations, an explanatory video<sup>83</sup> on the situation of pandemic and the rights of persons with disabilities, with subtitles and Chilean Sign Language, and an easy-to-read document entitled “During the COVID-19 pandemic, I have my rights” were produced and were distributed to all healthcare services.<sup>84</sup>

55. In 2020, the 800 000 058 “Connected to Caring” free telephone hotline<sup>85</sup> was launched, offering support and guidance for informal caregivers and persons with disabilities, especially those who are dependent on others.<sup>86</sup> The hotline offers support and assistance for deaf persons through the Vi-sor web application,<sup>87</sup> which allows them to connect via videocall with a Chilean Sign Language interpreter. The National Service for Persons with Disabilities has also entered into an agreement with Lazarillo<sup>88</sup> an application that assists persons who are blind or have low vision, allowing for key information about situations of emergency to be shared with them by means of notifications sent to their cell phones.

### Continuous access to support services, community services and in-home care

56. During the pandemic, the National Service for Persons with Disabilities continued to accept applications for funding for technical aids,<sup>89</sup> the Transition to Independent Living Programme,<sup>90</sup> student support<sup>91</sup> and the Model Residential Care Homes for Adults with Disabilities Programme. In response to COVID-19 infections in residential care homes, an additional transfer of Ch\$ 410 billion was made to the latter programme to fund the purchase of equipment necessary to combat the health emergency, and, in March 2020, a protocol containing recommendations for the prevention and care of COVID-19 in residential care homes for adults with disabilities was issued.<sup>92</sup>

57. Temporary isolation facilities referred to as Residencias Espejo (Mirror Residences), offering a total of 251 places and providing basic care and support services, were set up to deal with critical emergency situations in residential care homes caused by COVID-19

<sup>82</sup> The round table split into three committees focused on: (1) Residential homes for persons with disabilities; (2) Persons with disabilities in private homes and their caregivers, and; (3) Cross-cutting strategies for persons with disabilities, their families and caregivers.

<sup>83</sup> <https://youtu.be/PcuIVIHznY0>.

<sup>84</sup> <https://www.senadis.gob.cl/descarga/i/6177>.

<sup>85</sup> [https://www.senadis.gob.cl/pag/588/1880/linea\\_800\\_conectados\\_al\\_cuidar#:~:text=The%20phone%20800%20000%20058,context%20of%20the%20current%20pandemic](https://www.senadis.gob.cl/pag/588/1880/linea_800_conectados_al_cuidar#:~:text=The%20phone%20800%20000%20058,context%20of%20the%20current%20pandemic).

<sup>86</sup> Calls are handled by professionals trained to assess needs and provide either a solution or an onward referral, in all cases monitoring the situation until the problem is resolved. More complex cases are referred to other entities, such as the network of volunteer psychologists, the Ministry of Health’s SaludableMente service or the non-governmental organizations Chile Unido or Fundación Míranos, among others.

<sup>87</sup> <https://www.youtube.com/watch?v=V5DHxEHdESw>.

<sup>88</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8223](https://www.senadis.gob.cl/sala_prensa/d/noticias/8223).

<sup>89</sup> [https://www.senadis.gob.cl/pag/569/1649/proceso\\_de\\_financiamiento\\_ayudas\\_tecnicas\\_2020](https://www.senadis.gob.cl/pag/569/1649/proceso_de_financiamiento_ayudas_tecnicas_2020).

<sup>90</sup> [https://www.senadis.gob.cl/pag/594/1910/continuidad\\_de\\_recursos\\_transito\\_a\\_la\\_vida\\_independiente\\_tvi\\_2019\\_segundo\\_semestre\\_2020\\_cerrado](https://www.senadis.gob.cl/pag/594/1910/continuidad_de_recursos_transito_a_la_vida_independiente_tvi_2019_segundo_semestre_2020_cerrado).

<sup>91</sup> [https://www.senadis.gob.cl/pag/581/1909/programa\\_de\\_apoyo\\_estudiantes\\_con\\_discapacidad\\_en\\_instituciones\\_de\\_educacion\\_superior\\_2020\\_cerrado](https://www.senadis.gob.cl/pag/581/1909/programa_de_apoyo_estudiantes_con_discapacidad_en_instituciones_de_educacion_superior_2020_cerrado).

<sup>92</sup> [https://cdn.digital.gob.cl/filer\\_public/69/21/6921ca49-4c6e-40bb-8f25-204d7b5e8747/protocolo\\_recomendaciones\\_a\\_residencias\\_para\\_pcd\\_coronavirus\\_1.pdf](https://cdn.digital.gob.cl/filer_public/69/21/6921ca49-4c6e-40bb-8f25-204d7b5e8747/protocolo_recomendaciones_a_residencias_para_pcd_coronavirus_1.pdf).

infections and prevent its spread. Admissions to residential healthcare facilities were coordinated by the Ministry of Health in the case of persons with disabilities, irrespective of their degree of dependency. An accompanying caregiver was permitted where needed, and, if any person in need lacked a caregiver, the National Secretariat for Persons with Disabilities would provide one. A COVID-19-related component was added to the National Service for Persons with Disabilities' strategy for promoting autonomy through local and community-based networks in order to address the situation of persons with disabilities with a degree of dependency whose primary caregiver had been hospitalized and who did not have a support network.<sup>93</sup>

58. The National Fund for Inclusive Initiatives administered by the National Service for Persons with Disabilities adjusted its funding lines to focus on projects centred on management of the pandemic, the purchase of personal protective equipment (PPE) and environmental disinfection.<sup>94</sup> The Support Programme for Students with Disabilities in Higher Education Institutions began providing technological equipment and support services to enable students to continue their studies remotely. More than 200 additional students benefited from support relative to the 2019 level.

59. The National Emergency Office issued a guide for the administration of municipal shelters during the COVID-19 pandemic that incorporated cross-cutting issues.<sup>95</sup>

### **Access to healthcare and material and psychological support**

60. In April 2020, the Ministry of Health made a document containing recommendations for healthcare ethics committees to support ethical decision-making by health teams during the COVID-19 pandemic<sup>96</sup> available across all parts of the healthcare network. The principle of non-discrimination essential to guaranteeing equal access to mechanical ventilation equipment ventilation was expressly recognized in these recommendations. The Ministry of Health also issued a document setting out the special considerations to be taken into account in the management and treatment of persons with disabilities during the pandemic,<sup>97</sup> designed to ensure an appropriate response in the health sector, along with strategic guidance for residential healthcare facilities, including recommendations for the admission, ongoing care and discharge of persons with disabilities<sup>98</sup> who did not have the option of self-isolating in their own home.

61. Support services and technical aids that are guaranteed under the Explicit Health Guarantees System continued to be provided during the pandemic.<sup>99</sup> Measures adopted to enhance public knowledge and awareness of COVID-19<sup>100</sup> included the production of video capsules with Chilean Sign Language interpretation and subtitles.

62. Persons with severe psychosocial and intellectual disabilities, persons with psychosocial disabilities living in collective accommodation or in hospital and persons with severe mental illnesses were given priority in the COVID-19 and influenza vaccination

<sup>93</sup> The priority was to enable them to remain in their homes while receiving the necessary support. In extreme cases, temporary residential care was provided while a more permanent solution was sought.

<sup>94</sup> Initiatives were focused on organizing online workshops on COVID-19 prevention for persons with disabilities and their families, distributing PPE and individual and institutional disinfection.

<sup>95</sup> Issues included older adults, persons with disabilities, persons with chronic and immunocompromised diseases, persons with HIV/AIDS and LGBTIQ+ persons, children and adolescents, gender and migrants.

<sup>96</sup> [https://www.nefro.cl/covid/img/noticias/RECOMENDACIONES\\_PARA\\_LOS\\_CEA\\_COVID-19.pdf](https://www.nefro.cl/covid/img/noticias/RECOMENDACIONES_PARA_LOS_CEA_COVID-19.pdf).

<sup>97</sup> <https://www.minsal.cl/wp-content/uploads/2020/07/ConsideracionesPersonasconDiscapacidad130720.pdf>.

<sup>98</sup> [https://diprece.minsal.cl/wp-content/uploads/2020/10/ESTRATEGIA-DE-RESIDENCIAS-SANITARIAS\\_RECOMENDACIONES-PARA-EL-INGRESO-SEGUIMIENTO-Y-EGRESO-DE-PERSONAS-CON-DISCAPACIDAD.pdf](https://diprece.minsal.cl/wp-content/uploads/2020/10/ESTRATEGIA-DE-RESIDENCIAS-SANITARIAS_RECOMENDACIONES-PARA-EL-INGRESO-SEGUIMIENTO-Y-EGRESO-DE-PERSONAS-CON-DISCAPACIDAD.pdf).

<sup>99</sup> <https://www.minsal.cl/wp-content/uploads/2020/04/DS11.pdf>.

<sup>100</sup> <https://www.minsal.cl/nuevo-coronavirus-2019-ncov/material-de-descarga/>.

process.<sup>101</sup> Guidelines for the care of persons with disabilities and mental health problems through non-segregated services were issued to residential healthcare facilities.<sup>102</sup>

63. The intersectoral round table referred to in paragraph 54 organized training sessions and circulated information materials containing guidance on how to care for persons with disabilities to healthcare officers in residential healthcare facilities throughout the country. These materials included recommendations for the care of persons with disabilities during the COVID-19 pandemic,<sup>103</sup> published in easy-to-read format and with a summary poster, and a document setting out recommendations and best practices in mental health for residential care facilities accommodating persons with disabilities during COVID-19,<sup>104</sup> which provide guidance on how to prevent violence, safeguard mental health and quality of life and implement COVID-19 health measures in residential facilities. An online seminar was organized to launch these recommendations.<sup>105</sup>

64. The Ministry of Health has incorporated a mental health protection model in its risk and disaster management protocols that provides recommendations and strategies for providing material and psychological support<sup>106</sup> in crisis situations, including recommendations specific to situations of pandemic.<sup>107</sup> Two websites (<https://www.gob.cl/saludablemente/> and <https://www.hablemosdesaludmental.cl/><sup>108</sup>) were developed to provide information and guidance on various topics, especially mental health during the pandemic. These websites included videos with subtitles and Chilean Sign Language interpretation. The Ministry also created a multichannel platform called Health Responds,<sup>109</sup> which, through a 24-hour telephone hotline, provides users with information, advice, support and guidance on health-related issues. Information is provided in Chilean Sign Language<sup>110</sup> and online assistance with interpretation is available.

65. During the pandemic, recommendations for measures to prevent and treat COVID-19 were issued to the staff of psychiatric hospitals. In addition, representatives of the Ministry of Health and healthcare service providers made regular visits to facilities throughout the country to check their compliance with and coordinated application of the strategy for hospital-acquired infections.

66. During lockdowns, the National Service for Persons with Disabilities was responsible for granting special mobility permits to persons on the autism spectrum and those with mental and intellectual disabilities as well as travel permits allowing the parents, legal guardians and carers of hospitalized persons with disabilities with a degree of dependency to visit and stay with them in healthcare facilities and permits for the caregivers of persons with disabilities who required assistance. Additionally, with input from the Carabineros, the National Service for Persons with Disabilities developed guidelines for special situations involving persons with disabilities during the pandemic that allowed for a more flexible application of the COVID-19 protection measures, especially with regard to the use of facemasks by persons with intellectual disabilities and persons with Down syndrome.

<sup>101</sup> <https://www.minsal.cl/wp-content/uploads/2021/03/GRUPOS-OBJETIVOS-3-marzo-2021.pdf>.

<sup>102</sup> <https://diprece.minsal.cl/wp-content/uploads/2020/10/RECOMENDACIONES-PARA-EL-INGRESO-SEGUIMIENTO-Y-EGRESO-DE-PERSONAS-CON-NECESIDADES-DE-MANEJO-TERAPEUTICO-ASOCIADO-A-CONDICIONES-DE-SALUD-MENTAL-O-EN-CONDICIONES-DE-EXCLUSIOIN-SOCIAL-EXTREMA.pdf>.

<sup>103</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8226/recomendaciones-para-la-atencion-de-personas-con-discapacidad-en-el-contexto-de-la-pandemia-por-covid-19](https://www.senadis.gob.cl/sala_prensa/d/noticias/8226/recomendaciones-para-la-atencion-de-personas-con-discapacidad-en-el-contexto-de-la-pandemia-por-covid-19).

<sup>104</sup> The document covers psychosocial care and approaches to mental health that uphold the rights of children and adolescents and adults and protect care teams. See: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8375/senadis-y-mesa-intersectorial-presentan-recomendaciones-y-buenas-practicas-en-salud-mental](https://www.senadis.gob.cl/sala_prensa/d/noticias/8375/senadis-y-mesa-intersectorial-presentan-recomendaciones-y-buenas-practicas-en-salud-mental).

<sup>105</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8338/senadis-y-mesa-intersectorial-de-discapacidad-y-covid-19-desarrollan-webinar-sobre-salud-mental-y-residencias-para-personas-con-discapacidad](https://www.senadis.gob.cl/sala_prensa/d/noticias/8338/senadis-y-mesa-intersectorial-de-discapacidad-y-covid-19-desarrollan-webinar-sobre-salud-mental-y-residencias-para-personas-con-discapacidad).

<sup>106</sup> <https://degreyd.minsal.cl/salud-mental-y-apoyo-psicosocial-durante-covid19/>.

<sup>107</sup> <https://www.gob.cl/saludablemente/>.

<sup>108</sup> Currently unavailable.

<sup>109</sup> <https://saludresponde.minsal.cl/>.

<sup>110</sup> <https://saludresponde.minsal.cl/atencion-de-salud-en-lengua-de-senas-chilena/>.

### Guarantee disability pensions and social benefits

67. Act No. 21.190<sup>111</sup> repealed article 22 of Act No. 20.255,<sup>112</sup> which provided for a progressive reduction in the basic disability pension, in line with the beneficiary's income, and for the pension entitlement to be lost completely if this income exceeded the equivalent of two months' minimum income.

68. The Ministry of Social Development and Family Services has begun distributing the emergency family allowance.<sup>113</sup> The COVID-related emergency family allowance and the COVID allowance,<sup>114</sup> which provided support linked to the different municipalities' progress in implementing the "Step-by-step we look after ourselves" plan (Plan Paso a Paso Nos Cuidamos), had been distributed previously, but were replaced by the extended family emergency allowance in April 2021. The family emergency allowance is awarded on the basis of the Social Register of Households,<sup>115</sup> with decisions taking account of whether the applicant or a member of their family group has a disability.

