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## Common core document forming part of the reports of States parties

### Chile\*\*

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



## I. General information about the reporting State

### A. Demographic, economic, social and cultural characteristics

#### 1. Historical context

1. The history of Chile can be divided into 12 periods, from the earliest human settlement to the present day. The first, or pre-Hispanic, period covers the history of the Amerindian peoples present in the territory from a time possibly predating 14,500 B.C. (Monte Verde) to the arrival on the American continent of the first European explorers in 1492. The second period is marked by the arrival in 1520 of Ferdinand Magellan and his expedition, in the far south, through the strait that now bears his name. Diego de Almagro then led an expedition that reached the Aconcagua Valley in 1536.

2. The Spanish conquest, or third period, began with the arrival of Pedro de Valdivia in 1541 and the founding of the city of Santiago de Nueva Extremadura (the current capital, now called Santiago). Pedro de Valdivia led the military campaigns against the Indigenous Peoples living in the area to establish Spanish control over the central and southern territories. These campaigns, which were waged successively over three centuries, are known as the Arauco War.

3. The colonial period (the fourth period) covers two centuries, beginning in 1598, the year in which the colonial institutions were established: the Governorate and Captaincy General of Chile, which was assisted by the Real Audiencia and placed under the authority of the Viceroy of Peru. The outset of this period was highlighted by the Mapuche victory in the battle of Curalaba, which established the Biobío River as the generally accepted border between the Spanish colony and the lands under Mapuche control.

4. The fifth period, known as the period of independence, began with the ouster of the Spanish governor in 1810. The first symbolic act of emancipation took place on 18 September of that year, with the establishment of the First National Junta of Government. The Declaration of Independence was signed on 12 February 1818, and Bernardo O'Higgins was proclaimed Supreme Director of Chile. This period was followed by what is known as the period of national organization, which lasted until 1830, during which various attempts were made to codify national coexistence.<sup>1</sup> A noteworthy development during this period was the abolition of slavery, decreed in July 1823.

5. The seventh period is known as the Conservative Republic (1831–1861) and the eighth as the Liberal Republic (1861–1891). These periods were marked by the entry into force of the Constitution of 1833. This Constitution laid the groundwork for the consolidation of a republican State headed by a president and based on the separation of powers and periodic turnover of Congress and the President of the Republic achieved through elections conducted in accordance with the census suffrage system in operation at the time. As from 1833, the rule of law was gradually strengthened in a process that was interrupted twice: first by the civil war of 1891, which culminated in the establishment of a parliamentary system (1891–1925, the ninth period), and then by the political and governance crisis of 1924–1932, during which one short-lived military government followed another.

6. The tenth period, the presidential republic, began with the adoption of the Constitution of 1925 and the re-establishment of the presidential system, which, starting in 1932, led to an extended period of political stability and the consolidation of democratic institutions and of popular participation in the political process. In January 1934 women and foreigners were given the right to vote in municipal elections, and in January 1949 this right was extended to presidential and parliamentary elections. The last amendments to the Constitution of 1925 were adopted in 1971 and were intended to guarantee the rule of law and social and personal rights by expressly establishing political rights, expanding freedom of opinion for the sake

<sup>1</sup> Eight constitutional texts followed in succession during this period: the Constitution of 1811, the Provisional Constitution of 1812, the Provisional Government Constitution of 1814, the Provisional Constitution of 1818, the Constitution of 1822, the Constitution of 1823, the Draft Constitution of 1826 and the Constitution of 1828.

of pluralism in the democratic system, and encouraging community participation through the constitutional recognition of community organizations.

7. The eleventh period began on 11 September 1973 with the overthrow of the constitutional Government of President Salvador Allende Gossens in a coup d'état, which resulted in the breakdown of democratic institutions and the establishment of a military regime headed by General Augusto Pinochet Ugarte. The civilian-military dictatorship implemented an authoritarian policy of persecuting opponents and installed a neoliberal economic model in the country, which was institutionalized through the adoption of the Constitution of 1980.

8. An end to the civilian-military dictatorship was obtained by means of a referendum held on 5 October 1988, in which the designation of General Pinochet as President for the period of transition to democracy was rejected. This led to the constitutional amendments approved by the national referendum of July 1989 and the holding of presidential elections in December that year.

9. Thus, the twelfth period – the democratic republic – began on 11 March 1990 and continues to the present day. This has been a period of political stability and rapid economic growth, resulting in a substantial reduction in poverty and the transformation and modernization of the country's infrastructure. At the same time, the authorities have pursued a strategy of international political and economic integration by negotiating trade and political agreements with the world's main Powers and economic blocs, making Chile an outward-looking country that is open to the world and putting an end to the international isolation that had marked the previous period.

10. This period began with the centre-left Governments of the Concertación de Partidos por la Democracia (Coalition for Democracy). The first Government was that of President Patricio Aylwin Azócar, followed by President Eduardo Frei Ruiz-Tagle in 1994, President Ricardo Lagos Escobar in 2000 and, in 2006, President Michelle Bachelet Jeria, the country's first woman president. During this period, the National Congress adopted the constitutional amendments of 2005.

11. The democratic republic was strengthened when, in a transfer of political power from the ruling coalition, Sebastián Piñera Echenique assumed the presidency on 11 March 2010, heading a centre-right political coalition. In 2014 he was succeeded by President Michelle Bachelet Jeria, who returned to the Government with a broader centre-left coalition (renamed Nueva Mayoría (New Majority)). In 2018, President Sebastián Piñera Echenique again took office with a centre-right coalition.

12. One of the most significant events in the country's recent history was the outbreak, in October 2019, of widespread demonstrations known as the "social explosion", involving massive protests throughout the country as citizens demanded improvements in various areas, including the cost of living, pensions, health and education, among others. To provide an institutional solution to this crisis, on 15 November 2019, representatives of both ruling and opposition political parties signed the Agreement for Social Peace and the New Constitution. This led to the holding of a national referendum on 25 October 2020, in which the citizenry decided that a proposed new Constitution should be drafted by a Constitutional Convention composed of members elected by popular vote.

13. In parallel with the constitutional debate, in 2022, President Gabriel Boric Font took office in a new centre-left alliance consisting of two coalitions called Apruebo Dignidad (Pro-Dignity) and Socialismo Democrático (Democratic Socialism). It was during the administration of President Boric that the first constitutional referendum was held, on 4 September 2022, the result of which was the rejection of the draft Constitution proposed by the Constitutional Convention. This prompted a second round of constitutional debates carried out by two bodies: an Expert Commission, appointed by the National Congress to prepare a preliminary draft, and a Constitutional Council, elected by popular vote to discuss and approve a proposed new Constitution. This second proposal was also rejected by the people in the constitutional referendum of 17 December 2023.

## 2. Main ethnic and demographic characteristics of the country

### (i) Territory

14. Chile is located along the south-west coast of South America. It is bounded on the north by Peru, on the east by the Plurinational State of Bolivia and Argentina, on the south by the South Pole and on the west by the Pacific Ocean. Its territory includes not only mainland Chile, but also several oceanic islands and the Chilean Antarctic Territory. In terms of size, the Chilean mainland extends some 5,150 km from Visviri to the Diego Ramírez Islands. Its width ranges from about 90 km to about 360 km. In addition, Easter Island is located approximately 3,700 km off the Pacific coast of Chile. With a total land area of 2,006,096 km<sup>2</sup>, Chile is home to a variety of landscapes and ecosystems. Of this total, 756,096 km<sup>2</sup> corresponds to the mainland and islands, while the remaining 1,250,000 km<sup>2</sup> is accounted for by the Chilean Antarctic Territory.

### (ii) Population size

Table 1  
Population estimates and projections, by sex (1992–2050)

Year	Population		
	Total	Men	Women
1992	13 737 062	6 750 491	6 986 571
2002	15 691 701	7 447 695	7 971 000
2017	18 419 192	7 720 701	9 344 975
2023	19 960 889	9 848 466	10 112 423
2050	21 626 079	10 659 651	10 966 428

Source: National Institute of Statistics, *Estimaciones y proyecciones de la población de Chile 1992–2050* (baseline 2017).<sup>2</sup>

Table 2  
Population by region, 2017 census

Region	Population		
	Total	Men	Women
Arica y Parinacota	226 068	112 581	113 487
Tarapacá	330 558	167 793	162 765
Antofagasta	607 534	315 014	292 520
Atacama	286 168	144 420	141 748
Coquimbo	757 586	368 774	388 812
Valparaíso	1 815 902	880 215	935 687
Metropolitan	7 112 808	3 462 267	3 650 541
O'Higgins	914 555	453 710	460 845
Maule	1 044 950	511 624	533 326
Ñuble	480 609	232 587	248 022
Biobío	1 556 805	750 730	806 075
La Araucanía	957 224	465 131	492 093
Los Ríos	384 837	188 847	195 990
Los Lagos	828 708	409 400	419 308

<sup>2</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/proyecciones-de-poblacion>.

Region	Population		
	Total	Men	Women
Aysén	103 158	53 647	49 511
Magallanes	166 533	85 249	81 284
<b>Total</b>	<b>17 574 003</b>	<b>8 601 989</b>	<b>8 972 014</b>

Source: National Institute of Statistics, *Síntesis de resultados Censo 2017* (June 2018).<sup>3</sup>

(iii) *Population growth rate*

15. According to the 2017 census,<sup>4</sup> the population of Chile is more than five times greater than it was at the turn of the twentieth century, but figures from the past 30 years show that population growth is slowing. Between 2002 and 2017, the average annual population growth rate stood at 1.0 per cent. Over the decade 1992–2002 the rate was 1.2 per cent, and over the previous decade, 1982–1992, the rate was 1.6 per cent.

16. By 2050, the population is projected to increase by approximately 2.8 million, or 15.3 per cent, rising from 18.8 million in 2018 to 21.6 million in 2050. Such an increase is expected on the assumption that there will be more births than deaths and that immigration will exceed emigration.

(iv) *Population density*

Table 3  
**Population density by region, 2017 census**

Region	Density (persons per km <sup>2</sup> )	Region	Density (persons per km <sup>2</sup> )
<b>Total</b>	<b>8.77</b>	Maule	34.47
Arica y Parinacota	13.40	Ñuble	36.67
Tarapacá	7.82	Biobío	64.95
Antofagasta	4.82	La Araucanía	30.08
Atacama	3.78	Los Ríos	21.07
Coquimbo	18.67	Los Lagos	17.11
Valparaíso	111.27	Aysén	0.96
Metropolitan	462.00	Magallanes	0.12
O'Higgins	55.93		

Source: National Institute of Statistics, *Resultados Censo 2017, por país, regiones y comunas*.<sup>5</sup>

<sup>3</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/censos-de-poblacion-y-vivienda/censo-de-poblacion-y-vivienda>.

<sup>4</sup> It should be noted that, as of the date of submission of this common core document, the 2024 census was under way. Consequently, the vast majority of the data provided in this report are taken from the previous census, conducted in 2017.

<sup>5</sup> Available at <http://resultados.censo2017.cl/>.

(v) *Population distribution by rural/urban area*

**Table 4**  
**Population by urban/rural area**

Area	Percentage according to census		
	1992 census	2002 census	2017 census
Urban	83.5	86.6	87.8
Rural	16.5	13.4	12.2

Source: National Institute of Statistics, *Síntesis de resultados Censo 2017* (June 2018).<sup>6</sup>

(vi) *Population distribution by ethnicity*

17. According to the 2017 census, 12.8 per cent of the population (2,185,729 persons) claimed to belong to an Indigenous ethnic group, distributed as follows: Mapuche (79.8 per cent), Aymara (7.2 per cent), Diaguita (4.1 per cent), Quechua (1.6 per cent), Lican Antai (1.4 per cent), Colla (1.0 per cent), Rapa Nui (0.4 per cent), Kawésqar (0.2 per cent), Yagan (0.1 per cent) and other (4.4 per cent).

18. The Indigenous population is concentrated primarily in the Metropolitan Region of Santiago (31.8 per cent), La Araucanía (14.7 per cent), Los Lagos (10.4 per cent), Biobío (8.68 per cent) and Valparaíso (5.48 per cent). The population that self-identified as belonging to the Mapuche people represented 9.9 per cent of the total population actually counted in the country's census.