69. Under Act No. 21.419,<sup>116</sup> eligibility for the allowance disbursed to minors under 18 years of age with a mental disability, in application of article 35 of Act No. 20.255, was extended to include persons with severe physical and sensory disabilities.<sup>117</sup>

### Article 12

70. Various bills relating to legal capacity are currently under consideration, including: (a) bill No. 12.441-17,<sup>118</sup> which amends various laws with a view to eliminating discrimination against persons with intellectual, cognitive and psychosocial disabilities and recognizes their right to autonomy; (b) bill No. 12.612-07,<sup>119</sup> which imposes progressive restrictions on the exercise of legal capacity by older adults with a cognitive impairment; and (c) bill No. 11.240-31,<sup>120</sup> which sets out a definition of social disability that encompasses Asperger syndrome and other autism spectrum disorders.

71. In connection with efforts to update the laws on legal capacity, in 2019 the National Service for Persons with Disabilities commissioned a study to review the system of supports and safeguards for the exercise of legal capacity. The study, which was completed in 2021, gathered together qualitative and quantitative information on persons in need of support to exercise their legal capacity, identified the support needed and the spheres in which it is required and provided a framework that allows for supports and safeguards to be implemented gradually, in line with the needs of persons with disabilities in exercising their legal capacity. In addition, in 2019, the Dignitem Foundation published a report entitled "Study and Analysis of Legal Capacity", related to the review of the 2017 draft bill prepared by the executive branch and bill No. 12.441-17<sup>121</sup> of 2019, which provided observations and recommendations.

72. These reports informed the presidential message issued on bill No. 14.783-07,<sup>122</sup> submitted in January 2022, which would amend the Civil Code to remove deaf and deaf-mute

<sup>111</sup> <https://bcn.cl/2f9qy>.

<sup>112</sup> <http://bcn.cl/2fwvz>.

<sup>113</sup> A monetary allowance that is distributed through the Social Protection Network and was created in 2021 to ensure that, in the event of further lockdowns, a mechanism through which timely assistance could be rapidly provided to families was in place.

<sup>114</sup> <https://www.chileatiende.gob.cl/fichas/94077-ingreso-familiar-de-emergencia-ife-universal>.

<sup>115</sup> <http://www.registrosocial.gob.cl/>.

<sup>116</sup> <https://bcn.cl/2wni1>.

<sup>117</sup> Beneficiaries must form part of the poorest 60% of the publication. The value of the allowance was also increased, and is now equivalent to 50% of the maximum universal guaranteed pension, that is Ch\$ 96,959.

<sup>118</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=12441-17](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=12441-17).

<sup>119</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=12612-07](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=12612-07).

<sup>120</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=11240-31](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=11240-31).

<sup>121</sup> <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=12972&prmBOLETIN=12441-17>.

<sup>122</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=14783-07](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=14783-07).

persons who cannot make themselves clearly understood from the category of persons fully lacking capacity, without prejudice to the retention of provisions relating to interdiction and “insanity”. The proposal recognizes that the terms “insanity” and “mental disability,” whether psychological or intellectual in nature, should not be equated. In addition, it creates two roles to support persons with disabilities: facilitators to support the exercise of legal capacity and assistants to help persons with physical or sensory disabilities to communicate.<sup>123</sup>

73. With respect to free and informed consent, Act No. 20.584<sup>124</sup> provides that all persons have the right to agree to or refuse any healthcare-related procedure or treatment. Act No. 21.331 provides that, in order for this right to be exercised, decision-making support must be organized with the aim of safeguarding the person’s wishes and preferences, and that a person must be under a free and informed consent plan as soon as he or she first enters a mental health facility.<sup>125</sup> The Act also guarantees that persons with psychological or intellectual disabilities take an active part in their treatment plan.

74. Additionally, Act No. 21.331<sup>126</sup> introduced amendments to Act No. 20.584 that repealed articles on involuntary hospitalization, special measures involving isolation or physical or pharmacological restraint and involuntary treatment, which, where applicable, were thereafter governed directly by Act No. 21.331. It also established a procedure for involuntary psychiatric hospitalization that, considering the effect of such hospitalization on the right to liberty, is available only when treatment is not possible through outpatient mental health services and there is a real, certain and imminent risk to the life or integrity of the individual or third parties. It is expressly provided that a person may not be hospitalized on the grounds of disability. In addition, it is prohibited for a person who has been involuntarily hospitalized to be subjected to irreversible procedures or treatments such as sterilization or psychosurgery.

### Article 13

75. In follow-up to the 2013 cooperation agreement between the judicial branch and the National Service for Persons with Disabilities, the Administrative Department of the Judiciary has introduced inclusive systems for user services and for hearings. It has also made improvements to its website,<sup>127</sup> facilitating access to information for persons with disabilities through an online translation system for the website and all courts in the country, with 1,595 users served in 2021. The system is available in 213 judicial bodies and in the country’s 17 judicial districts. Chilean Sign Language is one of the languages available.

76. Some courts have installed programmes to facilitate the work of persons with disabilities (Dragon Speak and JAWS), and a pilot plan on smart orientation for blind and visually impaired persons, using Lazarillo, has been rolled out at a court complex in Santiago. In addition, inclusive signage and self-service terminals have been developed and put in place. Furthermore, Chilean Sign Language interpretation has been introduced on a standing basis for official speeches of the President of the Supreme Court. Lastly, inclusive brochures have been issued in Braille.

77. A video on the rights and duties<sup>128</sup> of persons before the law has been produced using Chilean Sign Language. Videos explaining widely used laws have also been produced,<sup>129</sup> all with Chilean Sign Language and available on YouTube.<sup>130</sup> A self-service terminal giving access to legal writings and case law has been installed for persons with visual disabilities in

<sup>123</sup> The executive branch is currently working to adapt the bill so that the future law on legal capacity will meet the standards under article 12 of the Convention and the Committee’s general comment No. 1 (2014).

<sup>124</sup> <http://bcn.cl/2f7cj>.

<sup>125</sup> <http://bcn.cl/2p863>.

<sup>126</sup> <http://bcn.cl/2p863>.

<sup>127</sup> <https://www.pjud.cl/>.

<sup>128</sup> <https://www.youtube.com/watch?v=AE-hnP8KYP4>.

<sup>129</sup> <https://www.youtube.com/playlist?list=PLiM1Z2DRIWDMZTTs4Y4NLEYRk3wQIEvqq>.

<sup>130</sup> <https://www.youtube.com/c/pjudicialchile/featured>.

the Supreme Court Library.<sup>131</sup> The Ibero-American Protocol for Judicial Action to Improve Access to Justice for Indigenous Peoples, Communities and Persons was circulated to all judicial districts after issue and provides practical tools for justice officials in general to guarantee access to justice.

78. In 2020, Central University, with support from the Mexican civil society organization Documenta and the National Service for Persons with Disabilities, prepared a handbook on principles of action for safeguarding access to justice for persons with disabilities.<sup>132</sup> That same year, the Supreme Court, the National Service for Persons with Disabilities and Central University Law School organized an online symposium<sup>133</sup> on access to justice and disability that was attended by judicial authorities and international experts.

79. In order to promote the rights of persons with disabilities in the context of law enforcement, the National Service for Persons with Disabilities delivers part of the disability module of the Carabineros course for human rights instructors.<sup>134</sup> In addition, the investigative police have run the following: (a) in 2020, a 60-hour course on Chilean Sign Language delivered by the Centre for Studies in State Administration, attached to the Office of the Comptroller General of the Republic, to 60 officials nationwide; and (b) a course for public officials on arbitrary discrimination, delivered by the Observatory for Civic Participation and Non-Discrimination of the Office of the Minister and Secretary General of Government.

80. With respect to the agency responsible for the custody of persons deprived of liberty, the National Service for Persons with Disabilities has run talks and training sessions, both as part of training programmes and for officers of the Prison Service,<sup>135</sup> including: (a) a presentation of a study<sup>136</sup> on the living conditions of persons with disabilities deprived of their liberty in prisons in the Metropolitan Region; (b) regional human rights activities under an annual plan for 2021;<sup>137</sup> (c) training in Chilean Sign Language in the region of Antofagasta; (d) organizational capacity-building in the field of human rights and disability, in 2020; (e) Chilean Sign Language training for officials, local human rights officers and Information, Complaints and Suggestions Offices in the region of Los Lagos; and (f) an inclusive project under the “inclusive communications media” funding line of the National Fund for Inclusive Initiatives, commissioned by the Biobío Regional Directorate of the Prison Service. In addition, a committee of experts on disability has been established under the National Human Rights Plan, overseen by the Ministry of Justice and Human Rights.<sup>138</sup>

81. With support from the National Service for Persons with Disabilities, the Judicial Academy<sup>139</sup> has added courses on access to justice for persons with disabilities<sup>140</sup> to its training programme for judges.<sup>141</sup> A new online training platform has been developed and now offers more than 100 courses, including a Chilean Sign Language course.

82. The judiciary has organized internal awareness-raising activities, at different levels of the judicial branch, on how to address disability and ensure the correct use of inclusive language. Improvements have been made to selection and recruitment processes to facilitate the submission of applications and completion of psychological and knowledge-based, and

<sup>131</sup> Annex 3.

<sup>132</sup> <https://www.senadis.gob.cl/descarga/i/6664/documento>.

<sup>133</sup> <https://www.pjud.cl/prensa-y-comunicaciones/noticias-del-poder-judicial/63136>.

<sup>134</sup> <https://www.senadis.gob.cl/participacion/d/noticias/8811/senadis-expone-en-curso-de-instructores-en-derechos-humanos-aplicables-a-la-funcion-policial>.

<sup>135</sup> Annex 4.

<sup>136</sup> <https://www.ucestral.cl/noticias/fac-derecho-y-humanidades/proyecto-vcm-discapacidad-en-la-carcel-reconociendo-derechos-para-la>.

<sup>137</sup> In 2021, one training session was scheduled per region. For 2022, 25 training sessions were planned.

<sup>138</sup> The committee’s remit is to comprehensively address the needs of persons with disabilities who are deprived of their liberty or users of the Prison Service, in accordance with the principles of universal accessibility, reasonable accommodation, personal mobility, habilitation and rehabilitation.

<sup>139</sup> <https://academiajudicial.cl/>.

<sup>140</sup> <https://academiajudicial.cl/wp-content/uploads/2021/11/4056-2022.docx.pdf>.

<sup>141</sup> The purpose of the course is to reflect on the right of access to justice in court of persons with disabilities.

persons with disabilities are now given preference in these processes.<sup>142</sup> Following the adoption of Act No. 20.957<sup>143</sup>, persons with disabilities may now be appointed to positions such as judge or notary, five such cases having been recorded at the junior levels of the judiciary and four among auxiliary judicial personnel.

83. Since 2017, the Public Prosecution Service has been providing training to employees on workplace inclusion. Staff from the Personnel Division and the Strategic Planning and Coordination Unit of the Attorney General's Office received training and a nationwide human resources workshop was held. In December 2017, regulations containing standards and procedures for complying with the law on the workplace inclusion of persons with disabilities were adopted.<sup>144</sup> Persons with disabilities have completed professional internships with reasonable accommodation. Staff training and the building of institutional relationships continued in 2018, a working group on inclusion was formed, and a handbook on the workplace inclusion of persons with disabilities was published.

84. In 2019, the Public Prosecution Service held 19 internal talks on the inclusion of persons with disabilities, which were attended by 336 prosecutors and employees, developed its technical tools and conducted a review of positions in the light of job profiles. Equipment was purchased to ensure the provision reasonable accommodation. During a week dedicated to inclusion, infographics were circulated and four training sessions were held with support from the National Service for Persons with Disabilities. A total of 15 awareness-raising workshops were held in Regional Attorney General's Offices.<sup>145</sup> In 2020, a regional inclusion officer was appointed in each Regional Attorney General's Office to serve as an expert resource for each Personnel Unit and provide assistance on inclusion-related matters as well as support for employees with disabilities. A total of 176 prosecutors and staff members were trained.<sup>146</sup> In 2022, the Public Prosecution Service adopted its inclusion and diversity policy.

85. Under the Access to Justice Programme, legal assistance agencies organize and participate in talks, seminars, training sessions and other similar activities to raise awareness of the rights of persons with disabilities, as set out and/or enshrined in the Convention and Act No. 20.422.<sup>147</sup> A protocol for assisting users with disabilities is currently being developed. At the legal assistance agencies, disability is recognized as grounds for receiving priority, preferential and non-targeted assistance.

86. Data on the activities of the four legal assistance agencies are set out below:

<i>RIGHTS ADVOCACY WORK</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Services rendered	1 760	1 812	1 971	1 869
Persons trained	7 726	5 446	8 648	15 199
Civil society training sessions	255	199	175	217
Public service training sessions	134	108	102	151
Public officials trained	3 245	2 173	1 576	3 427
Training sessions at legal assistance agencies	54	59	56	44
Persons trained at legal assistance agencies (employees and interns)	1 606	1 175	975	956
Cases handled involving disability-related violations and/or discrimination	No data	No data	223	226
Cases taken to court	127	246	300	477

*Source:* National Service for Persons with Disabilities.

<sup>142</sup> Within the judiciary, 19 persons with disabilities are employed in permanent positions or on annual contracts, and efforts have been made to encourage registration in the National Disability Register.

<sup>143</sup> <http://bcn.cl/2o7zd>.

<sup>144</sup> [http://www.fiscaliadechile.cl/transparencia/documentos/reglamentos/reglamento\\_inclusion\\_de\\_personas\\_con\\_discapacidad\\_al\\_mundo\\_laboral.pdf](http://www.fiscaliadechile.cl/transparencia/documentos/reglamentos/reglamento_inclusion_de_personas_con_discapacidad_al_mundo_laboral.pdf).

<sup>145</sup> There were 268 staff members in attendance.

<sup>146</sup> Annex 4.

<sup>147</sup> <http://bcn.cl/2irkh>.

87. With regard to procedural accommodation, since 2015, the National Service for Persons with Disabilities and the legal assistance agencies have been jointly implementing the Access to Justice Programme, under which lawyers provide legal advice and assistance to persons with disabilities who are victims of disability-related discrimination and/or rights violations. The Programme provides free, specialized legal advice to persons with disabilities, ensuring that their rights are respected, due process is followed, both parties are heard during hearings, reasonable accommodation is provided and accessibility measures are implemented. The Access to Justice Programme has the resources to hire Chilean Sign Language interpreters to assist deaf persons both in court and in extrajudicial proceedings. In addition, Act No. 20.422<sup>148</sup> provides that the necessary accommodation must be provided at local police courts.

## Article 14

88. With regard to forced institutionalization on the grounds of disability, Act No. 21.331<sup>149</sup> states that psychiatric hospitalization is an exceptional and essentially temporary measure and must not be used “to resolve social or housing problems or problems of any other sort that are not primarily health-related”. The Act also states that involuntary hospitalization undermines a person’s right to liberty and is therefore permissible only when outpatient treatment is not possible and there is a real, certain and imminent risk to the life or integrity of the person or third parties. Under no circumstances may involuntary psychiatric hospitalization be based on a person’s disability.

89. With respect to criminal matters, there are currently no bills relating specifically to due process guarantees or amending legislation regulating the security measures applicable to persons with mental disabilities. However, mental disability is a relevant factor in the following bills: (a) bill No. 14.233-07,<sup>150</sup> which provides that pretrial detention should not be used “when the defendant has serious physical or mental health problems, or a combination of the two”; (b) bill No. 13.437-07,<sup>151</sup> which provides for custodial sentences to be commuted to house arrest for persons over 75 years of age who have a serious illness or are not in possession of their mental faculties; and (c) bill No. 12.213-07,<sup>152</sup> which addresses disability as a cause of discrimination in sentence enforcement.

## Article 15

90. Act No. 21.331<sup>153</sup> expressly states that under no circumstances may a person who has been involuntarily hospitalized be subjected to irreversible procedures or treatments such as sterilization or psychosurgery. It also regulates the use of restraints, prioritizing emotional containment and environmental methods. Physical, mechanical and pharmacological restraints and continuous observation in individual rooms may be employed only when a doctor has confirmed that it is therapeutically indicated and only for the amount of time strictly necessary. Under no circumstances may such measures involve torture, unlawful coercion or other cruel, inhuman or degrading treatment, which are defined as offences under Act No. 20.968.<sup>154</sup> The use of such measures to restrain involuntarily hospitalized persons must be communicated to the family court.

---

<sup>148</sup> <http://bcn.cl/33we7>.

<sup>149</sup> <http://bcn.cl/2p863>.

<sup>150</sup> [https://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=14233-07](https://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=14233-07).

<sup>151</sup> [https://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=13437-07](https://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=13437-07).

<sup>152</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=12213-07](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=12213-07).

<sup>153</sup> <http://bcn.cl/2p863>.

<sup>154</sup> <https://bcn.cl/2fbiv>.

91. With respect to complaint mechanisms, the general rules of the Code of Criminal Procedure apply, meaning that any person may file a complaint with the Public Prosecution Service, the Carabineros, the investigative police, the Prison Service or any court with criminal jurisdiction.<sup>155</sup> In addition, during its visits, the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment has received and/or formulated certain specific complaints which have been referred to the Public Prosecution Service and the National Institute of Human Rights but, to date, have not involved persons with disabilities.

92. While Exempt Resolution No. 656/2002<sup>156</sup> has not been expressly repealed, it was tacitly repealed by Act No. 21.331<sup>157</sup> with respect to provisions of the Exempt Resolution that are not in line with the Act, especially article 9 (5) of the Act, which allows for substitute decision-making<sup>158</sup> only in the emergency situations provided for under article 15 of Act No. 20.584.<sup>159</sup>

93. One of the strategic goals of the National Mental Health and Psychiatry Plan 2017–2025,<sup>160</sup> under the action line on human rights, is to increase the autonomy of the National Commission for the Protection of the Rights of Persons with Mental Illness and make it an efficient review body in line with international standards.

94. The first report of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, covering the period 2020–2021, contained a recommendation for the executive branch to replace the National Commission for the Protection of the Rights of Persons with Mental Illness with an independent protection and oversight body in order to prevent abuse in mental health facilities.<sup>161</sup> To this end, the Ministry of Health is working to develop and update the regulatory framework,<sup>162</sup> including through a bill for a comprehensive mental health law, so that it meets standards under the new law and human rights instruments.

95. In terms of protocols on the rights of persons with disabilities, the Public Prosecution Service has developed a handbook for investigating cases of gender-based physical and psychological violence,<sup>163</sup> which encompasses protection for persons with disabilities under the principle of equality and non-discrimination.<sup>164</sup>

96. With respect to victims or witnesses who are at high risk or in a particularly vulnerable situation, the Public Prosecution Service requires regional victim and witness support units to provide, among other services: specialized assistance and protection (including to persons with disabilities); guidance and support to facilitate their participation in the criminal

<sup>155</sup> The filing of complaints is mandatory for persons holding certain positions. Although the National Commission for the Protection of the Rights of Persons with Mental Illness does not have disciplinary authority, it conducts administrative inquiries into complaints received and is able to investigate and draw attention to possible violations and propose measures of prevention and redress.

<sup>156</sup> <http://bcn.cl/33x29>.

<sup>157</sup> <http://bcn.cl/2p863>.

<sup>158</sup> This provision was applied by the National Commission for the Protection of the Rights of Persons with Mental Illness at a meeting on 14 October 2021 during its review of a request for authorization to practice a psychosurgery procedure, which was refused because there was no record that the person concerned had provided informed consent and other treatment options had not been discussed.

<sup>159</sup> <http://bcn.cl/33x2a>.

<sup>160</sup> <https://www.minsal.cl/wp-content/uploads/2017/12/PDF-PLAN-NACIONAL-SALUD-MENTAL-2017-A-2025.-7-dic-2017.pdf>.

<sup>161</sup> <https://mnpt.cl/wp-content/uploads/2021/09/74830-INFORME-ANUAL-CPT-INTE-web-INDH.pdf>.

<sup>162</sup> Regulations on psychiatric hospitalization, technical standard on electroconvulsive therapy and protocol for responding to rights violations in the context of mental healthcare.

<sup>163</sup> <https://eurosocial.eu/wp-content/uploads/2020/03/document7.pdf>.

<sup>164</sup> The handbook provides that no distinctions may be made when receiving complaints, their legal validity may not be challenged, and there must be no adverse impact on the opening of investigations. It notes that gender-based violence committed against persons with disabilities frequently occurs within the home and that persons with disabilities therefore require special protection. In addition, the Public Prosecution Service has a general instruction with guidelines for responding to acts of institutional violence.

proceedings; support during investigative procedures such as videotaped interviews,<sup>165</sup> the taking of statements and expert examinations; coordination, transport and support during their stay when they must receive healthcare in a different region; coordination with bodies such as the National Institute of Human Rights, legal assistance agencies and the National Service for Persons with Disabilities regarding representation in criminal and civil proceedings and disability certification procedures; reimbursement of medical expenses incurred as a result of the offence; and referrals for restorative therapy.

97. In 2021, under an agreement between the Carabineros and the National Service for Persons with Disabilities, the directive on the use of force,<sup>166</sup> the protocol for maintaining public order, and the guidelines for police action involving persons with disabilities were reviewed with a view to enhancing the disability-inclusive perspective and the treatment of persons with disabilities at both police stations and detention centres.

98. The investigative police have issued the following regulations specifically on disability: (a) Order No. 51 of 21 June 2018, establishing an equal opportunities and social inclusion committee for persons with disabilities within the investigative police; (b) General Ordinance No. 2604<sup>167</sup> of 2019, introducing a policy for respecting and promoting human rights, which gives express consideration to the particular needs of persons with disabilities and their acceptance in the context of diversity and the human condition; (c) Circular No. 01 de 7 January 2020 of the General Inspectorate of the Investigative Police, which provides instructions to its staff on the rights of persons with disabilities; and (d) General Order No. 2.638 of 11 May 2020, adopting regulations on equal opportunities for persons with disabilities in the investigative police and their inclusion in the workplace.

99. The Carabineros have several mechanisms in place for filing reports or complaints of police misconduct. Such reports and complaints can be made through the Virtual Police Station, which allows for anonymous reporting; on the Carabineros' website; by telephone, where information can be provided anonymously and informally; and in person at any police station. In addition, the Carabineros and the National Service for Persons with Disabilities maintain direct lines of communication to obtain information, streamline processes and provide expert guidance on such cases. A flow chart for referrals in cases involving reports against police officers has been drawn up and is currently being updated.

100. In 2019, under Act No. 21.154,<sup>168</sup> the National Institute of Human Rights was designated the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. The mechanism began operating on 25 May 2020, a year focused on its establishment. As at July 2022, 51 visits had been carried out nationwide in five focus areas: mental health; prisons; policing; older persons; and children and adolescents. In addition, 31 training activities on the prevention of torture and other ill-treatment have been carried out, mainly for the Prison Service, the Carabineros and the investigative police.

## Article 16

101. To combat violence, as part of its assistance, protection and reparation programme for cases of violence against women, the National Service for Women's Affairs and Gender Equity runs facilities to help women who require special protection because of other intersecting factors. These include the support and reparation centres for women victims and survivors of sexual violence, which are specialized mechanisms that provide rehabilitative support for women from 18 years of age.

102. Since 2013, the mobile intercultural women's centre has worked at the local level to reduce violence against women, especially in intimate partner relationships, by implementing a comprehensive intervention model with an emphasis on preventive action, intersectoral

<sup>165</sup> The third stage of the implementation of Act No. 21.057 began on 3 October 2022, with the Act then being implemented throughout the country.

<sup>166</sup> <http://bcn.cl/33qa6>.

<sup>167</sup> <https://ordenesgenerales.investigaciones.cl/Archivo/Descarga/?file=7A3C8B3639FE6D2F62020269C421582E4F10B2F9>.

<sup>168</sup> <http://bcn.cl/2nfgq>.

coordination and community, group and individual support for women victims of violence who live in areas that are far from other women's centres – primarily rural areas and areas where Mapuche women live that are not covered other centres.

103. In 2020, the National Service for Women's Affairs and Gender Equity signed a cooperation agreement with the Nellie Zabel Foundation for the establishment of a deaf women's centre<sup>169</sup> as a pilot initiative with nationwide scope. The model adopted for the centre blends the activities of women's centres with the experiences of the Nellie Zabel Foundation in working with deaf women, with gender-sensitive and human rights-focused assistance being provided to women from across the country using a remote and/or online format with Chilean Sign Language or other alternative means of communication and with factors such as the deaf culture and community of which the women are a part being taken into account.<sup>170</sup>

104. The intersectoral round table referred to in paragraph 54 reviewed the recommendations of the Ministry for Women's Affairs and Gender Equity relating to women victims of domestic violence in the context of the COVID-19 lockdown and put forward suggestions to ensure: the accessibility of equipment, facilities and information; training for staff on assisting women and girls with disabilities; follow-up on cases involving women and girls with disabilities; and the inclusion within the target group of women and girls with disabilities who were deprived of their liberty or were living in psychiatric residential homes, sheltered housing or other facilities.

105. In 2020, the 800 000 058 "Connected to Caring" hotline<sup>171</sup> was launched (para. 55).

106. During the health crisis, the National Service for Women's Affairs and Gender Equity made institutional support available to all women through its mechanisms for responding to violence against women.

107. In line with the recommendations made in a study,<sup>172</sup> the Public Prosecution Service has been considering designing and introducing cross-cutting standards on assisting and protecting vulnerable victims, including persons with disabilities who are victims of crime. The initiative is expected to come to fruition in 2023.

108. Act No. 21.430<sup>173</sup> expressly prohibits all forms of abuse of children and adolescents, establishing that under no circumstances can such treatment be justified and defining significant physical abuse and degrading treatment that severely undermines dignity as criminal offences. The Act provides that the disabilities of children and adolescents can never be used as grounds for denying them their rights and, in particular, prohibits any practice intended to misinform them about their sexuality, suspend the provision of contraception or sterilize children or adolescents for contraceptive purposes.

109. In 2021, the "Better Childhood" programme<sup>174</sup> was created with the aim of ensuring special protection for children and adolescents who face a risk of or have been subjected to

<sup>169</sup> <https://www.sernameg.gob.cl/?p=34095>.

<sup>170</sup> A local approach that also takes account of gender equality, human rights, interculturalism and intersectionality is applied. When a programme for the provision of guidance and information and/or psychosocial, educational and legal assistance cannot be put in place because of significant intersecting variables in a woman's situation, these services are provided directly by the staff of the deaf women's centre. In addition to individual support, social and educational support is provided in a group setting.

<sup>171</sup> [https://www.senadis.gob.cl/pag/588/1880/linea\\_800\\_conectados\\_al\\_cuidar#:~:text=El%20fono%20800%20000%20058,contexto%20de%20la%20actual%20pandemia](https://www.senadis.gob.cl/pag/588/1880/linea_800_conectados_al_cuidar#:~:text=El%20fono%20800%20000%20058,contexto%20de%20la%20actual%20pandemia).

<sup>172</sup> The study found that persons with disabilities are less likely to be victims of sexual crimes (11%), non-violent theft (13%) and fraud (9%). However, it is possible that the low percentages are the result of underreporting. In addition, of the different offences considered, the most prevalent among persons with disabilities is sexual assault, especially against women, children and adolescents with intellectual, psychosocial, hearing or visual disabilities.

<sup>173</sup> <https://bcn.cl/2yieq>.

<sup>174</sup> Act No. 21.302. The Service's Department for Technical Assistance and Technical Knowledge Transfer, which is responsible for forming teams to improve the quality of interventions, takes various approaches, including a disability-sensitive one. One of the special training sessions held in 2022 addressed interventions in residential homes for children and adolescents with intellectual disabilities.

serious violations of their rights and that the fundamental rights of children and adolescents under the Constitution, the Convention on the Rights of the Child and other international human rights treaties ratified by Chile are respected and enforced.

110. Between 2015 and July 2020, 104 children and adolescents with disabilities were served through the Access to Justice Programme. In 2021, the National Kindergartens Board updated its protocols, and it now has a protocol for dealing with situations of abuse, whether or not they might constitute an offence. The National Service for Minors has enhanced procedures, in-force regulations and protocols for identifying and addressing offences committed against children and adolescents in residential care and foster families. The National Service for Persons with Disabilities has coordinated with the National Service for Minors, the “My Lawyer” programme and the Access to Justice Programme in addressing specific cases.

111. In recent years, various laws aimed at eradicating or combating all forms of violence against women and girls, including women and girls from Indigenous communities and those with disabilities, have been promulgated. In 2017, Act No. 21.013<sup>175</sup> defined the offence of significant abuse, with penalties for anyone who subjects a child, adolescent, older person or person with a disability to a significant degree of physical abuse, and especially for those who have a special duty of care or protection with respect to a child, adolescent, older person or person with a disability. Act No. 21.160,<sup>176</sup> which provides that sexual crimes committed against children and adolescents are not subject to a statute of limitations, was published in 2019. Act No. 21.331<sup>177</sup> prohibits irreversible non-consensual interventions such as psychosurgery and the forced sterilization of children and adolescents and safeguards the right to comprehensive sexual and reproductive healthcare. Act No. 21.430,<sup>178</sup> which addresses the right to be protected from violence, was published in 2022.