**Table 5**  
**Regions with the largest population of Indigenous or original peoples (number of persons)**

Ethnic group	Region				
	Valparaíso	Metropolitan	Biobío	La Araucanía	Los Lagos
Mapuche	92 589	614 881	158 724	314 174	220 825
Aymara	5 881	15 988	1 226	489	830
Rapa Nui	4 566	3 012	334	161	208
Lican Antai	547	1 129	122	68	84
Quechua	1 142	8 366	434	152	198
Colla	716	1 222	147	86	76
Diaguita	6 928	9 381	493	218	356
Kawésqar	299	1 030	185	96	251
Yagan	147	539	91	39	109
Other/don't know	6 936	39 568	5 535	5 845	5 829
<b>Total</b>	<b>119 751</b>	<b>695 116</b>	<b>167 291</b>	<b>321 328</b>	<b>228 766</b>

Source: National Institute of Statistics, *Síntesis de resultados Censo 2017* (June 2018).<sup>7</sup>

19. An analysis of the proportion of people, by region of registration, who consider themselves to belong to an Indigenous or original people shows that 9 of the country's 16 regions have percentages exceeding the nationwide percentage (12.8 per cent). The three with the highest proportions are Arica y Parinacota (35.7 per cent), La Araucanía (34.3 per cent) and Aysén (28.7 per cent).

<sup>6</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/censos-de-poblacion-y-vivienda/censo-de-poblacion-y-vivienda>.

<sup>7</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/censos-de-poblacion-y-vivienda/censo-de-poblacion-y-vivienda>.

20. Conversely, there are seven regions with percentages below the nationwide percentage of people who consider themselves to belong to an Indigenous People. The regions with the lowest proportions are Ñuble (4.8 per cent), Maule (4.9 per cent), O’Higgins (6.5 per cent) and Valparaíso (6.8 per cent).

21. It should be noted that, after the 2017 census, the Chango and Selk’nam peoples were granted legal recognition as Chilean Indigenous ethnic groups, pursuant to Acts No. 21.273 of 2020<sup>8</sup> and No. 21.606 of 2023.<sup>9</sup> In the “other” category of the 2017 census, 4,725 people self-identified as members of the Chango people, while 1,144 self-identified as members of the Ona people (an alternative name for the Selk’nam people).

22. Lastly, it is important to note that, also following the 2017 census, legal recognition was granted to the Chilean tribal people of African descent, pursuant to Act No. 21.151 of 2019.<sup>10</sup> In the “other” category of the 2017 census, 9,919 people self-identified as people of African descent.

(vii) *Population distribution by religion*

23. Among persons aged 15 years or older, the 2002 census revealed the following distribution by religion or creed: Catholic (69.96 per cent), Evangelical (15.14 per cent), Jehovah’s Witness (1.06 per cent), Jewish (0.13 per cent), Mormon (0.92 per cent), Muslim (0.03 per cent), Orthodox (0.06 per cent), other (4.39 per cent), none/agnostic/atheist (8.30 per cent). However, the 2017 census did not include a question on religion that would have allowed for a comparison with those results. The 2024 population and housing census, which is currently under way, does include a question about the respondent’s religion or creed. This should enable the authorities to update the information dating back to 2002.<sup>11</sup>

(viii) *Population distribution by mother tongue*

24. There is no official information on the distribution of the population by mother tongue. According to data from the 2017 national social and economic survey, among persons who self-identify as belonging to Indigenous Peoples, 80.1 per cent neither speak nor understand the native language, 10.0 per cent only understand it and 9.9 per cent both speak and understand it.<sup>12</sup> No recent data on this distribution are available from the 2022 round of the national social and economic survey, since this indicator was not included.

(ix) *Age composition*

**Table 6**  
**Population disaggregated by sex and age, 2017 census**

Age	Men	Women	Total	Age		Men	Women	Total
				55–59	60–64			
0–4	594 059	572 087	1 166 146	55–59		499 406	548 373	1 047 779
5–9	618 121	592 068	1 210 189	60–64		399 562	447 353	846 915
10–14	585 855	561 560	1 147 415	65–69		303 259	349 743	653 002
15–19	636 064	608 633	1 244 697	70–74		232 909	283 000	515 909
20–24	702 706	685 116	1 387 822	75–79		155 526	208 063	363 589
25–29	742 265	731 885	1 474 150	80–84		94 996	144 450	239 446

<sup>8</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1150684>.

<sup>9</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1197052>.

<sup>10</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1130641&tipoVersion=0>.

<sup>11</sup> It should be noted that the Catholic University of Chile has collected updated information on religion in Chile by means of its “bicentennial national survey”. Information is available at <https://encuestabicentenario.uc.cl/resultados/>. However, this is not official government information and is provided for reference purposes only.

<sup>12</sup> Available at [https://observatorio.ministeriodesarrollosocial.gob.cl/storage/docs/casen/2017/Resultados\\_educacion\\_casen\\_2017.pdf](https://observatorio.ministeriodesarrollosocial.gob.cl/storage/docs/casen/2017/Resultados_educacion_casen_2017.pdf).

Age	Men	Women	Total	Age		Men	Women	Total
				85–89	90–94			
30–34	645 359	648 278	1 293 637	85–89	53 469	98 332	151 801	
35–39	595 608	612 169	1 207 777	90–94	18 029	40 854	58 883	
40–44	586 674	611 829	1 198 503	95–99	4 188	11 668	15 856	
45–49	562 483	598 280	1 160 763	100+	1 599	3 171	4 770	
50–54	569 852	615 102	1 184 954		<b>Total</b>	<b>8 601 989</b>	<b>8 972 014</b>	<b>17 574 003</b>

Source: National Institute of Statistics, *Resultados definitivos Censo 2017, población total por sexo y área urbana-rural, según grupos de edad*.<sup>13</sup>

25. A sustained trend towards population ageing can be observed from the decrease in the percentage of people under 15 years of age, which fell from 29.4 per cent in 1992 to 20.1 per cent in 2017 and is projected to reach 14 per cent by 2050. There has also been an increase in the population over 64 years of age, which rose from 6.6 per cent in 1992 to 11.4 per cent in 2017 and is projected to reach 25 per cent by 2050.

26. On the other hand, the proportion accounted for by the working-age population (15–64 years of age) has been declining since 2015 and is projected to continue falling and to reach 61 per cent of the population by 2050. Meanwhile, the proportion of the population over 64 years of age will increase. It is estimated that this age group accounted for 12 per cent of the population in 2018; its share is expected to double by 2050, reaching 25 per cent. According to projections, in 2031 the proportion of older persons will exceed the proportion of persons under 15 years of age.

27. The ageing index is expressed as the ratio of the population aged 60 years or over to the population aged under 15 years. Since 1992, the ageing index has been on an upward trend. That year, there were about 32 persons aged 60 or over for every 100 persons under 15 years of age. By 2021, this ratio had increased almost threefold, to about 93 persons aged 60 or over for every 100 persons under 15 years of age.<sup>14</sup>

(x) *Dependency ratio*

28. The total demographic dependency ratio is a population indicator of potential economic dependency, which measures the population at theoretically inactive ages in relation to the population at theoretically active ages, regardless of their employment status. It is calculated by adding the population between the ages of 0 and 14 to the population aged 65 or over and dividing the result by the population aged 15 to 64, then multiplying by 100.

Table 7  
Total demographic dependency ratio, by year

	2018	2019	2020	2021
<b>Total</b>	<b>57.1</b>	<b>57.7</b>	<b>57.6</b>	<b>58.6</b>

Source: Ministry of Social Development and the Family, Office of the Undersecretary for Social Policy Assessment, based on information from administrative records.<sup>15</sup>

<sup>13</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/censos-de-poblacion-y-vivienda/censo-de-poblacion-y-vivienda>.

<sup>14</sup> National Institute of Statistics, working papers, *Envejecimiento en Chile: Evolución, características de las personas mayores y desafíos demográficos para la población*. Available at <https://www.ine.gob.cl/inicio/documentos-de-trabajo/>.

<sup>15</sup> Available at <https://datasocial.ministeriodesarrollosocial.gob.cl/fichaIndicador/923/1>.

(xi) *Births*

Table 8  
**Total live births, by year**

	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>245 406</b>	<b>232 616</b>	<b>219 494</b>	<b>222 088</b>	<b>210 413</b>	<b>195 231</b>

Source: *Anuario de Estadísticas Vitales*, 2022.<sup>16</sup>

Table 9  
**Birth rate, by year (per 1,000 population)**

	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>13.6</b>	<b>12.8</b>	<b>11.9</b>	<b>11.8</b>	<b>11.0</b>	<b>10.0</b>

Source: *Anuario de Estadísticas Vitales*, 2022.<sup>17</sup>

(xii) *Deaths*

Table 10  
**Overall deaths, by year**

	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>103 327</b>	<b>104 026</b>	<b>106 388</b>	<b>106 796</b>	<b>109 658</b>	<b>126 169</b>

Source: *Anuario de Estadísticas Vitales*, 2022.<sup>18</sup>

29. In total, 126,169 deaths were recorded in 2020. This was the largest number recorded between 2010 and 2020, representing an increase of 28,239 deaths over the 97,930 recorded in 2010. Additionally, throughout the 2010–2020 period, male deaths consistently outnumbered female deaths, rising from 52,237 male deaths and 45,693 female deaths in 2010 to 67,636 male deaths and 58,519 female deaths in 2020. In recent years, the increase in deaths has been linked to the gradual ageing of the population, which has become more pronounced in recent decades. However, the increase in deaths in 2020 compared to 2019 is due mainly to the coronavirus disease (COVID-19) pandemic, which significantly increased the number of deaths in the country among both women and men.

Table 11  
**Mortality rate, by year (per 1,000 population)**

	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>5.7</b>	<b>5.7</b>	<b>5.8</b>	<b>5.7</b>	<b>5.7</b>	<b>6.5</b>

Source: *Anuario de Estadísticas Vitales*, 2022.<sup>19</sup>

<sup>16</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

<sup>17</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

<sup>18</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

<sup>19</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

(xiii) *Life expectancy*

30. From 1992 to date, life expectancy has risen steadily, from 74.1 years to 81.0 years in 2021, for a 6.9-year increase over the period. A life expectancy of 85.4 years is projected for 2050, with a 4.2-year increase in the period 2022–2050.<sup>20</sup>

31. Women's life expectancy, which is higher than men's, increased from 77.2 years in 1992 to 83.8 years in 2021, for a 6.6-year increase. Men's life expectancy over this period showed an even more pronounced increase of 7.2 years, from 71.1 years in 1992 to 78.3 years in 2021. This shows that the gap in life expectancy between men and women has narrowed over the years. In 1992 the gap was 6.1 years, whereas by the end of the observation period it had shrunk to 5.5 years.

(xiv) *Fertility rate*

32. The total fertility rate represents the average number of children a woman will have during her childbearing years (ages 15 to 49). The calculation of the total fertility rate shows a decline in fertility, with values below replacement level (2.1 children per woman) since the early 2000s, reaching 1.3 children per woman in 2020.<sup>21</sup>

33. However, the average value for the country as a whole masks differences between different regions, as total fertility rates are higher than this value in 12 regions and lower in 4 regions. Arica y Parinacota, O'Higgins and Tarapacá, with a total fertility rate of 1.5 children per woman, are the regions with the highest rate, while Magallanes and the Metropolitan Region have the country's lowest rate, at 1.2 children per woman.

(xv) *Average household size*

34. The average household size has decreased in recent decades, from 4.4 persons in 1982 to 3.1 persons in 2017.<sup>22</sup>

(xvi) *Proportion of one-person households*

35. In the 2017 census, a household was defined as one or more persons, whether related to each other or not, who, on the night of 18 to 19 April 2017, were housed under the same roof and shared the same food budget. Depending on the kinship relationships of their members, households can be classified as one-person, nuclear (one or both parents, with or without children), extended, composite or non-nuclear. The 2017 census revealed an increase in one-person households over time, as the proportion of such households had risen by 6.7 percentage points since 2002.

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<sup>20</sup> National Institute of Statistics, working papers, *Envejecimiento en Chile: Evolución, características de las personas mayores y desafíos demográficos para la población*. Available at <https://www.ine.gob.cl/inicio/documentos-de-trabajo/>.

<sup>21</sup> National Institute of Statistics, *Anuario de Estadísticas Vitales*, 2022. Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

<sup>22</sup> National Institute of Statistics, *Síntesis de resultados Censo 2017* (June 2018). Available at <https://www.ine.gob.cl/estadisticas/sociales/censos-de-poblacion-y-vivienda/censo-de-poblacion-y-vivienda>.

Table 12  
**Number of households by type, according to the 2002 and 2017 censuses**

Household type	2002 census		2017 census	
	Cases	Percentage	Cases	Percentage
One-person <sup>23</sup>	480 647	11.6	1 004 161	17.8
Nuclear <sup>24</sup>	2 359 718	57.0	3 060 350	54.1
Extended <sup>25</sup>	908 209	21.9	1 073 151	19.0
Composite <sup>26</sup>	132 057	3.2	142 666	2.5
Non-nuclear <sup>27</sup>	260 796	6.3	371 309	6.6
<b>Total</b>	<b>4 141 427</b>	<b>100.0</b>	<b>5 651 637</b>	<b>100.0</b>

Source: National Institute of Statistics, *Síntesis de resultados Censo 2017* (June 2018).<sup>28</sup>

(xvii) *Proportion of households headed by women*

36. The main purpose of determining household headship is to identify one person as a reference and, on that basis, to establish kinship relationships within the household. The head of household is thus the person whom all members of the household recognize as such.

37. In the 2017 census, 2,351,218 women heads of household were counted, representing 41.6 per cent of all heads of household. The percentage of women heads of household grew by 10 percentage points between 2002 and 2017, as they accounted for 31.5 per cent of all heads of household according to the 2002 census.<sup>29</sup>

### 3. Information on the standard of living of the population

(i) *Share of consumption expenditures on food, housing, health and education*

38. According to the ninth family budget survey of the National Institute of Statistics, conducted between 1 October 2021 and 30 September 2022, households in the country's regional capitals spent their budget mainly on food and non-alcoholic beverages (21.2 per cent), housing, water, electricity, gas and other fuels (16.0 per cent) and transport (15.0 per cent). Compared with the previous edition of the survey, it was noted that the percentage spent on food increased, while the percentage spent on education services decreased.

<sup>23</sup> Defined as one in which the head of household is the only member of the household.

<sup>24</sup> Includes head of household, spouse, common-law spouse or civil union partner and their children.

<sup>25</sup> Includes a nuclear family plus other relatives of the head of household such as siblings, parents or grandchildren, for example.

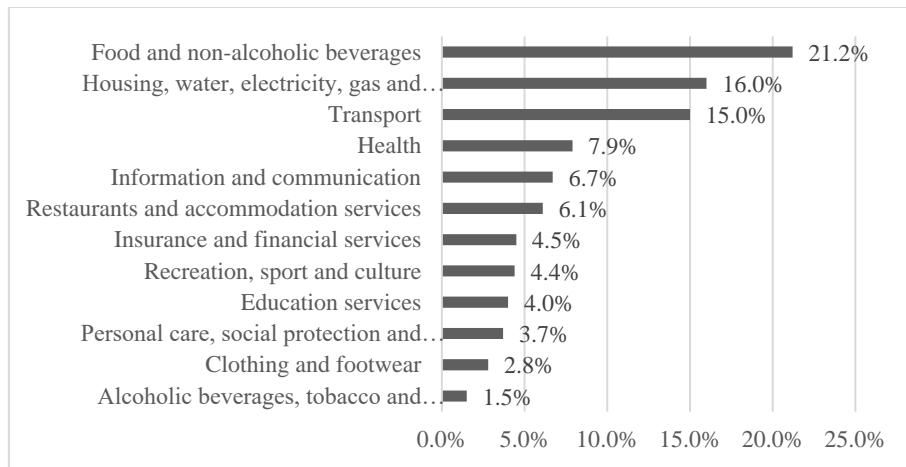
<sup>26</sup> Includes a nuclear family plus persons not related to the head of household; may also include other relatives of the head of household.

<sup>27</sup> Does not include a nuclear family but does include other relatives or non-relatives of the head of household.

<sup>28</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/censos-de-poblacion-y-vivienda/censo-de-poblacion-y-vivienda>.

<sup>29</sup> National Institute of Statistics, *Síntesis de resultados Censo 2017* (June 2018). Available at <https://www.ine.gob.cl/estadisticas/sociales/censos-de-poblacion-y-vivienda/censo-de-poblacion-y-vivienda>.

Table 13  
**Distribution of average monthly household expenditures in regional capitals, by COICOP<sup>30</sup> division**



Source: National Institute of Statistics, *Informe de principales resultados IX Encuesta de Presupuestos Familiares* (October 2023).<sup>31</sup>

(ii) *Proportion of population below the national poverty line*

39. According to the results of the 2022 national social and economic survey, aggregate poverty at the country level reached a historic low of 6.5 per cent. This is 4.2 percentage points lower than was reported in the 2020 survey and is also lower than the 8.5 per cent recorded in 2017.

40. The methodology used to measure poverty in Chile considers the value of a basic food basket as a key variable for determining the poverty line. Between November 2020 and November 2022, the value of the basic food basket increased by 33.6 per cent, while the cost-of-living index rose by 20.9 per cent. During the same period, the poverty line went from 174,131 pesos (Ch\$) per adult equivalent in November 2020 to Ch\$ 216,849 per adult equivalent in November 2022, a nominal increase of 24.5 per cent.

41. The extreme poverty line is the threshold used to identify households and population groups in extreme income poverty (formerly known as indigence). The extreme income poverty line has been defined as the equivalent of two thirds of the value of the poverty line.

Table 14  
**Poverty and extreme poverty rates, 2006–2022**

Year	Poverty	Extreme poverty	Total
2006	16.3%	12.4%	28.7%
2009	15.1%	9.7%	24.8%
2011	13.8%	7.9%	21.7%
2013	9.6%	4.3%	13.9%
2015	7.8%	3.4%	11.2%
2017	6.2%	2.3%	8.5%
2020	6.4%	4.3%	10.7%
2022	4.5%	2.0%	6.5%

Source: National social and economic survey 2022.<sup>32</sup>

<sup>30</sup> Classification of Individual Consumption According to Purpose.

<sup>31</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/ingresos-y-gastos/encuesta-de-presupuestos-familiares>.

<sup>32</sup> Available at <https://observatorio.ministeriodesarrollosocial.gob.cl/encuesta-casen-2022>.

42. Data show that, between 2020 and 2022, the poverty rate decreased in almost all regions, although the variations in the Regions of Tarapacá, Antofagasta, Atacama and Magallanes were not statistically significant. The poverty rate fell most sharply in the Regions of Los Ríos (from 12 per cent to 5.9 per cent) and Araucanía (from 17.3 per cent to 11.6 per cent). The regions with the highest poverty rates are Ñuble (12.1 per cent), Araucanía (11.6 per cent) and Tarapacá (11.0 per cent).

43. According to the results of the 2022 national social and economic survey, the multidimensional poverty rate fell from 20.3 per cent in 2017 to 16.9 per cent in 2022. It was observed that the multidimensional poverty rate had declined in both urban and rural areas since 2017. Indeed, the multidimensional poverty rate decreased from 36.6 per cent to 28.0 per cent in rural areas, while in urban areas it fell from 18.1 per cent to 15.5 per cent.

**Table 15**  
**Multidimensional poverty rate, 2015–2022**

Year	2015	2017	2022
Percentage of the population	20.3	20.3	16.9

*Source:* National social and economic survey 2022.<sup>33</sup>

44. At the regional level, the highest multidimensional poverty rates were observed in the Regions of Tarapacá (23.8 per cent), Atacama (20.3 per cent), Araucanía (19.8 per cent) and Los Lagos (19.7 per cent). The regions with the lowest rates are Magallanes (6.9 per cent), Aysén (14.0 per cent) and Biobío (14.1 per cent).

45. In 2022, the multidimensional poverty rate was 17.1 per cent among men and 16.8 per cent among women. The difference is not considered statistically significant.

*(iii) Proportion of population below the minimum level of dietary consumption*

46. According to the 2016–2017 national health survey,<sup>34</sup> 40.2 per cent of the Chilean population were overweight, 31.4 per cent were non-morbidly obese and 3.4 per cent were morbidly obese, with no significant differences by sex in any of these categories. Meanwhile, 23.8 per cent of the population had a eutrophic or normal nutritional status and 1.1 per cent were thin, with neither category showing significant differences by sex.<sup>35</sup>

47. According to the 2023 nutrition map of the National School Support and Scholarships Board,<sup>36</sup> 6.2 per cent of evaluated students presented a nutritional status of malnutrition caused by deficiency, which includes malnutrition and underweight. Half of evaluated students presented malnutrition caused by excess, including overweight and obesity. The nutritional status of 43.8 per cent of students was considered “normal”.

48. An analysis of the situation by region shows that northern regions (such as Arica y Parinacota and Atacama) generally have a higher prevalence of malnutrition caused by deficiency, while southern regions (such as Aysén and Magallanes) have a higher prevalence of malnutrition caused by excess.

*(iv) Gini coefficient and income distribution*

49. The 2022 national social and economic survey revealed reductions in levels of inequality compared with 2017 and 2020. In terms of monetary income, including independent income and cash transfers from the public sector, the Gini coefficient showed a 0.014-point reduction since 2017, the largest reduction in this indicator since 2006.

<sup>33</sup> Available at <https://observatorio.ministeriodesarrollosocial.gob.cl/encuesta-casen-2022>.

<sup>34</sup> No subsequent edition of this survey has been conducted to date.

<sup>35</sup> Ministry of Health, *Informe Encuesta Nacional de Salud 2016-2017: Estado Nutricional* (Santiago, Chile, 2018). Available at <https://epi.minsal.cl/resultados-encuestas/>.

<sup>36</sup> National School Support and Scholarships Board, *Informe Ejecutivo, Resultados Mapa Nutricional 2023*. Available at <https://www.junaeb.cl/mapa-nutricional/>.

Table 16  
**Indicators of household monetary income distribution, 2017–2022**

Indicator	Year		
	2017	2020	2022
20/20 ratio	8.5	11.7	8.2
10/40 ratio	2.0	2.5	1.9
10/10 ratio	16	28.8	15.9
Gini coefficient	0.484	0.509	0.470

Source: National social and economic survey 2022.<sup>37</sup>

(v) *Prevalence of underweight children under 5 years of age*

Table 17  
**Households with malnourished children**

Indicator	Year		
	2015	2017	2020
Percentage	4.9	4.7	3.5
Extended population	274 019	282 128	232 809
			231 137

Source: National social and economic survey 2022.<sup>38</sup>

(vi) *Infant mortality*

50. Infant mortality in the country has trended downward for the past 10 years. During the period 2010–2020, the annual number of deaths of children under 1 year of age fell by 41.6 per cent, from 1,862 to 1,088. Deaths of children under 1 year of age accounted for 0.86 per cent of all deaths in 2020.<sup>39</sup>

51. The neonatal mortality rate, expressed as deaths during the first 28 days of life per 1,000 live births, fell from 5.1 in 2010 to 4.3 in 2020.

52. The reduction in the infant mortality rate was greater than that observed in the neonatal mortality rate, falling from 7.4 deaths of infants under 1 year of age per 1,000 live births in 2010 to 5.6 in 2020 – a reduction of 1.8 deaths per 1,000 births over a period of 11 years.

53. Notwithstanding some small oscillations, neonatal mortality increased as a proportion of infant mortality during the period, from 68.9 per cent in 2010 to 76.5 per cent in 2020. In other words, 76.5 per cent of children who die before their first birthday do so before completing one month of life.

(vii) *Maternal mortality*

54. The comprehensive maternal mortality ratio in Chile has fallen steadily since 1950, with a 95 per cent decrease over the past 70 years. In 2019, the comprehensive maternal mortality ratio stood at 19 deaths per 100,000 live births; however, in 2020 the ratio soared to 31.2 – an increase of 64.4 per cent over 2019. This result must be considered in the light of the COVID-19 pandemic declared in 2020, when overall mortality increased by 15.1 per cent compared with 2019.

<sup>37</sup> Available at <https://observatorio.ministeriodesarrollosocial.gob.cl/encuesta-casen-2022>.

<sup>38</sup> Available at <https://observatorio.ministeriodesarrollosocial.gob.cl/encuesta-casen-2022>.