112. In addition, the draft law on the right of women to a life free from violence is under consideration (para. 27).

## Article 17

113. Act No. 21.331<sup>179</sup> recognizes the right of persons with disabilities not to be sterilized without their free and informed consent and prohibits the sterilization of children and adolescents and the use of sterilization as a fertility control measure. When a person is unable to express his or her wishes, his or her preferences cannot be determined or he or she is a child or adolescent, only reversible contraceptive methods may be used. The Act also provides that a person who has been involuntarily hospitalized may not be subjected to irreversible procedures or treatments such as sterilization or psychosurgery. The current regulations on psychiatric hospitalization (Decree No. 570<sup>180</sup>) are being amended in accordance with the framework established under Act No. 21.331. In this connection, it was decided that consultations would be held in September and October 2022. The Ministry of Health is completing the process of analysing and incorporating the resulting information and will then move on to the formalization process, which is expected to be finalized in early 2023.

114. In 2018, the National Service for Persons with Disabilities conducted a national survey of residential homes for persons with disabilities and persons with functional dependency, covering a total of 221 residential homes for persons with disabilities. The survey revealed the following: (a) these residential homes serve a total of 3,323 children, adolescents and adults, of whom 2,356 are persons with disabilities between the ages of 18 and 59 receiving full-time or night-time care and assistance in a residential setting;<sup>181</sup> (b) 160 residential homes are mixed, 36 serve only men, and 25 serve only women;

<sup>175</sup> <http://bcn.cl/31wsm>.

<sup>176</sup> <http://bcn.cl/2pe6i>.

<sup>177</sup> <http://bcn.cl/2p863>.

<sup>178</sup> <https://bcn.cl/2yieq>.

<sup>179</sup> <http://bcn.cl/2p863>.

<sup>180</sup> <http://bcn.cl/2k5t8>.

<sup>181</sup> <https://www.senadis.gob.cl/descarga/i/5219>.

(c) 205 homes are associated with psychiatric care and 156 serve persons with mental and/or intellectual disabilities, with 65% of the residential homes serving users with three or more permanent conditions; and (d) 164 homes serve self-sufficient users. Users with severe dependency and non-ambulatory users account for a smaller percentage than users with other degrees of dependency.

115. In 2018, the National Service for Persons with Disabilities conducted a study of management models, care protocols and standards for the residential care of institutionalized persons with disabilities.<sup>182</sup> In total, 420 persons with disabilities between the ages of 18 and 59 were surveyed, yielding the following data: 73% of those surveyed were between 30 and 59 years old; 27% were between 18 and 29 years old; 67.5% of those between 18 and 29 were men, as were 61.6% of those between 30 and 59; 98.1% were single; 98.1% were registered in the National Disability Register; 92% could not read or write, while 5% could; 34.3% of residents entered their residential home between 1990 and 1999, 19.5% between 1980 and 1989, 11% between 1970 and 1979, and 19.3% between 2000 and 2018; 41% of residents reported that their admission had resulted from the inability of the person(s) responsible for them to meet their basic physical and psychological needs; 32.8% reported that they had been referred by another organization; 23.9% reported that their admission had been due to a situation of abandonment and the admission of the majority of residents had followed a court order; only 22% of residents had regular, at least monthly, contact with their families; and 75.4% of residents were in a situation of severe functional dependency.

116. Until 2021, the National Service for Persons with Disabilities, under its Residential Models for Adults with Disabilities programme, had agreements with 27 residential homes, benefiting 1,088 persons, 459 women and 629 men, between the ages of 18 and 59, in eight regions of the country.

117. The Ministry of Health accommodates 1,840 people in protected care centres and residential homes centred around community living and some 650 people in medium-stay units, long-stay units and psychiatric sentence enforcement units around the country.

118. Measures for the prevention and treatment of COVID-19 among institutionalized persons with disabilities are outlined in paragraphs 54 et seq. above. With respect to data on persons with disabilities in residential homes who contracted COVID-19, according to the National Service for Persons with Disabilities, between 29 December 2020 and 14 November 2021, there were 104 infections and 5 deaths. As for vaccinations, 1,167 residents received the first dose, 1,162 received the second, and 518 received the third.

## Article 18

119. Act No. 21.430<sup>183</sup> mandates the Civil Registry and Identity Service to establish quick and simple birth registration procedures that allow for the timely identification of newborns and their nationality, regardless of their migration status or that of their father and/or mother. The Act establishes a framework for the State to take measures to defend and protect the rights of children and adolescents, taking account of groups requiring special protection such as children and adolescents with disabilities or from Indigenous communities, and prohibits discrimination on such grounds.

120. Act No. 19.477<sup>184</sup> allows the Civil Registry and Identity Service to establish sub-offices within the Forensic Medical Service, hospitals and other healthcare facilities. The sub-offices located in hospitals are responsible for registering the births that occur within the facility. Under Act No. 19.253,<sup>185</sup> the Civil Registry and Identity Service is required to record the first and last names of Indigenous persons in the form in which their parents state them and using the phonetic transcription rules that they indicate.

<sup>182</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/7364](https://www.senadis.gob.cl/sala_prensa/d/noticias/7364).

<sup>183</sup> <https://bcn.cl/34k6a>.

<sup>184</sup> <https://bcn.cl/34yy1>.

<sup>185</sup> <https://bcn.cl/34mv6>.

121. In 2012, an inter-institutional agreement was signed by the Ministry of Health, the Civil Registry and Identity Service and the National Institute of Statistics for the compilation of vital statistics in the country. General technical standard No. 160,<sup>186</sup> which addresses the perinatal information system, was adopted in 2013. Technical standard No. 820,<sup>187</sup> on health information standards, which was published in 2016, includes a mandatory minimum standard for the “Indigenous Peoples” variable.

## Article 19

122. In line with the right to independent living, in 2019, the National Service for Persons with Disabilities implemented a strategy for promoting autonomy through local and community-based networks on a pilot basis in three communes, two urban and one rural. Its purpose was to foster an improvement in the quality of life and social inclusion of persons with disabilities or in situations of dependency or social vulnerability who were aged 18 or over and among the most vulnerable 40% of the target population, and the quality of life of their caregivers, and to strengthen these persons’ social ties to their community. The programme was then expanded to three more areas and integrated into the Service’s inclusive local development strategy.<sup>188</sup>

123. The National Service for Persons with Disabilities’ Transition to Independent Living Programme has been rolled out nationwide using three funding models – individual, group and training-based – that support the process of transitioning to independent living and strengthening community support for persons with disabilities. As of 2021, 168 individual projects and 44 group ones were under way, delivering the programme’s four components, namely: support and care services; intermediation services; environmental adaptations; and training. In 2017, the National Service for Persons with Disabilities disseminated a document on best practices in services to support independent living,<sup>189</sup> which contained a compilation of experiences gathered together by the Service.

124. The “Chile values you” initiative<sup>190</sup> has raised the profile of the assistants and caregivers of persons with illnesses who provide basic caregiving services to persons in situations of dependency or facing violations of their rights, in line with their diagnosed needs and applicable regulations. The National Service for Persons with Disabilities, under an agreement with the Civil Registry and Identity Service, assesses whether individuals meet the requirements for registration as providers of support services or assistance.

125. The Ministry of Housing and Town Planning has implemented accessible design in urban programmes.<sup>191</sup> Pilot projects under the “Inclusive City” plan for universal accessibility have been implemented in various cities. In 2018, a guide on accessible solutions for public spaces and housing for persons with disabilities was published.<sup>192</sup>

<sup>186</sup> [https://estadisticas.sosorno.cl/mortalidad\\_natalidad/archivos/Norma-160-registro-CAPNV.pdf](https://estadisticas.sosorno.cl/mortalidad_natalidad/archivos/Norma-160-registro-CAPNV.pdf).

<sup>187</sup> [https://degi.saludoriente.cl/degidssmo/documentos/normas/NORMA\\_820.pdf](https://degi.saludoriente.cl/degidssmo/documentos/normas/NORMA_820.pdf).

<sup>188</sup> Of the caregivers participating in the pilot programme, 68% said that there had been a decline in how overburdened they felt. In addition, among persons with disabilities, a sharp decline was seen in perceptions of loneliness and isolation, and there was a decrease in the frequency with which they encountered barriers to participation or a lack of sufficient community support to be able to participate. See: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8171](https://www.senadis.gob.cl/sala_prensa/d/noticias/8171).

<sup>189</sup> <https://www.senadis.gob.cl/descarga/i/4661/documento>.

<sup>190</sup> <https://certificacion.chilevalora.cl/ChileValora-publica/perfilesEdit.html?paramRequest=941>.

<sup>191</sup> These include programmes focused on community paving projects, public spaces, neighbourhood redevelopment and small towns.

<sup>192</sup> <https://biblioteca.digital.gob.cl/bitstream/handle/123456789/3569/GUIA%20DE%20SOLUCIONES%20ACCESIBLES%20PARA%20ESPACIOS%20PUBLICOS%20Y%20VIVIENDAS%20PARA%20PERSONAS%20CON%20DISCAPACIDAD.pdf?sequence=1&isAllowed=y>.

126. With respect to deinstitutionalization, the Ministry of Health is overseeing a redesign of the National Programme for Protected Care Centres and Residential Homes that involves significant changes to Act No. 21.331.<sup>193</sup> A pilot project being developed together with the Aconcagua Health Service should allow for the deinstitutionalization of some 30 persons who have been living at the Philippe Pinel Psychiatric Hospital in Putaendo for between 30 and 40 years. The National Mental Health Plan and the accompanying action plan contain measures geared towards deinstitutionalization and set relevant targets for the period 2022–2025.

127. Act No. 21.430<sup>194</sup> provides that all children and adolescents have the right to exercise their personal liberty and autonomy in accordance with their age, maturity and level of development. Consequently, provisional detention may be used on an exceptional basis only. Furthermore, the Act expressly states that the disability status of a child or adolescent may never be used as grounds for denying him or her the rights enshrined in the Act.

128. Paragraphs 90 and 91 address forced institutionalization on the grounds of disability.

## Article 21

129. Under Act No. 21.303, referenced in paragraph 43, the State undertakes to promote, respect and enforce the cultural and linguistic rights of deaf persons and ensure access to public and private services, education, the labour market, healthcare and other areas of social life using Chilean Sign Language.

130. Regarding communication systems and the accessibility of public information in the media, see paragraph 42.

131. The rules regarding the accessibility of government websites are set out in Ministry of Transport and Telecommunications Exempt Resolution No. 1773<sup>195</sup> of 2016, which provides instructions for designing and implementing plans to make websites accessible, and Decree No. 1<sup>196</sup> of the Office of the Minister and Secretary-General of the Office of the President (para. 45).

132. Various measures have been taken to professionalize Chilean Sign Language interpreters and guarantee their availability in schools and tertiary education. In 2018, a sectoral agency for occupational skills in Chilean Sign Language was formed,<sup>197</sup> which subsequently created two job profiles, one for deaf instructors of Chilean Sign Language and deaf culture<sup>198</sup> and one for deaf co-teachers of Chilean Sign Language and deaf culture.<sup>199</sup> In addition, two training plans were developed on the basis of the standards defined in the job profiles, one on methodological tools for deaf instructors of Chilean Sign Language and deaf culture<sup>200</sup> and one on methodological tools for deaf co-teachers of Chilean Sign Language.<sup>201</sup>

133. In 2020, the Ministry of Education held a series of meetings with universities in different regions with a view to developing a proposal for a degree programme in Chilean

<sup>193</sup> <http://bcn.cl/2p863>.

<sup>194</sup> <http://bcn.cl/2yieq>.

<sup>195</sup> <http://bcn.cl/2xglt>.

<sup>196</sup> <http://bcn.cl/2qwqa>.

<sup>197</sup> It comprises representatives of the State, employers and workers.

<sup>198</sup> To implement activities for the teaching and learning of Chilean sign language and deaf culture, for people learning Chilean sign language as a second language. See

[https://certificacion.chilevalora.cl/ChileValora-publica/perfilesEdit.html?paramRequest=1615&bsearch=&bsector=-1&bsubsector=-1&barea=-1&bcentro=-1&bperfil=-1&resultados\\_length=10](https://certificacion.chilevalora.cl/ChileValora-publica/perfilesEdit.html?paramRequest=1615&bsearch=&bsector=-1&bsubsector=-1&barea=-1&bcentro=-1&bperfil=-1&resultados_length=10).

<sup>199</sup> To impart Chilean sign language and deaf culture and support teachers and teaching assistants in teaching and learning activities for deaf students, in line with the characteristics of the school environment, principles of deaf pedagogy and the Common European Framework of Reference for Languages. See

[https://certificacion.chilevalora.cl/ChileValora-publica/perfilesEdit.html?paramRequest=1614&bsearch=&bsector=-1&bsubsector=-1&barea=-1&bcentro=-1&bperfil=-1&resultados\\_length=10](https://certificacion.chilevalora.cl/ChileValora-publica/perfilesEdit.html?paramRequest=1614&bsearch=&bsector=-1&bsubsector=-1&barea=-1&bcentro=-1&bperfil=-1&resultados_length=10).

<sup>200</sup> <https://sistemas.sence.cl/sipfor/Planes/PDFPlan.aspx?id=3280>.

<sup>201</sup> <https://sistemas.sence.cl/sipfor/Planes/PDFPlan.aspx?id=3281>.

Sign Language interpreting, which culminated in a preliminary proposal being submitted in 2022 that included a curriculum for an eight-semester undergraduate degree programme.

134. Since 2014, the number of Chilean Sign Language interpreters in the country's schools has increased.

<i>Number of staff</i>	2014	2015	2016	2017	2018	2019	2020	2021
Chilean Sign Language interpreters	131	167	199	216	227	259	237	235

*Source:* School Integration Programme technical report, School Integration Programme operations.