<sup>39</sup> National Institute of Statistics, *Anuario de estadísticas vitales* (2022). Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

Table 18  
**Maternal mortality indicators, 2017–2020**

Indicator (per 100,000 live births)	Year			
	2017	2018	2019	2020
Comprehensive maternal mortality ratio	26.4	23.0	19.0	31.2
Maternal mortality ratio	17.3	13.5	10.9	21.0

Source: National Institute of Statistics, *Impactos del Covid-19 en la mortalidad de Chile durante 2020* (2023).<sup>40</sup>

(viii) *Percentage of women of childbearing age using contraception or whose partner is using contraception*

55. The national survey of health, sexuality and gender of 2022–2023,<sup>41</sup> conducted by the Ministry of Health, found that 65.8 per cent of women aged 18 to 29 years used contraception during first sexual intercourse, versus 62.3 per cent of men in the same age group. The difference is not statistically significant.

56. The results of the tenth national youth survey, conducted in 2022, point to an increase in the use of methods of contraception or protection during first and most recent sexual intercourse.

Table 19  
**Use of methods of contraception or protection during first and most recent sexual intercourse**

Indicator	Year		
	2015	2018	2022
First sexual intercourse	70.9%	77.5%	86.6%
Most recent sexual intercourse	77.0%	83.4%	85%

Source: National Institute for Youth, *Informe General de Resultados, Radiografía de las Juventudes* (2022).<sup>42</sup>

(ix) *Medical terminations of pregnancy as a proportion of live births*

57. According to the 2022 vital statistics yearbook<sup>43</sup> of the National Institute of Statistics, the fetal mortality rate stood at 8.3 deaths per 1,000 live births in 2020. In that year, there were 1,614 fetal deaths, lower than in 2019 (1,910 deaths), 2018 (2,006 deaths) and 2017 (1,806 deaths).

58. The Ministry of Health recorded 5,063 cases of voluntary termination of pregnancy under Act No. 21.030<sup>44</sup> between 2018 and March 2024 (data for 2024 being preliminary).

<sup>40</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/demografia-y-migracion>.

<sup>41</sup> Available at <http://epi.minsal.cl/resultados-encuestas/>.

<sup>42</sup> Available at <https://www.injuv.gob.cl/encuestanacionaldejuventud>.

<sup>43</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

<sup>44</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1108237>.

Table 20  
**Cases of voluntary termination of pregnancy, by situation provided for in Act No. 21.030 and year**

Year	Number of cases		
	Situation 1 <sup>45</sup>	Situation 2 <sup>46</sup>	Situation 3 <sup>47</sup>
2024 (until March)	57	72	86
2023	269	370	322
2022	254	376	210
2021	252	447	130
2020	162	352	154
2019	267	414	137
2018	262	346	124

Source: Ministry of Health, Department of Health Statistics and Information, interactive dashboard on the voluntary termination of pregnancy under Act No. 21.030.<sup>48</sup>

(x) *Rates of HIV/AIDS infection*

Table 21  
**HIV rate (per 100,000 population) and confirmed cases per year, 2014–2022**

	Year				
	2014	2016	2018	2020	2022
Rate	22.9	27.1	37.1	22.8	27.2
Confirmed cases	4 080	4 927	6 498	4 446	5 401

Source: Institute of Public Health, *Resultados confirmación de infección por VIH. Chile, 2010–2022*.<sup>49</sup>

(xi) *Major communicable diseases*

Table 22  
**Major communicable diseases, age-standardized incidence rate for both sexes**

Disease	Year	
	2011	2016
Upper respiratory tract infections	263 548.7	262 244.1
Diarrhoeal diseases	20 239.2	20 594.5
Otitis media	5 007.3	5 007.9
Sexually transmitted diseases, non-HIV	3 539.3	3 673.9

<sup>45</sup> The woman's life is at risk, and the termination of the pregnancy would eliminate this risk. As this situation can arise at any point during the pregnancy, the ability to terminate the pregnancy, if the woman so desires, is subject to no restrictions relating to gestational age.

<sup>46</sup> The embryo or fetus suffers from a deadly acquired or genetic congenital condition that makes independent life outside the womb impossible. Since such a condition can be diagnosed at any point during the pregnancy, the ability to terminate the pregnancy, if the woman so desires, is subject to no restrictions relating to gestational age.

<sup>47</sup> The pregnancy is the result of rape and the woman is not more than 12 weeks pregnant. In the case of girls under the age of 14, the pregnancy may be terminated provided that the girl is not more than 14 weeks pregnant.

<sup>48</sup> Available at <https://www.minsal.cl/reportes-ley-ive/>.

<sup>49</sup> Available at <https://www.ispch.cl/boletin/resultados-confirmacion-de-infeccion-por-vih-chile-2010-2022/>.

Disease	Year	
	2011	2016
Lower respiratory tract infections	2 655.6	2 710.4
Chickenpox and herpes zoster	2 082.5	2 079.4
Hepatitis	369.1	366.9
Whooping cough	154.8	132.1
Encephalitis	13.1	13.3
Tuberculosis	11.7	10.9

Source: Ministry of Health, *ANÁLISIS DE SITUACIÓN DE SALUD DESDE LA PERSPECTIVA EPIDEMIOLÓGICA* (2019).<sup>50</sup>

(xii) *Ten major causes of death*

59. According to the 2022 vital statistics yearbook of the National Institute of Statistics, the main causes of death in Chile in 2020, using the tenth revision of the International Statistical Classification of Diseases and Related Health Problems (ICD-10), were diseases of the circulatory system, which accounted for 29,035 deaths (23.0 per cent), and neoplasms (tumours), which accounted for 28,656 deaths (22.7 per cent). Together, these causes accounted for more than 45 per cent of deaths. One important development was the emergence of “codes for special purposes” – used for recording COVID-19 deaths – as the third main cause, with 18,680 deaths (14.8 per cent), and of diseases of the respiratory system as the fourth main cause, responsible for 9,988 deaths (7.9 per cent).

Table 23  
**Main causes of death, 2020 (number of deaths)**

Cause of death	Number of deaths	ICD-10 classification
Diseases of the circulatory system	29 035	I00-I99
Neoplasms (tumours)	28 656	C00-D48
Codes for special purposes	18 680	U00-U85
Diseases of the respiratory system	9 988	J00-J99
Diseases of the digestive system	8 389	K00-K93
External causes of morbidity and mortality	7 786	V01-Y98
Endocrine, nutritional and metabolic diseases	4 954	E00-E90
Diseases of the nervous system	4 390	G00-G99
Diseases of the genitourinary system	3 348	N00-N99
Symptoms, signs and abnormal clinical and laboratory findings, not elsewhere classified	2 924	R00-R99
Mental and behavioural disorders	2 641	F00-F99

Source: National Institute of Statistics, *Anuario de Estadísticas Vitales 2022*.<sup>51</sup>

<sup>50</sup> Available at <http://epi.minsal.cl/estudios-e-investigaciones/>.

<sup>51</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/demografia-y-vitales/nacimientos-matrimonios-y-defunciones>.

(xiii) *Net enrolment rate in primary and secondary education*

Table 24  
**Net enrolment rate in basic education<sup>52</sup>**

Level (disaggregation)	Estimate by year			
	2018	2019	2020	2021
National	95.1	95.1	95.2	94.6
Male	94.9	94.9	95.0	94.5
Female	95.4	95.3	95.4	94.8
6 to 9 years	96.0	96.1	96.1	95.4
10 to 13 years	94.2	94.1	94.3	93.9

Source: Ministry of Social Development, Office of the Undersecretary for Social Policy Assessment, based on information from administrative records.<sup>53</sup>

Table 25  
**Net enrolment rate in secondary education<sup>54</sup>**

Level (disaggregation)	Estimate by year			
	2018	2019	2020	2021
National	82.3	83.2	84.5	86.2
Male	80.1	81.2	82.5	84.5
Female	84.5	85.3	86.6	88.0
14 and 15 years	82.7	83.6	84.4	85.6
16 and 17 years	81.8	82.8	84.6	86.9

Source: Ministry of Social Development, Office of the Undersecretary for Social Policy Assessment, based on information from administrative records.<sup>55</sup>

(xiv) *School attendance rate*

Table 26  
**National average attendance (all levels of education)**

	Year		
	2018	2022	2023
Average attendance	88.9%	83.5%	84.8%

Source: Ministry of Education, Centre for Studies, *Ánalisis de la asistencia escolar de los años 2018, 2022 y 2023 (2024)*.<sup>56</sup>

<sup>52</sup> The percentage of boys and girls between 6 and 13 years of age enrolled in basic education, not including special education.

<sup>53</sup> Available at <https://datasocial.ministeriodesarrollosocial.gob.cl/fichaIndicador/825/1>.

<sup>54</sup> The percentage of boys and girls between 14 and 17 years of age enrolled in secondary education, not including special education.

<sup>55</sup> Available at <https://datasocial.ministeriodesarrollosocial.gob.cl/fichaIndicador/827/1>.

<sup>56</sup> Ministry of Education, Centre for Studies, *Apuntes 46. Análisis de la asistencia escolar de los años 2018, 2022 y 2023 (2024)*. Available at <https://bibliotecadigital.mineduc.cl/handle/20.500.12365/20188>.

(xv) *Dropout rates in primary and secondary education*

60. According to the Centre for Studies of the Ministry of Education,<sup>57</sup> school dropout refers to the number of students who are not enrolled in school during the current period and who did not complete their schooling in the previous period. Of the total number of students enrolled in 2022, 50,814 dropped out in 2023, representing an overall rate of 1.7 per cent. The rate is higher among boys (1.8 per cent) than girls (1.5 per cent).

61. The Metropolitan Region (2.2 per cent), Tarapacá (1.8 per cent) and Antofagasta (1.8 per cent) have the highest dropout rates. The regions with the lowest rates are Biobío (1.1 per cent), Los Ríos (1.1 per cent), Ñuble (1.2 per cent) and Coquimbo (1.2 per cent).

62. When the data are broken down by educational level, the highest dropout rate is found in technical and vocational secondary education (2.8 per cent). Next highest, albeit close to the overall average, is secondary education in science and humanities, with 1.8 per cent. The dropout rate in basic education is lower than the average, at 1.5 per cent.

(xvi) *Teacher-student ratio in public-funded schools*

63. According to the Centre for Studies of the Ministry of Education,<sup>58</sup> in 2021, there was one teacher for every 16 students, which was slightly lower than in the previous year, when the average ratio was one to 17. There is a gap between urban and rural areas, with one teacher for 17 students in urban areas and one teacher for 10 students in rural areas.

64. On average, each school has 20 teachers, although the figure varies depending on the type of school: municipal schools,<sup>59</sup> private subsidized schools<sup>60</sup> and schools run by local public education services<sup>61</sup> have 20, 18 and 21 teachers, respectively. By contrast, private paid schools<sup>62</sup> and corporation schools have 35 and 30 teachers per school, respectively.

(xvii) *Literacy rates*

Table 27  
**Literacy of the population aged 15 years and older, by sex (percentages)**

		Year					
		2009	2011	2013	2015	2017	2022
Male	Cannot read or write	3.1	2.9	3.5	2.8	3.3	2.7
	Can read and write	96.9	97.1	96.5	97.2	96.7	97.3
Female	Cannot read or write	3.5	3.3	3.6	3.0	3.4	2.7
	Can read and write	96.5	96.7	96.4	97.0	96.6	97.3

Source: National social and economic survey 2022.<sup>63</sup>

<sup>57</sup> Ministry of Education, Centre for Studies, *Apuntes 46. Análisis de la asistencia escolar de los años 2018, 2022 y 2023* (2024). Available at <https://bibliotecadigital.mineduc.cl/handle/20.500.12365/20188>.

<sup>58</sup> Ministry of Education, Centre for Studies, *Apuntes 22: Variación en la información estadística de los docentes de la educación en desempeño, año 2021*. Available at <https://bibliotecadigital.mineduc.cl/handle/20.500.12365/18913>.

<sup>59</sup> Free, State-funded schools administered by the municipalities, either through administrative departments of municipal education or municipal corporations.

<sup>60</sup> Schools financed through a per-pupil public subsidy or subvention, in addition to the contributions of parents or other private sponsors.

<sup>61</sup> Schools that have been transferred from the municipalities to local public education services by virtue of Act No. 21.040, which created a new system of public education.

<sup>62</sup> These schools receive no government subsidies and operate entirely on parental contributions.

<sup>63</sup> Available at <https://observatorio.ministeriodesarrollosocial.gob.cl/encuesta-casen-2022>.

(xviii) *Unemployment rate*

65. According to National Institute of Statistics figures<sup>64</sup> for the rolling quarter March–May 2024, the labour force was made up of 10,177,708 people. It was estimated that 9,331,647 persons were employed, 2,632,396 were in informal employment, 846,061 were unemployed and 6,179,367 were inactive.

**Table 28**  
**Unemployment rate, rolling quarters, 2023/24**

Rolling quarters	Unemployment rate (%)		
	Total	Men	Women
<b>2023</b>			
March–May	8.5	8.1	9.1
April–June	8.5	8.2	8.9
May–July	8.8	8.6	9.0
June–August	9.0	8.8	9.3
July–September	8.9	8.7	9.2
August–October	8.9	8.7	9.1
September–November	8.7	8.5	9.0
October–December	8.5	8.2	8.8
<b>2023/2024</b>			
November–January	8.4	8.2	8.8
December–February	8.5	8.1	9.0
<b>2024</b>			
January–March	8.7	8.0	9.5
February–April	8.5	7.8	9.5
March–May	8.3	7.6	9.3

Source: National Institute of Statistics, *Boletín Estadístico: Empleo Trimestral, Edición N° 308* (28 June 2024).<sup>65</sup>

(xix) *Employment by major sectors of economic activity*

**Table 29**  
**Employment by branch of economic activity (thousands of people)**

Branch of economic activity	Month (thousands of people)			
	Feb. 2024	Mar. 2024	Apr. 2024	May 2024
Agriculture, forestry and fishing	626.3	610.4	578.9	552
Mining and quarrying	280.5	285.6	287.7	286.3
Manufacturing	889.6	864.8	875	860.2
Electricity, gas, steam and air conditioning supply	50.9	51.1	54.4	57.1
Water supply, sewerage, waste management and remediation activities	71.6	71.3	72	66.6
Construction	721.6	739.6	744.2	738.8

<sup>64</sup> National Institute of Statistics, *Boletín Estadístico: Empleo Trimestral, Edición N° 308* (28 June 2024). Available at <https://www.ine.gob.cl/estadisticas/sociales/mercado-laboral/ocupacion-y-desocupacion>.

<sup>65</sup> Available at <https://www.ine.gob.cl/estadisticas/sociales/mercado-laboral/ocupacion-y-desocupacion>.

Branch of economic activity	Month (thousands of people)			
	Feb. 2024	Mar. 2024	Apr. 2024	May 2024
Commerce	1 811.30	1 788.30	1 780.90	1 779.70
Accommodation and food service activities	440.6	442.5	426.8	418
Transportation and storage	566.4	590.5	612.9	622.7
Information and communication	198.1	201.9	200.8	202.1
Financial and insurance activities	187.4	189.4	198.6	193.1
Real estate activities	86	89.2	89.4	97.3
Professional, scientific and technical activities	329.7	314.5	342.5	335.4
Administrative and support service activities	303.3	297.7	290.4	281.0
Public administration and defence	536.8	563.7	587.3	608.8
Education	761.7	750.1	736.8	766.8
Human health and social work activities	693.9	687.2	694.5	699.7
Arts, entertainment and recreation	110.7	114.2	119.8	119.3
Other service activities	335.9	348.4	345.5	335.6
Activities of households as employers	273.6	278.4	271.6	278.4
Activities of extraterritorial organizations and bodies	4.3	1.7	2.7	2.9
Don't know/No answer	29.6	28.0	26.7	30.0
<b>Total</b>	<b>9 309.6</b>	<b>9 308.7</b>	<b>9 339.3</b>	<b>9 331.6</b>

Source: Central Bank statistical database (labour market and demographics).<sup>66</sup>

66. According to National Institute of Statistics figures,<sup>67</sup> the informal employment rate stood at 28.2 per cent for the rolling quarter March–May 2024, having increased by 6.4 per cent in one year. The rates for women and men stood at 30.0 per cent and 26.9 per cent, up by 8.7 per cent and 4.5 per cent, respectively.

(xx) *Work participation rates*

67. According to National Institute of Statistics figures<sup>68</sup> for the rolling quarter March–May 2024, the labour force participation rate stood at 62.2 per cent overall, 72.0 per cent for men and 52.8 per cent for women.

<sup>66</sup> Available at <https://si3.bcentral.cl/siete>.

<sup>67</sup> National Institute of Statistics, *Boletín Estadístico: Empleo Trimestral, Edición N° 308* (28 June 2024). Available at <https://www.ine.gob.cl/estadisticas/sociales/mercado-laboral/ocupacion-y-desocupacion>.

<sup>68</sup> National Institute of Statistics, *Boletín Estadístico: Empleo Trimestral, Edición N° 308* (28 June 2024). Available at <https://www.ine.gob.cl/estadisticas/sociales/mercado-laboral/ocupacion-y-desocupacion>.

(xxi) *Proportion of workforce registered with trade unions*

Table 30  
**Membership of active trade unions, by type of trade union and sex, 2023**

Type of trade union	Membership		
	Men	Women	Total
Company union	444 627	351 988	796 615
Establishment union	47 467	29 602	77 069
Independent workers' union	71 236	57 858	129 094
Inter-company union	114 850	81 235	196 085
Casual and temporary workers' union	10 293	13 708	24 001
Others	938	884	1 822
<b>Total</b>	<b>689 411</b>	<b>535 275</b>	<b>1 224 686</b>

Source: Labour Directorate. *Anuario Estadístico 2023*.<sup>69</sup>

(xxii) *Per capita income*

Table 31  
**Mean and median per capita household income, by type of income (pesos, as at November each year)**

		Year				
		2013	2015	2017	2020	2022
Labour income <sup>70</sup>	Mean	247 398	280 360	317 572	336 755	434 279
	Median	130 000	155 500	175 000	159 583	250 000
Independent income <sup>71</sup>	Mean	289 397	330 898	373 015	406 886	512 886
	Median	160 833	192 417	215 000	212 084	300 000
Monetary income <sup>72</sup>	Mean	296 585	339 705	383 459	425 323	541 793
	Median	167 976	200 000	225 000	229 917	335 184
Total income <sup>73</sup>	Mean	349 589	400 620	456 281	519 972	660 777
	Median	210 119	250 000	290 000	320 000	446 928

Source: National social and economic survey 2022.<sup>74</sup>

<sup>69</sup> Available at <https://www.dt.gob.cl/portal/1629/w3-propertyvalue-188834.html>.

<sup>70</sup> Income obtained by all household members, excluding live-in domestic workers, from salaries and wages, monetary and in kind, and earnings from independent work and self-supply of goods produced in the household.

<sup>71</sup> The sum of all payments received by all household members, excluding live-in domestic workers, from labour and the ownership of assets. It includes salaries and wages, monetary and in kind, earnings from independent work, self-supply of goods produced in the household, rent, interest, dividends and profit withdrawals, retirement and other pensions, and current transfers.

<sup>72</sup> The sum of the independent income and monetary grants received by all household members, excluding live-in domestic workers.

<sup>73</sup> The sum of the monetary income and the imputed rent of the household. Imputed rent applies to households that own the dwelling in which they live, that reside in dwellings provided to them free of charge (by relatives or employers) or that benefit from usufruct. The imputed value is equivalent to the rent that would be paid on the market for a dwelling similar to the one occupied.

<sup>74</sup> Available at <https://observatorio.ministeriodesarrollosocial.gob.cl/encuesta-casen-2022>.

(xxiii) *Gross domestic product (GDP)*

Table 32  
**GDP, (billions of pesos, reference 2018)**

	Year				
	2019	2020	2021	2022	2023
GDP at current prices	195 532	201 258	239 562	263 843	281 870
GDP, chained volume at previous year prices	190 637	178 925	199 204	203 305	203 750
GDP, chained volume at previous year prices (seasonally adjusted)	190 682	178 533	199 156	203 318	203 930

Source: Central Bank statistical database (national accounts).<sup>75</sup>

Table 33  
**GDP per capita**

Period	Total population, Nat. Inst. Stats. (number of persons)	GDP per capita, reference 2018 (US\$)	GDP per capita, PPP (US\$, IMF)
2018	18 751 405	15 788	24 761
2019	19 107 216	14 579	24 920
2020	19 458 310	13 088	23 266
2021	19 678 363	16 027	26 861
2022	19 828 563	15 269	29 221
2023	19 960 889	16 833	29 935
2024	20 086 377	No information	30 911

Source: Central Bank statistical database (macroeconomic statistics).<sup>76</sup>

(xxiv) *Annual growth rate*

Table 34  
**GDP (annual rate of change, chained volume at previous year prices, percentages)**

	Year							
	2019	2020	2021	2022	2023	2024*	2025*	2026*
GDP change	0.6	-6.1	11.3	2	0.2	2.25–3.0	1.5–2.5	1.5–2.5

Source: Central Bank statistical database (macroeconomic statistics)<sup>77</sup> and *Informe de Política Monetaria* (June 2024).<sup>78</sup> Figures for 2024, 2025 and 2026 are projections.

<sup>75</sup> Available at <https://si3.bcentral.cl/siete>.

<sup>76</sup> Available at <https://si3.bcentral.cl/siete>.

<sup>77</sup> Available at <https://si3.bcentral.cl/siete>.

<sup>78</sup> Available at <https://www.bcentral.cl/web/banco-central/areas/politica-monetaria/informe-de-politica-monetaria>.

(xxv) *Gross national income*

Table 35  
**Gross national disposable income, reference 2018 (billions of pesos)**

	Year				
	2019	2020	2021	2022	2023
Gross national disposable income	188 933	188 370	223 915	251 295	268 085

Source: Central Bank statistical database (national accounts).<sup>79</sup>

(xxvi) *Consumer price index (CPI)*

Table 36  
**Consumer price index (annual rate of change as at December of each year)**

	Year				
	2019	2020	2021	2022	2023
CPI change	3.0%	3.0%	7.2%	12.8%	3.9%

Source: Central Bank statistical database (macroeconomic statistics).<sup>80</sup>

(xxvii) *Social expenditures (food, housing, health, education, social protection, etc.) as a proportion of total public expenditure and GDP*

Table 37  
**Social expenditures as a percentage of GDP and total expenditure**

Year	Percentage of GDP	Percentage of total expenditure
2023	18.3	72.3
2022	17.8	71.7
2021	24.9	78.2
2020	20.1	73.7
2019	17.3	70.3

Source: Budget Directorate, functional classification of expenditure.<sup>81</sup>

(xxviii) *External public debt*

Table 38  
**Total external debt (millions of dollars)**

	Year				
	2019	2020	2021	2022	2023
Total external debt	184 220	198 396	208 485	235 405	229 840
Public sector	51 463	59 826	68 521	81 486	71 907
Private sector	132 757	138 570	139 964	153 919	157 933

Source: Central Bank, *Boletín Estadístico 18 de mayo 2024*.<sup>82</sup>

<sup>79</sup> Available at <https://si3.bcentral.cl/siete>.

<sup>80</sup> Available at <https://si3.bcentral.cl/siete>.

<sup>81</sup> Available at <https://www.dipres.gob.cl/598/w3-propertyvalue-26240.html>.

<sup>82</sup> Available at <https://www.bcentral.cl/web/banco-central/boletin-detalle#4>.

(xxix) *Domestic public debt*

Table 39  
**Central government gross domestic debt (millions of dollars)**

	Year				
	2019	2020	2021	2022	2023
Domestic debt	58 576	70 417	66 525	74 853	80 617

*Source:* Budget Directorate, central government gross debt.<sup>83</sup>

(xxx) *Proportion of international assistance provided in relation to the State budget by sector and in relation to gross national income<sup>84</sup>*

68. According to its comprehensive management report, the Chilean Agency for International Cooperation for Development set aside a public budget of Ch\$ 3,734,837 million to finance its South-South cooperation programme in 2022. Of this amount, 56.3 per cent was allocated to the transfer of technical knowledge (bilateral, triangular and contributions to joint funds) and 38.8 per cent to the training of human capital (scholarships). The remaining 4.9 per cent was set aside for costs associated with the programme.