135. In addition to the measures indicated in paragraphs 54 to 66, the Ministry of Health, the National Service for Persons with Disabilities and civil society organizations issued information on COVID-19 and how to prevent it, quarantines, customs and health permits, and recommendations for persons with disabilities and their families and caregivers in user-friendly language. In addition, short educational videos were made available in Chilean Sign Language and with subtitles, including videos entitled “Caring for patients at home”,<sup>202</sup> “Symptoms”,<sup>203</sup> “How to prevent it”,<sup>204</sup> “Coronavirus quarantine”,<sup>205</sup> “Isolating at home 1”,<sup>206</sup> “Isolating at home 2”,<sup>207</sup> “How we can prevent COVID-19”,<sup>208</sup> “Learn about COVID-19 and its symptoms”,<sup>209</sup> and “Residential health facilities”.<sup>210</sup>

## Article 23

136. Although there have been no amendments to the Civil Code to date, there are bills on legal capacity pending, including those referred to in paragraphs 70 et seq. For example, bill No. 12.441-17<sup>211</sup> proposes eliminating the incapacity to exercise legal guardianship or curatorship of persons who are “blind”, “mute” or “insane, although not under interdiction”. The bill also removes the legal restrictions that prevent persons with disabilities from marrying.<sup>212</sup>

137. The bill to overhaul the Chilean adoption system (bill No. 9.119-18)<sup>213</sup> provides that a judicial declaration of adoptability may not be based on grounds that constitute arbitrary discrimination and expressly mentions several categories, including disability, as prohibited grounds. One of the requirements that prospective adoptive parents must meet is to obtain an attestation of the general conditions on which they wish to adopt a child or adolescent, which conditions must not in any way constitute arbitrary discrimination, and amendments to the bill have been proposed to expressly refer to disability.

138. The judiciary does not have detailed disaggregated data on court cases brought to restore custody of children to women with disabilities. However, work has been done on this issue. A 2020 agreement between the National Service for Persons with Disabilities, the National Service for Women's Affairs and Gender Equity and the Ministry for Women's Affairs and Gender Equity specifically addressed inclusive motherhood. Additionally, the National Service for Women's Affairs and Gender Equity has organized workshops<sup>214</sup> addressing topics such as gender, sexuality, motherhood, self-care, decision-making,

<sup>202</sup> <https://youtu.be/2S72YisobEE>.

<sup>203</sup> <https://youtu.be/TpbCKzw4k60>.

<sup>204</sup> <https://youtu.be/xsk8VSEsR4>.

<sup>205</sup> [https://youtu.be/dB426\\_YoxhE](https://youtu.be/dB426_YoxhE).

<sup>206</sup> [https://youtu.be/TUt3CrW\\_R-4](https://youtu.be/TUt3CrW_R-4).

<sup>207</sup> <https://youtu.be/2RmM42xwxgM>.

<sup>208</sup> <https://youtu.be/65AvdOQFfaI>.

<sup>209</sup> <https://youtu.be/8G-qSdZTCXA>.

<sup>210</sup> <https://youtu.be/WnlxzpY3fY>.

<sup>211</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=12441-17](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=12441-17).

<sup>212</sup> <https://bcn.cl/34syf>.

<sup>213</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=9119-18](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=9119-18).

<sup>214</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8572/programa-mujer-sexualidad-y-maternidad-de-sernameg-abre-inscripciones-a-sus-talleres](https://www.senadis.gob.cl/sala_prensa/d/noticias/8572/programa-mujer-sexualidad-y-maternidad-de-sernameg-abre-inscripciones-a-sus-talleres).

prevention as part of holistic healthcare, shared responsibility, menopause, self-esteem, life plans, support networks and schooling. The agreement also addressed the sexual and reproductive health of persons with disabilities, leading to the joint development of advocacy and informational materials by the National Service for Persons with Disabilities and the University of Chile in 2021 and 2022.<sup>215</sup>

139. Since 2017, the National Service for Persons with Disabilities has provided Ch\$ 131,883,112 in funding for 13 projects that directly benefit some 90 persons with disabilities and their families, surroundings and communities, especially their school communities. Action taken as part of these projects includes the production of informational and audiovisual materials intended to raise awareness of sexual and reproductive rights. In 2019, the National Service for Persons with Disabilities published a report on best practices of the National Fund for Inclusive Initiatives<sup>216</sup> applied under its “sexual and reproductive rights” line of action in 2018.

140. The National Policy on Sexual and Reproductive Health,<sup>217</sup> which sets out a general framework for a human rights-based and disability-sensitive approach, the objectives and principles to be applied and strategies for action, including the mainstreaming of disability, was published by the Ministry of Health in 2018.

141. The technical guidelines for the Women, Sexuality and Motherhood Programme<sup>218</sup> run by the National Service for Women’s Affairs and Gender Equity provides for the application of an inclusive approach, with specific guidance for working with persons with disabilities. Additionally, operational handbooks have been reviewed by persons with disabilities and, in 2021, the Programme organized a workshop for deaf women in the Magallanes region.

142. In 2021, the Ministry of Education developed audiovisual modules for use in the curriculum.<sup>219</sup> They contained 48 videos, with corresponding technical information sheets for teachers and/or families, and addressed three areas of work: critical areas in the curriculum; relationships, sexuality and gender; and family and disability. The Ministry of Education is currently developing a comprehensive sexuality education policy, which is intended to cover the entire school system.

## Article 24

143. Following the promulgation of Decree No. 83/2015,<sup>220</sup> measures have been taken to support mainstream and special schools in implementing its provisions. For example, infographics have been developed;<sup>221</sup> since 2019, 157 special schools have received online support for the process of adjusting their curricular benchmarks, with a focus on acquisition of the basic education curriculum, understanding and use of the spiral curriculum,<sup>222</sup> diversification strategies for teaching and learning-oriented assessment; and, in 2021, regional networks of special schools were set up to provide support, guidance and assistance in implementing the Decree.

144. The National Service for Persons with Disabilities’ School Support Programme for the Inclusion of Students with Disabilities reflects the provisions of Decree No. 83/2015<sup>223</sup> and is designed to reduce contextual barriers in schools that might impede the inclusion of students with disabilities. The Programme provides funding for technical aids, training for

<sup>215</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8663](https://www.senadis.gob.cl/sala_prensa/d/noticias/8663).

<sup>216</sup> <https://www.senadis.gob.cl/descarga/i/6033/documento>.

<sup>217</sup> [https://diprece.minsal.cl/wrdprss\\_minsal/wp-content/uploads/2018/03/POLITICA-NACIONAL-DE-SALUD-SEXUAL-Y-REPRODUCTIVA-.pdf](https://diprece.minsal.cl/wrdprss_minsal/wp-content/uploads/2018/03/POLITICA-NACIONAL-DE-SALUD-SEXUAL-Y-REPRODUCTIVA-.pdf).

<sup>218</sup> [https://www.sernameg.gob.cl/?page\\_id=26830](https://www.sernameg.gob.cl/?page_id=26830).

<sup>219</sup> <https://especial.mineduc.cl/recursos-apoyo-al-aprendizaje/recursos-audiovisuales-para-la-diversificacion-de-la-ensenanza/capsulas/>.

<sup>220</sup> <http://bcn.cl/2f7b6>.

<sup>221</sup> <https://especial.mineduc.cl/recursos-apoyo-al-aprendizaje/infografias-del-decreto-n83/>.

<sup>222</sup> <https://especial.mineduc.cl/recursos-apoyo-al-aprendizaje/recursos-las-los-docentes/progresiones-de-aprendizaje-en-espiral-y-orientaciones-para-su-implementacion/>.

<sup>223</sup> <http://bcn.cl/2f7b6>.

teachers in universal design for learning, methodological adjustments, the dissemination and promotion of educational inclusion strategies and the modifications necessary for online classes.

145. With regard to special projects, Apoyo Autismo Chile Foundation has developed a guide to accessibility measures to ensure the full participation of persons with autism, Easy Read materials and other accessibility measures, and has piloted an online Chilean Sign Language course for hearing children attending mainstream schools where deaf students have been integrated into classrooms. In 2020, the “En Señas” Foundation piloted online Chilean Sign Language classes in schools having adopted the Educational Integration Programme at which students with hearing impairments were enrolled, with a view to including these students in educational and social interactions.

146. The Ministry of Education has focused its efforts on equipping schools with technological tools. Its strategies have encompassed:<sup>224</sup> technology for ensuring universal access to education;<sup>225</sup> tackling new challenges; an international seminar on information and communications technologies and multiple challenges;<sup>226</sup> the distribution of technological kits for online education; and the promotion of conditions conducive to the reactivation of learning through pedagogical innovation in special schools.

147. With regard to building a culture of diversity in the field education, since the roll-out of the Educational Integration Programme, a greater number of students with disabilities have been enrolled in regular education, with 70% attending mainstream schools and 30% pursuing their education in special schools.

<i>Year</i>	<i>Students in mainstream schools implementing the Educational Integration Programme</i>	<i>Students in special schools</i>
2017	75 717	39 977
2018	83 084	39 679
2019	90 481	39 319
2020 <sup>227</sup>	90 169	38 559
2021	99 796	38 468
2022	102 452 <sup>228</sup>	38 701

148. Since 2018, the Department of Educational Assessment, Measurement and Registration has provided additional support to persons with disabilities taking tests to gain access to higher education. An intersectoral board was established to incorporate inclusion into the indicators measured by the Agency for Educational Quality. The National Service for Persons with Disabilities is a member of the Public University Network and the Network for Inclusive Higher Education.

149. With regard to the transition from integration to inclusive education, in 2018, the Centre for Advanced Training, Experimentation and Pedagogical Research of the Ministry of Education provided training to more than 350 teachers to develop their education planning, diversification and evaluation skills, with diversity and inclusion as the central focus.

150. During the COVID-19 pandemic, the National Service for Persons with Disabilities’ School Support Programme for the Inclusion of Students with Disabilities adapted the support it provided for institutions and their students with disabilities. In 2020, the focus was on special schools, with financing provided for technical aids and mobile Internet for students

<sup>224</sup> See annex 5.

<sup>225</sup> <https://www.innovacion.mineduc.cl/iniciativas/tecnologias-de-acceso-universal-para-la-educacion-2022>.

<sup>226</sup> <https://especial.mineduc.cl/en-junio-se-realizo-el-i-seminario-internacional-tic-y-retos-multiples/>.

<sup>227</sup> Given the suspension of in-person classes owing to the COVID-19 pandemic, there were students with disabilities who, although enrolled, could not be assessed in person to confirm the disability diagnosis in accordance with Decree No. 170 (<http://bcn.cl/2s8hu>).

<sup>228</sup> This figure does not take account of the process for applying for derogations under the Educational Integration Programme.

with disabilities. The requirement for socioemotional intervention workshops to be introduced in online modules to support the needs of students and their families arising from the prolonged lockdown also received attention. This focus was maintained in 2021, with the involvement of primary and secondary schools and with funding for teacher training provided.<sup>229</sup> The National Service for Persons with Disabilities' Support Programme for Students with Disabilities in Higher Education Institutions was adjusted as outlined in paragraph 58.

## Article 25

151. The Ministry of Health has provided training in the rights of persons with disabilities to healthcare personnel, intersectoral groups and the general public. In the area of disability classification and certification, the Preventive Medicine and Disability Committee has provided training to health officials and has organized information sessions on human rights, the biopsychosocial model and the International Classification of Functioning, Disability and Health for the healthcare sector, intersectoral groups and civil society. In addition, the National Service for Persons with Disabilities, in coordination with the civil service, has run training courses<sup>230</sup> for civil servants on issues relating to the rights of persons with disabilities.

152. With regard to the accessibility of information on sexual and reproductive health, a handbook on sexuality and the inclusion of persons with disabilities was issued in 2018, followed by a second edition in 2019.<sup>231</sup> The handbook served as the theoretical foundation for the training on the sexual and reproductive rights of persons with disabilities provided to primary healthcare professionals in 2018 and 2019.<sup>232</sup> More than 400 rehabilitation professionals received this training.<sup>233</sup> An Easy Read version of the handbook was issued in 2020<sup>234</sup> and a new agreement for the development of accessible materials<sup>235</sup> on disability and sexual and reproductive rights was signed in 2021.

153. The forms relating to the law that authorizes abortion in three situations<sup>236</sup> have been produced in Braille and have been distributed to all State institutions forming part of the network so that they are available should any women with visual impairments require care.

154. Act No. 21.331<sup>237</sup> lays down the principles and rights to be considered in the design and implementation of a human-rights-based mental health policy.

155. The Ministry of Health formulated the National Mental Health Plan 2017–2025.<sup>238</sup> The advisory board on issues of mental health and well-being in the context of the COVID-19 pandemic proposed the establishment of a permanent governmental advisory board on mental health,<sup>239</sup> composed of the broadest possible range of actors, especially those connected to user groups. Furthermore, the Government has proposed tabling a comprehensive law on mental health that would provide for the establishment of a network organized in accordance

<sup>229</sup> In total, across all regions, excluding Tarapacá, 46 projects received funding, with a budget of Ch\$ 360,537,952. In 2022, funding applications were processed under the same conditions as the previous year but, owing to the return to in-person teaching, no funding was allocated to online initiatives.

<sup>230</sup> <https://academia.senadis.cl/>.

<sup>231</sup> <https://www.senadis.gob.cl/descarga/i/5609/documento>.

<sup>232</sup> In 2018, training was provided to professionals of the public rehabilitation network in the Metropolitan, Biobío, O'Higgins, Valparaíso, Araucanía and Coquimbo regions. In 2019, training was provided to professionals in the Maule, Tarapacá, Arica y Parinacota, Metropolitan, Antofagasta, Los Lagos and Los Ríos regions.

<sup>233</sup> The training plan included children with disabilities and was designed to support rehabilitation professionals in promoting the exercise of the rights of persons with disabilities.

<sup>234</sup> <https://www.senadis.gob.cl/descarga/i/6045/documento>.

<sup>235</sup> [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8663](https://www.senadis.gob.cl/sala_prensa/d/noticias/8663).

<sup>236</sup> <http://bcn.cl/2zg0t>.

<sup>237</sup> <http://bcn.cl/2p863>.

<sup>238</sup> The Plan was developed through a participatory process, with regulation and human rights as one of its areas of action. See: <https://www.minsal.cl/wp-content/uploads/2017/12/PDF-PLAN-NACIONAL-SALUD-MENTAL-2017-A-2025.-7-dic-2017.pdf>.

<sup>239</sup> <https://www.minsal.cl/consejoasesorensaludmental/>.

with the community-based model of mental health,<sup>240</sup> would double the budget allocation, would set up 15 new community mental health centres serving all the regions as well as day centres for persons with mental disabilities,<sup>241</sup> and would incorporate a focus on children's mental health in the "Chile Grows with You" programme.<sup>242</sup>

156. In 2021,<sup>243</sup> the Child Mental Health Support Programme provided services to 37,699 children from all regions of the country, out of a total of 147,324 mental health consultations. The Programme was expanded to 90 municipalities in 2022, with a projected beneficiary population of 45,096 children, but still needs to be implemented in 256 municipalities nationwide. The Office of the Undersecretary for Children has proposed modifying the Programme to expand eligibility to a wider age range and incorporate a preventive component for early detection of mental health disorders or risk factors, to be achieved through the introduction of child mental health checks at the ages of 7 months, 2.5 years, 4 years and 7 years. In addition, an evidence-based package of adapted benefits will be designed for infants up to the age of 2 years, to be implemented as of 2024.

157. Under the universal healthcare system administered by the Government, priority will be given to mental health, with a gender and human rights-based approach.<sup>244</sup>

158. Further to the information provided in paragraphs 54 to 69, there was no disability-based discrimination in the prioritization of the use of mechanical ventilation equipment. A working group composed of representatives of the Ministry of Health, the Observatory for Civic Participation and Non-Discrimination and the National Service for Persons with Disabilities was set up to ensure, by providing support for the management of complex cases, that persons with disabilities were not discriminated against in healthcare and that the rights and dignity of persons with disabilities, their caregivers and families were respected.

159. For data on persons with disabilities in residential care who contracted COVID-19 and on vaccination, see paragraph 118. It should be noted that 118 persons with disabilities who had or were suspected of having COVID-19 or who had had close contact with an infected person were placed in residential healthcare facilities, while 86 were placed in temporary residences providing basic care and assistance services owing to a critical emergency in their residence.

## Article 26

160. Since 2016, the National Service for Persons with Disabilities has supported the establishment of over 200 rehabilitation facilities of varying complexity in the country's 16 regions, incorporating a community-based rehabilitation approach and bringing the services closer to the communities where persons with disabilities live, including in remote and rural areas.

161. See the table below for information on the budget allocated by the National Service for Persons with Disabilities to technical aids:

<i>Year (Chile Solidario Programme)</i>	<i>Regular budget (Ch\$)</i>	<i>Security and Opportunities budget (Ch\$)</i>	<i>Total (Ch\$)</i>
2016	2 612 329 000	1 730 705 000	4 343 034 000
2017	3 021 878 360	1 782 626 000	4 804 504 360

<sup>240</sup> Government Programme 2022–2026, p. 127, available at: [https://s3.amazonaws.com/cdn.boricpresidente.cl/web/programa/Plan+de+gobierno+AD+2022-2026+\(2\).pdf](https://s3.amazonaws.com/cdn.boricpresidente.cl/web/programa/Plan+de+gobierno+AD+2022-2026+(2).pdf).

<sup>241</sup> *Ibid.*, p. 26.

<sup>242</sup> *Ibid.*, p. 31.

<sup>243</sup> [https://programassociales.ministeriodesarrollosocial.gob.cl/pdf/2022/PRG2022\\_3\\_60312.pdf](https://programassociales.ministeriodesarrollosocial.gob.cl/pdf/2022/PRG2022_3_60312.pdf).

<sup>244</sup> Government Programme 2022–2026, p. 127, available at: [https://s3.amazonaws.com/cdn.boricpresidente.cl/web/programa/Plan+de+gobierno+AD+2022-2026+\(2\).pdf](https://s3.amazonaws.com/cdn.boricpresidente.cl/web/programa/Plan+de+gobierno+AD+2022-2026+(2).pdf).

<i>Year (Chile Solidario Programme)</i>	<i>Regular budget (Ch\$)</i>	<i>Security and Opportunities budget (Ch\$)</i>	<i>Total (Ch\$)</i>
2018	3 225 696 000	1 828 974 000	5 054 670 000
2019	3 418 142 000	1 871 708 000	5 289 850 000
2020	4 883 889 126	1 920 382 000	6 804 271 126 <sup>245</sup>
2021	3 394 117 427	1 767 223 000	5 161 340 427

162. The 2021 and 2022 budget for the Ministry of Health's programme for the strengthening of primary care and rehabilitation was Ch\$ 12,454,009,718.

## Article 27

163. In June 2021, the Ministry of Labour and Social Security, the Ministry of Social Development and Family Services and the Treasury issued a report evaluating the implementation and application of Act No. 21.015<sup>246</sup> by the public and private sectors, specifically compliance with the 1% quota for persons with disabilities or recipients of disability allowances, valid reasons for non-compliance, preferential selection, registration of contracts and the use of alternative measures, which included a civil society analysis and relevant conclusions.

### Preferential selection, public sector

<i>Preferential selection</i>	<i>2018</i>		<i>2019</i>		<i>2020</i>		<i>2021</i>	
Total recruitment processes	7 942		10 547		10 336		16 834	
Persons with disabilities in final round	78		326		218		212	
Persons with disabilities selected	47	60.3%	105	32.2%	46	21.1%	76	35.8%
Public institutions	605		609		612		617	
Institutions applying preferential selection	19	3.1%	40	6.6%	27	4.4%	48	7.8%
Institutions without any finalists with disabilities	337	55.7%	331	54.4%	247	88.5%*	326	84%

*Source:* Civil Service and National Service for Persons with Disabilities.

\* Estimate on the basis of the total number of institutions having conducted selection processes.

### Public sector compliance with the 1% quota

<i>1%, public sector</i>	<i>2018</i>		<i>2019</i>		<i>2020</i>		<i>2021</i>	
Total number of institutions	605	100%	609	100%	612	100%	617	100%
Compliant institutions subject to the quota	70	11.6%	80	13.1%	93	15.2%	132	21.4%
Compliant institutions exempt from the quota	30	5%	21	3.4%	17	2.8%	34	5.5%
Non-compliant institutions exempt from the quota	57	9.4%	53	8.7%	49	8%	71	11.5%

<sup>245</sup> Funding for technical aids has always been a critical issue for the National Service for Persons with Disabilities. Accordingly, from 2019 to 2021, a large part of the budget was allocated to covering some of the applications that had been rejected in previous rounds so that people did not have to reapply. In 2021, the reconsideration of previous applications was also requested by the National Disability Coalition in its advocacy efforts with the Ministry of Social Development and Family Services.

<sup>246</sup> <https://www.mintrab.gob.cl/wp-content/uploads/2021/06/INFORME-LEY-N-21.015-PDF.pdf>.

<i>1%, public sector</i>	2018		2019		2020		2021	
Non-compliant institutions subject to the quota	184	30.4%	180	29.6%	206	33.7%	258	41.8%
Institutions that did not provide a full report	49	8.1%	56	9.2%	2	0.3%	35	5.7%
Institutions that did not provide any information	215	35.5%	219	36%	245	40%	87	14.1%

*Source:* Civil Service and National Service for Persons with Disabilities.

#### Persons with disabilities recruited, public sector

<i>Persons with disabilities recruited</i>	2018 (Apr.–Dec.)		2019	2020	2021
Number of persons with disabilities or beneficiaries of disability allowances on staff		1 311	1 262	1 426	1 916
Number of public institutions with persons with disabilities on staff		228	241	259	317
Percentage of women*		N/A	39.5%	41.4%	46.4%
Percentage of men*		N/A	45.9%	54.4%	50.6%
Percentage of other gender*		N/A	-	-	0.1%
Percentage unknown gender*		N/A	14.6%	4.2%	3%
Managerial level		N/A	1.7%	1.6%	1.3%
Professional level		N/A	23.8%	26.6%	26.7%
Administrative level		N/A	22.8%	28.4%	28.4%
Technical level		N/A	15.5%	14.8%	17.3%
Support level		N/A	16.2%	20.6%	21.1%
Undetermined or other level (in independent organizations)		N/A	0.9%	1.4%	1.0%
No information on level provided		N/A	19.2%	6.6%	4.3%

*Source:* Civil Service and National Service for Persons with Disabilities.

\* Percentages estimated on the basis of contracts providing detailed information.

164. In 2019, it was determined that, according to reporting institutions, 73% of recruitments took place prior to the entry into force of the Act, 4.3% in the first year following entry into force and 7.8% in the second year; there is no information for 14.9% of cases.

165. In sum, public sector compliance with Act No. 21.015 is estimated to be as follows:

<i>Compliance with Act No. 21.015, public sector</i>	2018		2019		2020		2021	
Compliance with preferential selection and the quota	146	24.1%	146	24%	156	25.5%	228	37%
Compliance with preferential selection but not with the quota, valid reasons provided.	104	17.2%	110	18.1%	150	24.5%	176	28.5%
Compliance with preferential selection but not with the quota, no valid reasons provided	73	12.1%	59	9.7%	47	7.7%	47	7.6%
Information absent or insufficient	282	46.6%	294	48.3%	259	42.3%	166	26.9%

*Source:* Civil Service and National Service for Persons with Disabilities.

166. In the private sector, as of 30 June 2022, there were 15,235 companies with contracts for a combined total of 57,438 persons with disabilities and/or beneficiaries of disability allowances.

**Number of contracts registered, by status of contract<sup>247</sup>**

Status	28 February 2019		28 February 2020		30 September 2021		30 June 2022	
	Number	%	Number	%	Number	%	Number	%
Current contracts	11 426	89.2	20 071	79.6	22 745	63.38	57 438	64.7
Completed contracts	1 377	10.8	5 138	20.4	13 138	36.61	31 189	35.2
<b>Total registered contracts</b>	<b>12 803</b>	<b>100</b>	<b>25 209</b>	<b>100</b>	<b>35 883</b>	<b>100</b>	<b>88 627</b>	<b>100</b>

Source: Labour Directorate (as of 30 June 2022).

167. As a result of the report, in June 2021, the executive branch tabled a bill to amend the Labour Code and other legal provisions regulating the labour inclusion of persons with disabilities and recipients of disability allowances (bill No. 14.445-13).<sup>248</sup> The bill increases the powers of the Labour Directorate and the Office of the Controller-General.

168. From 1 January 2016 to 30 June 2021, the Labour Directorate carried out training in which 2,300 individuals took part. Working groups and regional tripartite user committees have been set up to encourage social dialogue. The Ministry of Labour and Social Security was involved in the drafting and launch of a handbook on good practices for the inclusion of persons with disabilities in the labour market,<sup>249</sup> directed at employers in the private sector. It has also created various public-private partnerships to promote issues relating to labour inclusion, including the “Productivity Pact” advisory board, the Corporate Programme for the Promotion of Employment for Persons with Disabilities<sup>250</sup> and the Labour Inclusion Committee of the Chilean Manufacturers Association.<sup>251</sup>

169. The Labour Directorate set forth its position on the inclusion of persons with disabilities in the workplace in Ordinary Resolution No. 3376/35 of 2020,<sup>252</sup> which reconsiders previous doctrine regarding the feasibility of compliance with the obligation of businesses with 100 or more employees to recruit persons with disabilities or recipients of disability allowances to fill at least 1% of posts, and Ordinary resolution No. 2930/60 of 2021,<sup>253</sup> supplementing the former.

170. The National Training and Employment Service has been running the “Train for Employment” programme, designed to provide vulnerable persons with skills through on-the-job training. One of the components of the programme is disability,<sup>254</sup> and 2,706<sup>255</sup> persons have participated. Of 140 courses run thus far, 81 were online.

171. Since 2019, the National Service for Persons with Disabilities has been running a programme to support compliance with the Labour Inclusion Act with regard to persons with disabilities, with a view to ensuring that public and private entities that are bound by the Act have inclusive processes in place for the recruitment of persons with disabilities. The programme has two components: (a) promotion of the right to work of persons with

<sup>247</sup> A contract is considered to be current if it is of indefinite duration or is set to end after the date of the study.

<sup>248</sup> [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=14445-13](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=14445-13).

<sup>249</sup> <https://www.subtrab.gob.cl/wp-content/uploads/2021/05/banner-manual-de-buenas-practicas-1.pdf>.

<sup>250</sup> <https://pactodeproductividad.cl/>.

<sup>251</sup> [https://sofofa.cl/centros-sofofa/centro-discapacidad/cil/#:~:text=%C2%BFQu%C3%A9%20es%20el%20Comit%C3%A9%20de,discapacidad%20en%20Chile%20\(PcD\)](https://sofofa.cl/centros-sofofa/centro-discapacidad/cil/#:~:text=%C2%BFQu%C3%A9%20es%20el%20Comit%C3%A9%20de,discapacidad%20en%20Chile%20(PcD).).

<sup>252</sup> <https://www.dt.gob.cl/legislacion/1624/w3-article-119460.html>.

<sup>253</sup> <https://www.dt.gob.cl/legislacion/1624/w3-article-121654.html>.

<sup>254</sup> <https://sence.gob.cl/personas/discapacidad>.

<sup>255</sup> From 2020 to 3 August 2022.

disabilities,<sup>256</sup> with a view to effecting culture change in public and private entities through seminars, presentations, exchange of best practices and other means of dissemination; and (b) capacity-building for the labour inclusion of persons with disabilities.<sup>257</sup> The programme provides in-person and online training in inclusive human resource management. Five specialized online courses on labour inclusion have been developed.<sup>258</sup> A guide to labour inclusion is available, and guidelines on the skills required of inclusion managers are currently being drafted. The formation of local committees is being coordinated countrywide with the aim of connecting the various actors so that they may develop short- and medium-term workplans for the operationalization of measures to include persons with disabilities.

172. In 2020, Act No. 21.275, amending the Labour Code, was promulgated,<sup>259</sup> introducing a requirement for relevant companies to take steps to facilitate the inclusion of workers with disabilities. At least one human resources officer is now required to have specific knowledge of measures for the labour inclusion of persons with disabilities.

173. With regard to penalties for non-compliance, 205 fines totalling Ch\$ 625,244,320 were imposed in the private sector in 2019 and 201 fines totalling Ch\$ 615,289,980 were imposed in 2020. In 2021, 337 fines amounting to Ch\$ 1,035,285,450 were imposed and, as of April 2022, 2 fines totalling Ch\$ 22,101,768 had been imposed. In the public sector, the Office of the Controller-General is exclusively responsible for reporting on issues relating to the administrative status and functioning of the public entities under its supervision.

## Article 28

174. With a view to improving the lives of persons with disabilities, since 2016, the Office of the Undersecretary for Social Assessment has been incorporating a human rights-based approach into the design and implementation of social programmes so as to promote public policies that foster affirmative action conducive to the full realization of rights. The human rights-based approach applies to the reporting duties of the various departments running social programmes, which must report on how and at what stages the human rights perspective is applied.