69. Consequently, 89 technical transfer projects were funded in 19 of the 20 Latin American and Caribbean countries (counting the Caribbean Community as a single bloc), as well as countries outside the region, such as Palestine. The budget also enabled the continuation of the training component, under which a total of 828 scholarships (736 new and 92 continued) were granted for undergraduate and master's degrees, student and academic mobility, diplomas and international courses.

## B. Constitutional, political and legal structure of the State

### 1. Political and legal framework of the State

70. The Republic of Chile is unitary in structure. The territory is divided into 16 regions, including a metropolitan area in which the capital of the country is located. Each region is divided into provinces and each province into communes. It is a democracy and has a presidential system of government.

71. The fundamental norm for the organization of the State is the Constitution of 1980.<sup>85</sup> This Constitution has been amended several times, one of the most significant amendments being that promulgated on 17 September 2005 by means of Act No. 20.050, which made 54 amendments and allowed for a revised, coordinated and systematized text.<sup>86</sup>

72. The institutional framework rests on the traditional division of powers into executive, legislative and judicial branches, in addition to other organs or institutions that enjoy constitutional autonomy.

#### (i) *Executive branch*

73. The President of the Republic oversees the functions of government and State administration. Under the Constitution, the President is elected by universal and direct suffrage for a period of four years and cannot be re-elected for the ensuing term. The appointment of ministers of State, regional and provincial presidential delegates and other

<sup>83</sup> Available at <https://www.dipres.gob.cl/598/w3-propertyvalue-26241.html#tabla>.

<sup>84</sup> Chilean Agency for International Cooperation for Development, *Balance de Gestión Integral 2022*. Available at <https://www.agci.cl/acerca-de-agci/balance-de-gestion-integral>.

<sup>85</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

<sup>86</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=241331>.

public officials enjoying his or her exclusive confidence and contributing to the administration of government is the exclusive power of the President.

74. Among the special powers of the President are the power to contribute to the making of laws, as well as sanctioning and promulgating them; issue legally binding decrees when so directed by Congress; exercise rule-making authority; conduct international relations; grant presidential pardons; appoint and dismiss the Commanders-in-Chief of the armed forces and law enforcement agencies; and oversee the proper collection of public revenue.

75. There are 24 ministries: Interior and Public Security; Foreign Affairs; Defence; Finance; Office of the Minister and Secretary-General of the Office of the President; Office of the Minister and Secretary-General of Government; Economic Affairs, Development and Tourism; Social Development and the Family; Education; Justice and Human Rights; Labour and Social Security; Public Works; Health; Housing and Town Planning; Agriculture; Mining; Transport and Telecommunications; National Assets; Energy; Environment; Sport; Women and Gender Equity; Cultures, Arts and Heritage; and Science, Technology, Knowledge and Innovation. All ministries have regional ministerial secretariats, which are decentralized bodies of the ministries in the regions, except the Ministry of the Interior and Public Security, the Ministry of Foreign Affairs, the Ministry of Defence and the Office of the Minister and Secretary-General of the Office of the President, which do not have regional secretariats.

76. Each region is administered by a regional government with responsibility for its social, cultural and economic development. The regional government is composed of the Regional Governor and the Regional Council. Both the Regional Governor and the Regional Councillors are elected by universal and direct suffrage for a period of four years. The Regional Governor may be re-elected for the ensuing term only. Councillors may be re-elected for two ensuing terms.

77. The Regional Presidential Delegate is responsible for internal government, public safety and the coordination and oversight of the public agencies operating in the region. He or she is appointed by the President, acts as the President's natural and immediate representative in the territory of his or her jurisdiction and remains in office as long as he or she has the President's confidence.

*(ii) Legislative branch*

78. The Chilean legislature has two houses, the Chamber of Deputies and the Senate, which work together to formulate legislation, among other activities. The Chamber of Deputies is made up of 155 members elected by direct vote in the 28 electoral districts for terms of four years; they may be re-elected successively for up to two ensuing terms. The Chamber is responsible for oversight of government action, for which it has the power to create special committees of inquiry, to call upon ministers of State to provide information and to accept or reject impeachment proceedings brought by its members against senior State officials.

79. The Senate is composed of 50 senators elected by direct vote in the 16 electoral districts for terms of eight years; they may be re-elected for one ensuing term. However, a proportion of seats in the Senate are up for election every four years. Among the exclusive powers of members of the Senate are the power to serve as the jury that hears and decides on impeachment proceedings brought against senior State officials by the Chamber of Deputies; hear cases relating to conflicts of jurisdiction between political or administrative authorities and higher courts of justice; grant reinstatement of citizenship; authorize the absence of the President of the Republic from the country for a period exceeding 30 days or during the final 90 days of his or her term; and approve ministerial appointments and the appointment of prosecutors of the Supreme Court and the Attorney General's Office.

*(iii) Judicial branch*

80. The judicial branch is made up of autonomous, independent courts enjoying constitutional status that have the power to try civil and criminal cases, to adjudicate them and to enforce their judgments. The Supreme Court, with powers of managerial, disciplinary and financial supervision of all the courts of the Republic, is the highest court in the land.

The Constitution guarantees that, subject to good conduct, judges may not be removed from office.

(iv) *Independent bodies*

81. Other organs that form part of the State apparatus and enjoy both autonomy and constitutional status include the Public Prosecution Service, which is responsible for criminal prosecutions; the Constitutional Court, which is responsible for reviewing the constitutionality of legislation; the Electoral Service, which is responsible for the administration, supervision and oversight of elections and referendums; the Office of the Comptroller General, which monitors the legality of acts of the Administration; the Central Bank, which has responsibility for monetary policy, among other things; the National Security Council, which advises the President of the Republic on matters related to national security; and the National Television Council, which oversees the proper operation of national television services.

**2. Indicators on the political system**

(i) *Number of recognized political parties at the national level*

82. Currently there are 24 legally constituted political parties in Chile: Renovación Nacional (National Renewal), Partido Demócrata Cristiano (Christian Democratic Party), Partido por la Democracia (Party for Democracy), Unión Demócrata Independiente (Independent Democratic Union), Partido Socialista de Chile (Socialist Party of Chile), Partido Radical de Chile (Radical Party of Chile), Partido Comunista de Chile (Communist Party of Chile), Evolución Política (Political Evolution), Frente Amplio (Broad Front), Federación Regionalista Verde Social (Social Green Regionalist Federation), Partido Liberal de Chile (Liberal Party of Chile), Partido Republicano de Chile (Republican Party of Chile), Partido de la Gente (Party of the People), Partido Acción Humanista (Humanist Action Party), Partido Humanista (Humanist Party), Partido Social Cristiano (Christian Social Party), Movimiento Amarillos por Chile (Yellows for Chile Movement), Partido Demócratas Chile (Democrats (Chile) Party), Partido Alianza Verde Popular (Popular Green Alliance Party), Patria Progresista (Progressive Homeland), Partido Popular (People's Party), Igualdad (Equality), Sentido Común (Common Sense) and Partido de los Trabajadores Revolucionarios (Revolutionary Workers Party).<sup>87</sup>

(ii) *Proportion of population eligible to vote*

83. Under article 13 of the Constitution,<sup>88</sup> all Chileans who have attained 18 years of age and have not been sentenced to a severe penalty<sup>89</sup> have the right to vote. Electoral rolls are drawn up automatically, without requiring prior registration.

84. Chileans born abroad and those who have obtained nationality by special dispensation must reside in Chile for more than one year to be able to exercise the right to vote. Foreigners who have lived in Chile for at least five years and meet the requirements mentioned in the previous paragraph also are eligible to vote. Chilean men and women residing abroad may exercise their right to vote only in presidential primary elections, presidential elections and national referendums.

85. Pursuant to the constitutional amendment introduced by Act No. 21.524,<sup>90</sup> published on 4 January 2023, compulsory voting was re-established for all elections and referendums except primary elections.

<sup>87</sup> Information available at <https://www.servel.cl/partidos-politicos/partidos-constituidos/>.

<sup>88</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

<sup>89</sup> Under article 37 of the Criminal Code, a severe penalty is “any penalty imposed for a crime and, with respect to ordinary offences, any sentence of rigorous or ordinary imprisonment, confinement, banishment, expulsion or medium-term internal exile in their maximum degrees”. In other words, it refers to sentences of three years and one day or more.

<sup>90</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1187324>.

86. The total number of persons eligible to vote in the constitutional referendum held on 17 December 2023 was 15,406,352, which represents 77.2 per cent of the country's total population, according to the National Institute of Statistics estimate for 2023. Of the 15,406,352 persons eligible to vote, 13,028,652 participated, representing 84.57 per cent of eligible voters.<sup>91</sup>

87. In the second round of the presidential election held on 19 December 2021, in which voting was voluntary, 8,364,481 people voted (of whom 46.47 per cent were men and 53.53 per cent were women), out of a total of 15,030,974 persons eligible to vote, representing a total participation rate of 55.03 per cent.<sup>92</sup> It should be noted that, at the time when this election was held, voting was still voluntary.

(iii) *Proportion of non-citizen adult population registered to vote*

88. According to information provided by the Electoral Service,<sup>93</sup> there are 514,628 foreigners registered to vote, representing 3.4 per cent of registered voters. The largest groups of foreign voters are Peruvian (175,709), Colombian (71,847), Argentine (70,834), Bolivian (59,373) and Venezuelan (43,565).

(iv) *Number of complaints on the conduct of elections registered, by type of alleged irregularity*

89. In the 2021 presidential and parliamentary elections, a total of 1,513 complaints were filed with the regional electoral courts. The presidential election was the subject of 650 complaints, of which 80 pertained to the registration of candidacies, 45 to recounts and 525 to petitions for annulment. In the senatorial elections, 378 complaints were filed, of which 49 pertained to the registration of candidacies, 19 to recounts and 310 to petitions for annulment. In the elections to the Chamber of Deputies, 485 complaints were filed, of which 143 pertained to the registration of candidacies, 29 to recounts and 313 to petitions for annulment. Only one appeal was filed with the Election Validation Court, concerning elections to the Chamber of Deputies in the region of Tarapacá.<sup>94</sup>

(v) *Population coverage and breakdown of ownership of major media channels*

90. Article 19 (12) of the Constitution<sup>95</sup> provides that under no circumstances may the law establish a State monopoly over the mass media. It also establishes that any natural or legal person has the right to found, publish and run a newspaper, magazine or periodical, in accordance with the conditions prescribed by law. Two private media conglomerates publish the country's most widely circulated newspapers: Copesa S.A. (*La Tercera* and *La Cuarta* newspapers) and El Mercurio S.A.P. (*El Mercurio*, *La Segunda* and *Las Últimas Noticias* newspapers, as well as several regional newspapers).

91. The Constitution also establishes that the State and such universities and other persons or entities as may be determined by law may establish, operate and run television stations. Concessions to operate television services are granted by the National Television Council. There are currently 91 concession holders, with a total of 842 concessions, most of which are distributed among four operators, of which one is owned by the State (Televisión Nacional de Chile) and three are privately owned (Canal 13 Spa, Red de Televisión Chilevisión S.A. and Megamedia S.A.).<sup>96</sup>

<sup>91</sup> Chilean Electoral Service. Results available at <https://www.servel.cl/resultado-plebiscito-constitucional-2023/>.

<sup>92</sup> Chilean Electoral Service. Results available at <https://www.servel.cl/centro-de-datos/resultados-electorales-historicos-gw3/>.

<sup>93</sup> Chilean Electoral Service. Information available at <https://www.servel.cl/centro-de-datos/estadisticas-de-datos-abiertos-4zg/elecciones-padrón-electoral-8b9/padrón-electoral-por-nacionalidad/>.

<sup>94</sup> Information provided by the Election Validation Court (Official Note No. 18-2023 of 18 January 2023).

<sup>95</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

<sup>96</sup> National Television Council, database of the Concessions Unit. Available at <https://cntv.cl/concesiones-de-tv-digital/>.

92. The General Telecommunications Act (No. 18.168 of 1982<sup>97</sup>) provides that the radio spectrum is a national asset that belongs to the nation as a whole and that there is to be free and equal access to the use and enjoyment of radio frequencies by means of temporary telecommunications concessions, permits and licences granted by the State through the Office of the Undersecretary for Telecommunications.

93. Internet services are also addressed in Act No. 18.168, which provides for the granting of concessions to public telecommunications service providers or intermediary service providers by the Office of the Undersecretary for Telecommunications. As of March 2024, there were around 4,543,000 fixed Internet connections in Chile, representing a penetration rate of 22.7 out of every 100 inhabitants and reaching 66.0 per cent of households. At that time, there were around 22,800,000 mobile connections (3G, 4G and 5G). As of March 2023, three private operators (Movistar, VTR and Mundo) accounted for 72.7 per cent of total fixed Internet connections and four private operators (Entel, WOM, Movistar and Claro) accounted for 98.7 per cent of all mobile traffic.<sup>98</sup>

Table 40  
**Media consumption (self-reported percentages)**

<i>Traditional media</i>	<i>Percentage</i>	<i>Digital media</i>	<i>Percentage</i>
Terrestrial television	63 %	Social media	94 %
Pay television	48 %	Podcasts	21 %
Radio	51 %	Music streaming	52 %
		Online videos	86 %
		Video on demand	70 %

*Source:* National Television Council, “Mapa de la TV en Chile y consumo de medios”.<sup>99</sup>

(vi) *Number of recognized non-governmental organizations*

Table 41  
**Number of non-profit legal entities registered as at 30 June 2024**

<i>Region</i>	<i>Total</i>	<i>Region</i>	<i>Total</i>
Arica y Parinacota	4 794	Ñuble	13 318
Tarapacá	4 975	Biobío	31 432
Antofagasta	9 903	La Araucanía	38 654
Atacama	5 071	Los Ríos	12 497
Coquimbo	15 368	Los Lagos	27 071
Valparaíso	40 009	Aysén	3 924
Metropolitan	90 117	Magallanes	4 066
O’Higgins	22 224	No region	4 235
Maule	27 927	<b>Total</b>	<b>355 585</b>

*Source:* Civil Registry and Identity Service.<sup>100</sup>

<sup>97</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=29591&idVersion=Diferido>.

<sup>98</sup> Office of the Undersecretary for Telecommunications, “Informe Trimestral del Sector Telecommunicaciones – Primer Trimestre 2024”. Available at [https://www.subtel.gob.cl/wp-content/uploads/2024/06/PPT\\_Series\\_MARZO\\_2024\\_V1.pdf](https://www.subtel.gob.cl/wp-content/uploads/2024/06/PPT_Series_MARZO_2024_V1.pdf).

<sup>99</sup> Available at <https://cntv.cl/mapa-de-la-tv-en-chile-y-consumo-de-medios/>.

<sup>100</sup> Chilean Electoral Service, final results. Available at <https://www.servel.cl/resultado-plebiscito-constitucional-2023/>.

(vii) *Distribution of legislative seats by party*

Table 42  
**Distribution of members of the Chamber of Deputies by party**

<i>Independent/political party</i>	<i>No. of members</i>		
Independent		45	
Member of a political party		110	
<b>Total</b>		<b>155</b>	
<i>Distribution by political party</i>			
Unión Demócrata Independiente	20	Partido por la Democracia	3
Renovación Nacional	18	Partido de la Gente	2
Partido Socialista	12	Evolución Política	2
Frente Amplio	12	Partido Acción Humanista	2
Partido Comunista	10	Partido Radical de Chile	2
Partido Republicano	8	Partido Regionalista Independiente	1
Partido Demócrata Cristiano	4	Federación Regionalista Verde Social	1
Partido Demócratas Chile	4	Movimiento Amarillos por Chile	1
Partido Liberal de Chile	3	Partido Ecologista Verde	1
Partido Social Cristiano	3	Partido Humanista	1

Source: Chamber of Deputies.<sup>101</sup>

Table 43  
**Distribution of senators by party**

<i>Independent/political party</i>	<i>No. of senators</i>		
Independent		8	
Member of a political party		42	
<b>Total</b>		<b>50</b>	
<i>Distribution by political party</i>			
Unión Demócrata Independiente	9	Partido Demócratas Chile	2
Renovación Nacional	8	Partido Comunista	2
Partido Socialista	7	Partido Republicano	2
Partido por la Democracia	4	Federación Regionalista Verde Social	1
Partido Demócrata Cristiano	3	Frente Amplio	1
Evolución Política	3		

Source: Senate.<sup>102</sup>

<sup>101</sup> Information as at 27 June 2024. Available at [https://www.camara.cl/diputados/partidos\\_politicos.aspx](https://www.camara.cl/diputados/partidos_politicos.aspx).

<sup>102</sup> Information as at 27 June 2024. Available at <https://www.senado.cl/appsenado/index.php?mo=senadores&ac=listado>.

(viii) *Percentage of women in parliament*

Table 44  
**Percentage of women in the National Congress**

House	Total	Women	% women
Chamber of Deputies	155	55	35.5 %
Senate	50	13	26 %
Both houses	205	68	33.2 %

Source: Prepared by the authors based on information available on the websites of the two houses.

(ix) *Proportions of national and subnational elections held within the schedule laid out by law*

94. All elections have been held within the schedule laid out by law.

(x) *Average voter turnouts in national and subnational elections by administrative unit*

Table 45  
**Number of voters and turnout in the constitutional referendum of 17 December 2023, by region**

Region	Total persons eligible to vote	Total voters	% participation
Arica y Parinacota	192 632	152 017	78.92 %
Tarapacá	257 862	204 093	79.15 %
Antofagasta	487 917	395 452	81.05 %
Atacama	243 147	204 434	84.08 %
Coquimbo	658 116	564 290	85.74 %
Valparaíso	1 663 339	1 413 239	84.96 %
Metropolitan	5 950 689	5 019 195	84.35 %
O'Higgins	809 045	734 162	90.74 %
Maule	924 296	834 294	90.26 %
Ñuble	441 124	392 652	89.01 %
Biobío	1 356 298	1 187 267	87.54 %
La Araucanía	907 222	750 125	82.68 %
Los Ríos	362 741	302 560	83.41 %
Los Lagos	769 103	648 634	84.34 %
Aysén	97 965	70 547	72.01 %
Magallanes	157 304	118 361	75.24 %
Abroad	127 552	37 330	29.27 %

Source: Chilean Electoral Service.<sup>103</sup>

Table 46  
**Number of voters and turnout in 2021 governorship elections (first round), by region**

Region	Total persons eligible to vote	Total voters	% participation
Arica y Parinacota	191 517	70 456	36.79 %
Tarapacá	259 550	96 346	37.12 %
Antofagasta	480 786	177 956	37.01 %
Atacama	242 389	97 376	40.17 %

<sup>103</sup> Chilean Electoral Service, final results. Available at <https://www.servel.cl/resultado-plebiscito-constitucional-2023/>.

Region	Total persons eligible to vote	Total voters	% participation
Coquimbo	614 348	253 522	41.27 %
Valparaíso	1 600 651	723 270	45.19 %
Metropolitan	5 856 557	2 663 618	45.48 %
O'Higgins	773 413	366 336	47.37 %
Maule	885 193	387 053	43.73 %
Ñuble	428 624	183 193	42.74 %
Biobío	1 333 847	550 440	41.27 %
La Araucanía	883 430	348 754	39.48 %
Los Ríos	350 799	144 357	41.15 %
Los Lagos	740 366	306 227	41.36 %
Aysén	98 605	40 713	41.29 %
Magallanes	160 115	62 853	39.25 %

Source: Chilean Electoral Service.<sup>104</sup>

### 3. Indicators on crime and the administration of justice

#### (i) Incidence of violent death and life-threatening crimes reported per 100,000 persons

Table 47

**Yearly statistics on reported homicides, femicides and serious or grievous bodily harm, per 100,000 inhabitants (2019–2023)**

	Year				
	2019	2020	2021	2022	2023
Reports of homicide, femicide or serious or grievous bodily harm per 100,000 inhabitants	2 036.2	1 744.7	1 812.6	2 204.2	2 243.3

Source: Centre for Crime Studies and Analysis.<sup>105</sup>

#### (ii) Number of persons and rate (per 100,000 persons) who were arrested/brought before a court/convicted/sentenced/incarcerated for violent or other serious crimes (such as homicide, robbery, assault and trafficking)

Table 48

**Yearly statistics on reports of high-impact offences,<sup>106</sup> per 100,000 inhabitants (2018–2022)**

Year	Arrests	Arraignments	Indictments	Judgments	Incarcerations
2018	62 926	40 389	4 174	15 652	9 807
2019	46 047	42 629	4 678	16 260	9 888
2020	64 637	36 723	4 070	10 181	5 894
2021	107 175	38 206	5 524	14 094	8 515
2022	116 621	41 426	6 607	16 967	10 131

Source: Information provided by the Supreme Court of Justice.

<sup>104</sup> Available at <https://www.servel.cl/centro-de-datos/resultados-electorales-historicos-gw3/>.

<sup>105</sup> Available at <https://cead.spd.gov.cl/estadisticas-delictuales/>.

<sup>106</sup> High-impact offences include robbery with use of force or intimidation, robbery with an element of surprise, motor vehicle robbery, robbery of objects from a vehicle, robbery from inhabited premises, robbery from uninhabited premises, other types of robbery using force, theft, infliction of bodily harm (minor, serious or grievous), infliction of minor injuries, homicide and rape.

(iii) *Number of reported cases of sexually motivated violence (such as rape, female genital mutilation, honour crimes and acid attacks)*

Table 49  
**Yearly statistics on reports of rape and other sexual offences (2019–2023)**

	Year				
	2019	2020	2021	2022	2023
Reports of rape and other sexual offences	17 200	14 981	18 524	22 864	19 800

Source: Centre for Crime Studies and Analysis.<sup>107</sup>

(iv) *Maximum and average time of pretrial detention*

Table 50  
**Persons facing criminal charges (in pretrial detention), as at 30 June 2024, by length of stay since admission**

Region	0–6 months	6–12 months	12–24 months	24 months or more	Total
Arica y Parinacota	312	140	55	7	514
Tarapacá	739	386	168	14	1 307
Antofagasta	785	346	127	10	1 268
Atacama	246	82	27	2	357
Coquimbo	351	130	110	6	597
Valparaíso	997	396	215	30	1 638
Metropolitan	5 166	2 150	1 388	364	9 068
O'Higgins	624	205	126	21	976
Maule	669	258	125	13	1 065
Ñuble	282	96	42	3	423
Biobío	749	544	30	2	1 325
La Araucanía	685	147	69	6	907
Los Ríos	155	62	54	9	280
Los Lagos	432	155	112	25	724
Aysén	59	25	4	0	88
Magallanes	73	32	8	2	115
<b>Total</b>	<b>12 324</b>	<b>5 154</b>	<b>2 660</b>	<b>514</b>	<b>20 652</b>

Source: Prison Service of Chile.

(v) *Prison population with breakdown by offence and length of sentence*

Table 51  
**Persons deprived of liberty for 24 hours in closed institutions, by type of offence (2023)<sup>108</sup>**

Offence	Men	Women	Total	%
Robbery	13 625	706	14 331	26.8
Drug law violations	11 796	2 474	14 270	26.7
Robbery without the use of violence	7 374	250	7 624	14.3
Other offences	6 696	222	6 918	12.9
Violation of special laws	6 019	282	6 301	11.8

<sup>107</sup> Available at <https://cead.spd.gov.cl/estadisticas-delictuales/>.

<sup>108</sup> A single person may feature in more than one category.

Offence	Men	Women	Total	%
Other property offences	5 868	175	6 043	11.3
Homicide	5 708	324	6 032	11.3
Sexual offences	4 364	40	4 404	8.2
Offences against personal freedom and privacy	3 209	152	3 361	6.3
Personal injury	2 469	92	2 561	4.8
Misdemeanours	2 287	169	2 456	4.6

Source: Prison Service of Chile.<sup>109</sup>

Table 52

**Persons convicted and deprived of liberty for 24 hours in closed institutions, by length of sentence (2023)**

Length of sentence	Men	Women	Total	%
0–15 days	16	4	20	0.1
15–541 days	2 361	232	2 593	7.9
541 days–3 years	1 728	118	1 846	5.6
3–5 years	6 214	621	6 835	20.9
5–10 years	10 905	697	11 602	35.4
10–15 years	5 394	284	5 678	17.3
15–20 years	2 107	87	2 194	6.7
20 years or more	1 238	41	1 279	3.9
Life imprisonment	527	15	542	1.7
No information	176	3	179	0.5
<b>Total</b>	<b>30 666</b>	<b>2 102</b>	<b>32 768</b>	<b>100</b>

Source: Prison Service of Chile.<sup>110</sup>

(vi) *Incidence of death in custody*

Table 53

**Number of deaths in custody and cause of death (2018–2023)**

Cause of death	2018	2019	2020	2021	2022	2023	Average
Illness	51	54	63	54	58	91	62
Assault resulting in death	42	44	61	49	29	35	43
Suicide	9	17	26	23	43	18	23
Accident	4	2	1	0	2	1	2
Fire	0	0	0	0	0	0	0
Other causes	9	9	7	6	8	15	9
<b>Total</b>	<b>115</b>	<b>126</b>	<b>158</b>	<b>132</b>	<b>140</b>	<b>160</b>	<b>139</b>

Source: Prison Service of Chile.