### Social programmes with a disability perspective<sup>260</sup>

<i>Year</i>	<i>Number of social programmes</i>	<i>Number of programmes with a disability perspective</i>
2016	444	58
2017	459	161
2018	448	172

<sup>256</sup> In 2019, 16 regional seminars and follow-up discussions were held in various municipalities across 9 regions. In 2020, 4 virtual awareness-raising events, discussions and a national webinar were held, with 338 participants. In 2021, 6 discussions were held nationwide, with the participation of 1,023 organizations and 1,286 attendees. Actions to promote the rights-based approach will be carried out in 2022, including 4 national seminars on labour inclusion scheduled for June, with an average of 350 participants from some 480 organizations.

<sup>257</sup> In 2020, a total of 349 people from 232 organizations completed the training. In 2021, a total of 457 people from 301 organizations were registered. As of July 2022, 172 organizations had been registered. Overall, 97 public and private organizations registered for the online course, while 40 registered for the hybrid version, with attendees based in 11 regions of the country.

<sup>258</sup> The topics were: diversity and inclusion; current laws on the labour inclusion of persons with disabilities; inclusive labour policies; reasonable accommodation; and selection and recruitment. Each course lasted an average of 25 to 30 hours. During the training sessions, the Labour Inclusion Index, a self-assessment tool for the level of inclusion within organizations, is applied twice – at the beginning and three months after the end of the training. As of July 2022, 137 entities had applied the Labour Inclusion Index.

<sup>259</sup> <http://bcn.cl/2maxp>.

<sup>260</sup> Source: Integrated Social Programme Database, 2022.

<i>Year</i>	<i>Number of social programmes</i>	<i>Number of programmes with a disability perspective</i>
2019	470	196
2020	469	196

#### **Gender and disability perspective<sup>261</sup>**

<i>Year</i>	<i>Number of programmes with a disability perspective</i>	<i>Number of programmes with a gender perspective</i>
2016	58	32
2017	161	126
2018	172	133
2019	196	153
2020	196	153

#### **Disability and children's perspective<sup>262</sup>**

<i>Year</i>	<i>Number of programmes with a disability perspective</i>	<i>Number of programmes with a children's perspective</i>
2016	58	25
2017	161	104
2018	172	115
2019	196	131
2020	196	S/I

#### **Disability and older persons' perspective<sup>263</sup>**

<i>Year</i>	<i>Number of programmes with a disability perspective</i>	<i>Number of programmes with an older persons' perspective</i>
2016	58	S/I
2017	161	22
2018	172	22
2019	196	13
2020	196	13

175. Since 2016, the National Service for Persons with Disabilities has been running the Transition to Independent Living Programme<sup>264</sup> for persons with disabilities between the ages of 18 and 59 years who are among the 70% most vulnerable persons according to the Social Household Registry. The Programme is implemented through the regional directorates and the National Service's website.<sup>265</sup> Applicants may submit proposals, individually or

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.

<sup>263</sup> Ibid.

<sup>264</sup> [https://www.senadis.gob.cl/pag/647/1575/programa\\_transito\\_a\\_la\\_vida\\_independiente\\_2022](https://www.senadis.gob.cl/pag/647/1575/programa_transito_a_la_vida_independiente_2022).

<sup>265</sup> 2016: [https://www.senadis.gob.cl/pag/311/1795/convocatoria\\_programa\\_transito\\_a\\_la\\_vida\\_independiente\\_2016](https://www.senadis.gob.cl/pag/311/1795/convocatoria_programa_transito_a_la_vida_independiente_2016).

2019: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/7624](https://www.senadis.gob.cl/sala_prensa/d/noticias/7624),

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/7630](https://www.senadis.gob.cl/sala_prensa/d/noticias/7630),

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/7629](https://www.senadis.gob.cl/sala_prensa/d/noticias/7629),

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/7641](https://www.senadis.gob.cl/sala_prensa/d/noticias/7641).

2020: [https://www.senadis.gob.cl/pag/594/1910/continuidad\\_de\\_recursos\\_transito\\_a\\_la\\_vida\\_independiente\\_tvi\\_2019\\_segundo\\_semestre\\_2020\\_cerrado](https://www.senadis.gob.cl/pag/594/1910/continuidad_de_recursos_transito_a_la_vida_independiente_tvi_2019_segundo_semestre_2020_cerrado).

collectively, to request support services, care, mediation, modifications to their home environment and/or training to transition to independent living.

176. Under the Transition to Independent Living Programme, training is also provided to persons with disabilities and beneficiary agencies, personal assistants, family members, care teams and other relevant persons, in line with the understanding that achieving independent living requires a culture change that must be supported by society as a whole.

177. Regarding programmes for persons with disabilities living in situations of poverty, in 2017 and 2018, 32 programmes benefiting persons or households in vulnerable situations were registered. In 2019, this number increased to 38.<sup>266</sup> These programmes address at least one of the disability-related expenses, such as technical aids, dyad counselling, cash transfers and the provision of care services. In 2021, 20 of the programmes in which a disability perspective is applied encompassed households or persons in vulnerable situations.

178. Concerning care services, the Local Support and Care Network Programme is designed as a local management model underpinned by the concept of comprehensive protection and with a remit to guide, support and advocate for dependent individuals and their support networks. The target group consists of households with members with moderate to severe dependency levels, including persons over the age of 60 who are dependent, persons with disabilities of any age who are dependent, unpaid caregivers and/or a network thereof, and the aim is to implement a workplan centred around the following components: care plan, homecare service and specialized services. To advance in reducing gender gaps related to economic autonomy and addressing the needs of the diversity of women in Chile, the Ministry for Women's Affairs and Gender Equity has proposed incorporating two new components into the programme: (a) empowerment;<sup>267</sup> and (b) the caregiver collective.<sup>268</sup>

179. With regard to training delivered by the National Service for Persons with Disabilities, see the initiatives highlighted in paragraphs 18 and 32. To provide access to advice and guidance, the Service launched the "Connected to Caring" hotline in 2020 (see para. 55).<sup>269</sup>

180. Regarding access to programmes, of the 469 social programmes running in 2020, 311 reported that COVID-19 had had an impact on their efficiency, effectiveness, area of focus and/or strategy, and 132 reported having applied a disability perspective.

181. Efforts under the Local Support and Care Network Programme, established in response to COVID-19, were adapted so that the services provided to its 1,810 beneficiaries were based on three priority levels – critical, moderate and low. The Programme's protocol covered the provision of personal protective equipment, training on its correct use, consent for home visits, visit planning, procedures for entering and leaving homes, a shift system for work teams, and remote intervention where possible. In 2021, the protocol was implemented in 62 municipalities across the country's 16 regions, covering 3,766 care dyads, consisting of persons with moderate to severe functional dependency and their primary caregivers. In 2022, 28 municipalities were added, extending coverage to a further 1,340 dyads, including 540 who are beneficiaries of the In-Home Care Service, for a budget of Ch\$ 2.316.753.745. Thus, the programme is in place in 90 municipalities and covers 5,335 care dyads, including

2021: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8574](https://www.senadis.gob.cl/sala_prensa/d/noticias/8574),  
[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8617](https://www.senadis.gob.cl/sala_prensa/d/noticias/8617),  
<https://www.instagram.com/p/CSKzJP7rLQM/>.

2022: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8772/ministra-vega-lanza-programa-para-financiar-servicios-de-apoyo-y-adaptaciones-para-personas-con-discapacidad](https://www.senadis.gob.cl/sala_prensa/d/noticias/8772/ministra-vega-lanza-programa-para-financiar-servicios-de-apoyo-y-adaptaciones-para-personas-con-discapacidad),  
<https://www.instagram.com/p/Ce11-jktyX9/>.

<sup>266</sup> <https://datasocial.ministeriodesarrollosocial.gob.cl/programas/dashboard>.

<sup>267</sup> The aim of this component is to improve the mental health of caregivers by promoting self-care and the development of skills, attitudes and competencies to advance their economic and physical autonomy.

<sup>268</sup> This component is designed to strengthen skills and competencies for the development of entrepreneurial ventures and promote collective initiatives rolled out in a common territory.

<sup>269</sup> [https://www.senadis.gob.cl/pag/588/1880/linea\\_800\\_conectados\\_al\\_cuidar#:~:text=El%20fono%20800%20000%20058,contexto%20de%20la%20actual%20pandemia](https://www.senadis.gob.cl/pag/588/1880/linea_800_conectados_al_cuidar#:~:text=El%20fono%20800%20000%20058,contexto%20de%20la%20actual%20pandemia).

2,380 who will benefit from the In-Home Care Service, for an annual budget of Ch\$ 9.976.253.020.

182. Families who receive top-ups for basic contributory old-age benefits or who include a member receiving top-ups for basic contributory disability benefits can be considered for the emergency family allowance, provided that the total amount is no more than the universal basic pension. According to information provided by the Social Household Registry, there were 185,211 persons with moderate to severe dependency countrywide as of July 2021, of whom 182,549<sup>270</sup> had received the emergency family allowance in June 2021.

183. The employment subsidy consists of two streams: “return” and “recruit”. The latter stream is designed to get additional employees into companies of various sizes, for which the State contributes the equivalent of half the gross monthly wage, with a cap of up to Ch\$ 250,000, for each new person hired.<sup>271</sup>

## Article 29

184. Two constitutional amendments are under way<sup>272</sup> that will eliminate the possibility of suspending a person’s voting rights for reasons of insanity, as currently provided for in the Constitution.

185. Act No. 18.700<sup>273</sup> provides for the right to assisted voting, including through Braille ballots for blind persons, with the aim of helping persons with disabilities exercise their right to vote. Where persons cannot enter the voting booth, for whatever reason, all measures must be taken to enable them to cast a secret ballot outside the booth. Furthermore, Act No. 21.385,<sup>274</sup> promulgated in 2021, establishes that a polling station must be as close as possible to a person’s electoral address.

186. Regarding the election of Constitutional Convention members, the constitutional amendments introduced under Act No. 21.298<sup>275</sup> establish that 5% of candidates on political party or electoral coalition lists must be persons with disabilities.

187. The National Service for Persons with Disabilities promotes the participation of persons with disabilities through assisted voting and Braille ballots, among other measures. In the run-up to the 2020 referendum, through the “PaisDI – Chile for Intellectual Disabilities” programme,<sup>276</sup> civic education materials in Easy Read format, including answers to questions raised by persons with disabilities and support videos, were developed. In 2021, communication campaigns<sup>277</sup> were conducted to promote assisted voting and the

<sup>270</sup> Or 98.56% of the reported total.

<sup>271</sup> For individuals between the ages of 18 and 24 years, women and persons with disabilities, the subsidy is 60% of the gross monthly wage and, as of June 2022, was capped at Ch\$ 250,000. From July to September 2022, it was capped at Ch\$ 300,000. See: <https://www.subsidioempleo.cl/IFELaboral/index.html#>.

<sup>272</sup> Bulletin No. 12.521-07 available at: [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=12521-07](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=12521-07), and Bulletin No. 12.816-07 available at: [http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin\\_ini=12816-07](http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=12816-07).

<sup>273</sup> <http://bcn.cl/2f6ur>.

<sup>274</sup> <http://bcn.cl/323ec>.

<sup>275</sup> <http://bcn.cl/2nfzd>.

<sup>276</sup> <http://www.paisdi.cl/>.

<sup>277</sup> 15 and 16 May 2021 – Constitutional Convention, gubernatorial and municipal elections:

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8514](https://www.senadis.gob.cl/sala_prensa/d/noticias/8514),

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8515](https://www.senadis.gob.cl/sala_prensa/d/noticias/8515),

<https://www.instagram.com/p/COx8dienITA/>,

<https://www.instagram.com/p/CO1DypgnqyA/>

<https://www.instagram.com/p/CO3wZXRh-tu/>.

13 June 2021 – Second round of voting in the gubernatorial election:

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8535](https://www.senadis.gob.cl/sala_prensa/d/noticias/8535),

<https://www.instagram.com/p/CQEaOz6pMCA/>.

18 July 2021 – Presidential primaries: [https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8560](https://www.senadis.gob.cl/sala_prensa/d/noticias/8560),

[https://www.instagram.com/p/CRUtm0AFA\\_6/](https://www.instagram.com/p/CRUtm0AFA_6/), <https://www.instagram.com/p/CRXSECsgswq/>.

participation of persons with disabilities in municipal, gubernatorial, presidential, parliamentary, regional council and Constitutional Convention elections.

## Article 30

### Sports

188. Adapted and Paralympic sports were recognized in 2016 through Act No. 20.978,<sup>278</sup> which establishes that the national sports policy must guarantee the right of all persons with disabilities to physical education, sports, physical and mental health and well-being, integration, leisure and enjoyment of the opportunities stemming from sports.

189. The participation and inclusion of persons with disabilities in physical activities and sports has been made possible through the Ministry for Sports, the National Sports Institute and the national policy on physical activity and sports.<sup>279</sup> Ministerial guidelines contain accessible information designed to encourage and raise awareness of inclusive physical activities and sports, the participation of persons with disabilities in mixed and separate programmes and activities run by the National Sports Institute, the strengthening of Paralympic sports, training for professionals working with persons with disabilities and the creation of accessible spaces.<sup>280</sup>

190. With regard to the participation of persons with disabilities, the Ministry for Sports, as part of its intersectoral approach, has set up committees in all regions, involving organizations of and for persons with disabilities, with the aim of creating greater opportunities for inclusion in physical activities and sports.

191. As for training, the National Sports Institute has established the “Growing Up in Motion” programme, which offers inclusive activities and the choice of a Paralympic sport, with workshops exclusively for children and adolescents with disabilities.<sup>281</sup> It also runs a sports and social participation programme designed to improve the quality of life of the population, especially socially vulnerable persons, including persons with disabilities, by creating the habit of physical activity through mixed and separate workshops.

192. In addition, the National Sports Institute runs: (a) a national competition system; (b) national Paralympic games; (c) school games, in which children with intellectual disabilities have taken part in adapted athletics events; and (d) national leagues of specific Paralympic disciplines. At the international level, it has supported and 2019 South American

---

21 November 2021 – Presidential, parliamentary and regional council elections:

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8644](https://www.senadis.gob.cl/sala_prensa/d/noticias/8644), <https://www.instagram.com/p/CWeIMZssvb-/>, <https://www.instagram.com/p/CWbK9Xitx45/>, <https://www.instagram.com/p/CWeMOijxbO/>.

19 December 2021 – Second round of voting in the presidential election:

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8660](https://www.senadis.gob.cl/sala_prensa/d/noticias/8660), <https://www.instagram.com/p/CXmG7CAJF3Q/>, <https://www.instagram.com/p/CXg7lgNNelP/>.

13 June 2021: Second round of voting in the gubernatorial election:

[https://www.senadis.gob.cl/sala\\_prensa/d/noticias/8535](https://www.senadis.gob.cl/sala_prensa/d/noticias/8535), <https://www.instagram.com/p/CQEaOz6pMCA/>, <https://www.instagram.com/p/CQEaOz6pMCA/>, <https://www.instagram.com/p/CRXSECsgswq/>.

<sup>278</sup> <https://bcn.cl/2i837>.

<sup>279</sup> The second national study on physical activity and sports habits among persons with disabilities, conducted in 2020, found that 60% of persons with disabilities are not physically active, while 14.1% are considered active and 25.9% partially active. At the competitive level, the sample revealed that 12.6% of respondents reported having a visual disability, 0.3% a hearing disability, 10.9% an intellectual disability and 76.1% a physical disability. See: [https://sigi-s3.s3.amazonaws.com/sigi/files/20606\\_resumen\\_ejecutivo\\_ii\\_estudio\\_nacional\\_de\\_h\\_bitos\\_de\\_actividad\\_f\\_sica\\_y\\_deporte\\_en\\_poblaci\\_n\\_con\\_discapacidad\\_.pdf](https://sigi-s3.s3.amazonaws.com/sigi/files/20606_resumen_ejecutivo_ii_estudio_nacional_de_h_bitos_de_actividad_f_sica_y_deporte_en_poblaci_n_con_discapacidad_.pdf).

<sup>280</sup> Various initiatives have been rolled out, such as the community physical activity and sports plans, which require the implementation of physical and sports activities by organizations of and for persons with disabilities at the local level.

<sup>281</sup> In 2018, 2,283 children with disabilities took part in the programme and 1,907 in 2019. Activities were suspended due to the COVID-19 pandemic, so only 55 children with disabilities were able to participate in 2020, but the programme resumed in 2021, with 1,565 participants.

School Games, in which six athletes with intellectual disabilities took part; and (b) the Binational Games of Araucanía, which, since 2019, have included the participation of athletes with disabilities in para-athletics and para-swimming, with 52 and 36 participants, respectively.

193. At the elite level, the Paralympic Plan has been in place since April 2021, covering all disciplines and enabling the Chilean Paralympic Committee and federations to participate more actively in decision-making and the development of elite Paralympic plans. The National Sports Institute has a policy of equal treatment of athletes and para-athletes. Through the Elite Athletes Development Programme, scholarships were awarded to 48 Paralympic athletes in 2018, 44 Paralympic athletes in 2019 and 46 Paralympic athletes in both 2020 and 2021.

194. The National Fund for Inclusive Initiatives funds the following sports-related initiatives: (a) inclusive physical activity, sports and recreation workshops aimed at strengthening uptake of physical activity by persons with disabilities; (b) adapted sports through community-based activities and sports events, with the goal of promoting the practice of adapted sports by persons with disabilities; and (c) implementation and practice of sports to promote engagement in adapted sports activities through the creation of teams and the purchase of technical aids.

195. In terms of infrastructure, the priority is incorporating universal accessibility in the design of all sports facilities being considered by the Ministry for Sports and the National Sports Institute in their planning. There are currently 31 projects in 8 regions for which the design takes universal accessibility into account, 12 of which are related to the Pan American and Parapan American Games to be held in Santiago in 2023. For instance, the Paralympic training centre is being built within the national stadium sports complex. In addition, the National Service for Persons with Disabilities, pursuant to a transfer agreement worth Ch\$ 49,000,000, is financing the positions of two experts in universal accessibility to advise the Santiago 2023 Corporation on the development of a universal accessibility plan.

### **Culture and recreation**

196. The Ministry of Cultures, Arts and Heritage has programmes and initiatives with a focus on inclusion, as well as guidelines to improve compliance by other institutions. Of note is the “Promotion of Art in Education” programme, aimed at encouraging the participation of students with disabilities. Inclusion has been mainstreamed in the Culture Funds through a guide on the inclusion of persons with disabilities in cultural and artistic projects.<sup>282</sup> The National Fund for Cultural Development and the Arts also promotes activities and projects for persons with disabilities. The National Fund for the Promotion of Books and Reading has introduced, under the industry promotion stream, the subcategory “single book in accessible formats for persons with disabilities”, and, under the reading and writing promotion stream, the subcategory “improving or equipping reading spaces in educational, cultural and health centres that serve persons with disabilities”. In 2019, the Ministry’s outreach centre introduced the use of Chilean Sign Language, tours for blind persons and accessibility improvements for wheelchair users in its mediation activities.

197. The National Fund for Inclusive Initiatives funds cultural initiatives, including: (a) cultural and artistic workshops aimed at promoting the joint participation of persons with disabilities and the community through art, furthering personal development and strengthening participation; (b) cultural and artistic events planned and implemented by persons with disabilities together with the community; and (c) accessible cultural content, with the aim of creating content, transferring content to an accessible format and making online cultural content available in an accessible format.

198. The Office of the Undersecretary for Cultural Heritage has introduced Chilean Sign Language interpretation into audiovisual content and broadcasts produced by its Department of Studies and the Palacio Pereira Outreach Centre.

<sup>282</sup> Promotes inclusion through information, recommendations and clarifications of the Culture Funds’ main programmes with an inclusive perspective.

199. The National Cultural Heritage Service has implemented, in all completed and ongoing designs, the accessibility regulations set forth in the General Act on Urban Planning and Construction<sup>283</sup> and related ordinance,<sup>284</sup> Act No. 20.422 and other relevant laws, as well as the Universal Accessibility Handbook for Accessible Cities.<sup>285</sup>

200. Since 2019, the Ministry of Cultures, Arts and Heritage, through the Audiovisual Promotion Fund, has been strengthening and expanding programmes on access to audiovisual production by persons with disabilities. The goal is to ensure the continuity of a financing model aimed at distributing feature films for persons with visual and hearing impairments. Since 2019, the Chilean cinematic platform OndaMedia,<sup>286</sup> has been adding descriptive subtitling for persons with hearing impairments in its films.

201. With regard to strategies for realizing the right of deaf Indigenous children to enjoy their culture and language, consideration should be given to Act No. 21.303<sup>287</sup> and Act No. 19.253.<sup>288</sup> Both enshrine the right of all Indigenous Peoples to respect and appreciation for their culture and language. In the area of culture and education, it is envisaged that the national education system should establish a curricular unit to enable students to acquire appropriate knowledge of Indigenous cultures and languages and to see them in a positive light.

202. Act No. 21.430<sup>289</sup> addresses the right to an identity, whereby all children and adolescents have the right to, inter alia, a language of origin and the preservation and development of their own identity and specificities, including their gender identity. While the Ministry of Education's Intercultural Bilingual Education Programme and Special Education Unit implement education policies for Indigenous students and deaf students, respectively, the strategies and measures undertaken to realize the right of deaf children to enjoy their culture and language are generally designed for the deaf community without distinction between Indigenous and non-Indigenous deaf students.

## IV. Specific obligations

### Article 31

203. Regarding data collection, the results of the 2022 national disability and dependence survey are currently being compiled. The goal of the survey, which was designed by the Ministry of Social Development and Family Services, with support from the National Service for Older Persons and the National Service for Persons with Disabilities, was to estimate the prevalence of disability and dependency in Chile and characterize the level of functioning and living conditions of persons with disabilities. The survey questionnaire addressed disability and dependency holistically, based on the International Classification of Functioning, and was subject to consultation in participatory forums. The areas addressed in the four questionnaires (households, adults, caregivers, and children and adolescents) include: description of household members;<sup>290</sup> education; employment status; household income; housing; occupation; environmental factors (identification of barriers); health conditions; assistance requirements; hobbies and leisure activities; participation level; type of care; overload; and mental health.

<sup>283</sup> <http://bcn.cl/30e19>.

<sup>284</sup> <http://bcn.cl/30e19>.

<sup>285</sup> <https://www.ciudadaccesible.cl/manuales-accesibilidad-universal/>.

<sup>286</sup> There are currently 62 feature films with descriptive subtitling and, in 2022, an invitation for applications for an additional 65 films was issued.

<sup>287</sup> <http://bcn.cl/2nw2z>.

<sup>288</sup> <http://bcn.cl/2u07b>.

<sup>289</sup> <http://bcn.cl/2yieq>.

<sup>290</sup> By, inter alia, sex, age, identification as head of household, nationality, Indigenous identity, region and urban or rural area.

204. Pursuant to Act No. 21.403,<sup>291</sup> the tasks of the National Service for Persons with Disabilities include ensuring that studies encompass the different types of disability and consider deafblindness as a single disability, in order to obtain sufficient background information to enable the proper design, implementation and evaluation of policies, plans and programmes.

205. According to the National Institute of Human Rights, in the context of the social protests of October 2019, 3,146 complaints were lodged on behalf of victims concerning actions amounting to violations of various human rights committed between 17 October 2019 and 18 March 2020. Of these complaints, 20 were on behalf of 21 victims with disabilities, corresponding to 0.64% of the total complaints filed by the National Institute. The National Institute is representing seven victims with disabilities in amparo proceedings. Of the 28 victims with disabilities represented by the National Institute in complaints or amparo proceedings, 3 are women, 2 are boys and 1 is an Indigenous man.

206. There is no specific data on persons with disabilities who died after contracting COVID-19, although the Ministry of Health keeps general data on such deaths.<sup>292</sup>

207. The National Service for Persons with Disabilities posts documents of interest to persons with disabilities on its website,<sup>293</sup> including: the second national disability study;<sup>294</sup> Disability and Employment: context for the new Act No. 21.015 on labour inclusion in Chile;<sup>295</sup> the 2017 national social and economic survey on disability;<sup>296</sup> the guide for the treatment of women with disabilities who are victims of violence;<sup>297</sup> the guide for the inclusion of students with autism in school;<sup>298</sup> Sexuality and Inclusion of Persons with Disabilities,<sup>299</sup> also available in Easy Read;<sup>300</sup> and participatory diagnostic reports related to the disability classification and certification system.<sup>301</sup> A series of documents have also been issued<sup>302</sup> regarding recommendations and guidelines on the provision of information in accessible formats.

208. Through the “Chile Cares” programme, the Social Security Institute centralizes information on government procedures and benefits through various service channels that enable access for persons with disabilities. With regard to the in-person channel, infrastructure has been gradually adapted with accessibility features and a service protocol. Since 2022, special devices for video interpretation have no longer been required, as a staff member accredited in Chilean Sign Language has been available through the virtual channel, thereby extending coverage to all 190 branches.<sup>303</sup> Accessibility measures have been introduced in the programme’s website ([www.chileatiende.cl](http://www.chileatiende.cl)).

## Article 32

209. Owing to the size of its gross domestic product, Chile does not currently receive official development assistance. On account of its dual role in cooperation, Chile is classified as a country in transition to development. Nevertheless, in terms of international development

<sup>291</sup> <http://bcn.cl/2v1ja>.

<sup>292</sup> <https://www.gob.cl/pasoapaso/cifrasoficiales/>, <https://deis.minsal.cl/>.

<sup>293</sup> <https://www.senadis.gob.cl/>.

<sup>294</sup> [https://www.senadis.gob.cl/pag/355/1197/ii\\_estudio\\_nacional\\_de\\_discapacidad;](https://www.senadis.gob.cl/pag/355/1197/ii_estudio_nacional_de_discapacidad;)  
<https://www.senadis.gob.cl/pag/306/1570/publicaciones;> [https://www.senadis.gob.cl/pag/387/1650/material\\_grafico;](https://www.senadis.gob.cl/pag/387/1650/material_grafico;) [https://youtu.be/9Be-17SVozo;](https://youtu.be/9Be-17SVozo) [https://youtu.be/NB5hrPulyzk.](https://youtu.be/NB5hrPulyzk)

<sup>295</sup> <https://www.senadis.gob.cl/descarga/i/4581>.

<sup>296</sup> [https://www.senadis.gob.cl/pag/447/1729/otros\\_documentos\\_de\\_interes](https://www.senadis.gob.cl/pag/447/1729/otros_documentos_de_interes).

<sup>297</sup> <https://www.senadis.gob.cl/descarga/i/6034/documento>.

<sup>298</sup> <https://www.senadis.gob.cl/descarga/i/6396/documento>.

<sup>299</sup> <https://www.senadis.gob.cl/descarga/i/5609/documento>.

<sup>300</sup> <https://www.senadis.gob.cl/descarga/i/6045/documento>.

<sup>301</sup> [https://www.senadis.gob.cl/pag/579/1868/diagnostico\\_del\\_plan\\_nacional\\_de\\_calificacion\\_y\\_certificacion](https://www.senadis.gob.cl/pag/579/1868/diagnostico_del_plan_nacional_de_calificacion_y_certificacion).

<sup>302</sup> <https://www.senadis.gob.cl/documentos/listado/146/accesibilidad>.

<sup>303</sup> <https://www.senadis.gob.cl/descarga/i/4581>. Remote Chilean Sign Language interpretation services available in 100 of the 190 branches countrywide.

cooperation, Chile remains viewed as a partner and beneficiary, mainly in the areas of the environment, energy and climate change.

210. The projects led by the Chilean Agency for International Development Cooperation that benefit persons with disabilities are in line with the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. The Agency collaborated with the National Service for Persons with Disabilities to implement the 2015–2017 training programme on the development of inclusive rehabilitation plans in Latin American and Caribbean countries, financed by Fondo Chile and designed to contribute to the inclusion of persons with disabilities by strengthening inclusive rehabilitation programmes in Paraguay, Costa Rica, El Salvador and Guatemala.

211. In 2019, the National Service for Persons with Disabilities joined the Ibero-American Programme on the Rights of Persons with Disabilities, which is designed to enhance the inclusion of persons with disabilities in political, economic and social life through policies that guarantee the full enjoyment and exercise of their rights under the Convention and to achieve the Sustainable Development Goals.

### **Article 33**

212. Under the second National Human Rights Plan, the National Service for Persons with Disabilities committed to developing and implementing a mechanism to track, monitor and report on the State's progress in fulfilling its international human rights commitments under the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities and the Convention.<sup>304</sup>

---

<sup>304</sup> To fulfil this commitment, an invitation to tender was issued in July 2022 (<https://www.mercadopublico.cl/Procurement/Modules/RFB/DetailsAcquisition.aspx?qs=37aEMrv7C1KA5ihn6nAMGQ==>), taking into account civic participation and recommendations from international organizations in the field of disability, but was cancelled owing to a lack of response. The National Service hopes to issue a new invitation to tender at the end of 2022.