<sup>109</sup> Prison Service of Chile, *Compendio Estadístico Penitenciario 2023*. Available at [https://html.gendarmeria.gob.cl/doc/estadisticas/Compendio\\_Estadistico\\_2023.pdf](https://html.gendarmeria.gob.cl/doc/estadisticas/Compendio_Estadistico_2023.pdf).

<sup>110</sup> Prison Service of Chile, *Compendio Estadístico Penitenciario 2023*. Available at [https://html.gendarmeria.gob.cl/doc/estadisticas/Compendio\\_Estadistico\\_2023.pdf](https://html.gendarmeria.gob.cl/doc/estadisticas/Compendio_Estadistico_2023.pdf).

(vii) *Number of persons executed under the death penalty per year*

95. The death penalty was repealed in Chile for offences under ordinary law in 2001 and 2002, through Acts No. 19.734<sup>111</sup> and No. 19.804,<sup>112</sup> respectively, and was replaced with the penalty of life imprisonment. Chile last applied the death penalty on 29 January 1985. After that date and until its repeal, all death sentences were commuted to life imprisonment by presidential reprieve. Although the Code of Military Justice still provides for the death penalty for certain crimes committed by military personnel during wartime, this penalty has not been imposed since the return to democratic rule.

(viii) *Average backlog of cases per judge at different levels of the judicial system*

Table 54

**Figures on cases before first-instance courts in 2023**

Area	Cases registered	Cases concluded	Cases in progress	Average duration (calendar days)
Civil	1 264 899	630 256	1 190 423	232
Family	892 112	634 086	148 407	90
Labour	89 223	82 550	52 530	158
Guarantees	488 508	529 315	446 024	357
Criminal	13 171	12 503	8 525	224

Source: Judicial branch.<sup>113</sup>

Table 55

**Figures on cases before the courts of appeal in 2023**

Court of appeal	Cases registered	Cases concluded	Cases in progress	Average duration (calendar days)
Arica	4 871	5 102	368	27
Iquique	7 001	7 408	855	62
Antofagasta	13 663	31 546	1 350	96
Copiapó	3 136	3 250	568	71
La Serena	8 487	10 614	1 904	90
Valparaíso	37 853	87 167	5 089	169
Santiago	65 152	120 426	25 994	156
San Miguel	17 166	24 332	9 832	143
Rancagua	9 860	14 074	2 343	106
Talca	10 165	12 072	4 077	137
Chillán	5 233	8 038	784	124
Concepción	32 816	98 505	16 467	204
Temuco	21 599	61 531	3 233	126
Valdivia	7 799	9 357	1 248	56
Puerto Montt	6 940	7 368	1 990	74
Coyhaique	2 221	2 959	161	44
Punta Arenas	3 036	4 651	364	94

Source: Judicial branch.<sup>114</sup>

<sup>111</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=186161&idParte=7283482&idVersion=2001-06-05>.

<sup>112</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=198482&idVersion=2002-05-24>.

<sup>113</sup> Judicial branch, *Poder Judicial en números*. Available at <https://numeros.pjud.cl/Inicio>.

<sup>114</sup> Judicial branch, *Poder Judicial en números*. Available at <https://numeros.pjud.cl/Inicio>.

Table 56  
**Figures on cases before the Supreme Court in 2023**

Cases registered	Cases concluded	Cases in progress	Average duration (calendar days)
252 722	243 775	40 310	138

Source: Judicial branch.<sup>115</sup>

(ix) *Number of police/security personnel per 100,000 persons*

Table 57

**Total number of senior and institutionally appointed law enforcement and security personnel on active duty and called up for service, assigned to operational units, by region and rank**

Region	Senior personnel	Institutionally appointed personnel	Total	Carabineros (police) (per 100,000 inhab.) <sup>116</sup>
Arica y Parinacota	43	602	645	285
Tarapacá	51	730	781	236
Antofagasta	61	989	1 050	173
Atacama	29	455	484	169
Coquimbo	67	1 188	1 255	166
Valparaíso	168	2 475	2 643	146
Metropolitan	542	7 400	7 942	112
O'Higgins	72	1 308	1 380	151
Maule	97	1 953	2 050	196
Ñuble	50	845	895	186
Biobío	163	2 644	2 807	180
La Araucanía	121	2 200	2 321	242
Los Ríos	35	791	826	215
Los Lagos	98	1 942	2 040	246
Aysén	20	513	533	517
Magallanes	25	396	421	253
<b>Total</b>	<b>1 642</b>	<b>26 431</b>	<b>28 073</b>	<b>160</b>

Source: Carabineros of Chile.

96. At the end of 2023, the Investigative Police had 12,806 officers, of whom 8,219 were men and 4,587 were women. Of these, 7,771 were police officers (5,555 men and 2,216 women), corresponding to a rate of 38.93 police officers per 100,000 inhabitants.<sup>117</sup>

(x) *Number of prosecutors per 100,000 persons*

97. As of 2023, the Public Prosecution Service had 976 prosecutors,<sup>118</sup> corresponding to a rate of 4.89 prosecutors per 100,000 inhabitants.

<sup>115</sup> Judicial branch, *Poder Judicial en números*. Available at <https://numeros.pjud.cl/Inicio>.

<sup>116</sup> Data from the 2017 census were used for this calculation, as current estimated population data do not include a detailed breakdown of the population by region.

<sup>117</sup> Investigative Police, *Cuenta pública 2024*. Available at <https://www.pdichile.cl/centro-de-prensa/cuentas-p%C3%BAblicas>.

<sup>118</sup> Attorney General's Office, *Cuenta pública 2024*. Available at [http://www.fiscaliadechile.cl/Fiscalia/quienes/cuenta\\_publica\\_2024.pdf](http://www.fiscaliadechile.cl/Fiscalia/quienes/cuenta_publica_2024.pdf).

(xi) *Number of judges per 100,000 persons*

98. The judicial branch is structured around the Supreme Court, under which there are 17 courts of appeal and 448 courts of first instance, consisting of 100 civil courts, 91 courts of guarantees, 121 ordinary courts, 60 family courts, 45 criminal trial courts (*tribunales de juicio oral en lo penal*) 26 labour courts, 4 wage-collection and social security courts and 1 inquisitorial criminal court (*juzgado del crimen*). In 2023, there were 1,490 judges, corresponding to a rate of 7.46 judges per 100,000 inhabitants.<sup>119</sup>

(xii) *Share of public expenditure on police/security and judiciary*

99. For 2024,<sup>120</sup> the budget of the Carabineros (police) amounted to Ch\$ 1,403,649,422,000, representing 1.67 per cent of the national budget (Ch\$ 84,097,919,666,000). For the same period, the budget of the Investigative Police was Ch\$ 493,731,097,000, which represented 0.59 per cent of the national budget.

100. The budget of the judicial branch for 2024 was Ch\$ 699,745,654,000, which represented 0.83 per cent of the national budget.

(xiii) *Of the accused and detained persons who apply for free legal aid, the proportion of those who receive it*

101. In 2023, the Public Criminal Defender Service handled 283,000 cases, of which 82.2 per cent involved a male defendant and 17.8 per cent involved a female defendant.<sup>121</sup> Of the total number of cases completed in 2023 (309,409), in only 1,067 (0.34 per cent)<sup>122</sup> was the defendant required to pay a fee, while in the remaining 99.66 per cent of cases no fee was charged. That same year, the Carabineros reported having arrested 358,877 persons;<sup>123</sup> thus, the Public Criminal Defender Service provided its services to 78.86 per cent of those persons.

(xiv) *Proportion of victims compensated after adjudication, by type of crime*

102. This information is not available.

## II. General framework for the protection and promotion of human rights

### A. Acceptance of international human rights norms

Table 58  
International human rights instruments

Convention	Ratification	Reservations and declarations <sup>124</sup>
ICCPR	10/02/1972	07/09/1990: As from the date of this instrument, the Government of Chile recognizes the competence of the Human Rights Committee established under the International Covenant on Civil and Political Rights, in accordance with article 41 thereof, with regard to all actions which may have been initiated since 11 March 1990.

<sup>119</sup> Judicial branch, *Poder Judicial en números*. Available at <https://numeros.pjud.cl/Inicio#features>.

<sup>120</sup> Public Sector Budget Act 2024. Available at [https://www.dipres.gob.cl/597/articles-330063\\_doc\\_pdf.pdf](https://www.dipres.gob.cl/597/articles-330063_doc_pdf.pdf).

<sup>121</sup> Public Criminal Defender Service, *Cuenta pública 2024*. Available at <https://cuentapublica.dpp.cl/discurso-final-2024/>.

<sup>122</sup> It should be noted that the number of cases in which a fee is charged may decrease, since the defendants in such cases may appeal to have the fee reassessed or even waived.

<sup>123</sup> Carabineros of Chile, *Cuenta Pública 2023. Carabineros en Cifras*. Available at <https://www.carabineros.cl/secciones/carabCifras>.

<sup>124</sup> The text of the reservations is provided in English in accordance with the information available on the depositary's website.

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations<sup>124</sup></i>
ICCPR-OP1	27/05/1992	In recognizing the competence of the Human Rights Committee to receive and consider communications from individuals, it is the understanding of the Government of Chile that this competence applies in respect of acts occurring after the entry into force for that State of the Optional Protocol or, in any event, to acts which began after 11 March 1990.
ICCPR-OP2	26/09/2008	The State of Chile formulates the reservation authorised under article 2, paragraph 1, of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and may in consequence apply the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.
ICESCR	10/02/1972	
ICESCR-OP	Not ratified	Treaty was signed on 24/09/2009
CERD	20/10/1971	18/05/1994: In accordance with article 14 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Chile declares that it recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the Government of Chile of any of the rights set forth in this Convention.
CEDAW	07/12/1989	<p>The Government of Chile has signed this Convention on the Elimination of All Forms of Discrimination Against Women, mindful of the important step which this document represents, not only in terms of the elimination of all forms of discrimination against women, but also in terms of their full and permanent integration into society in conditions of equality.</p> <p>The Government is obliged to state, however, that some of the provisions of the Convention are not entirely compatible with current Chilean legislation.</p> <p>At the same time, it reports the establishment of a Commission for the Study and Reform of the Civil Code, which now has before it various proposals to amend, <i>inter alia</i>, those provisions which are not fully consistent with the terms of the Convention.</p>
OP-CEDAW	12/03/2020	<p>(1) The Republic of Chile, in ratifying this Optional Protocol, reaffirms its ongoing commitment to the promotion and protection of women's human rights and gender equality, which are objectives that are provided for in the legal system of the Republic of Chile.</p> <p>(2) The Republic of Chile interprets article 5 of the Optional Protocol as meaning that any request for interim measures as referred to therein, and made with respect to the economic, social and cultural rights enshrined in the Convention, will be examined and applied, in keeping with the progressive nature of these rights.</p> <p>(3) The Republic of Chile ratifies the present Optional Protocol on the understanding that the special procedure provided for in articles 8 and 9 thereof may not be used to address situations that, given their particular nature, could be the subject of an individual communication. Accordingly, this special procedure cannot be used to circumvent the requirements of article 4 for the</p>

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations<sup>124</sup></i>
CAT	30/09/1988	<p>submission of individual communications, such as the exhaustion of domestic remedies or the need for the facts giving rise to the case to fall within the temporal scope of the Optional Protocol.</p> <p>(4) The Republic of Chile declares that recognition of the competence of the Committee as established under articles 8 and 9 of the Optional Protocol shall in no way infringe upon the right to life of the unborn child.</p> <p>At the time of signature, reservations were formulated that have since been withdrawn.</p> <p>Upon ratification: The Government of Chile declares that in its relations with American States that are Parties to the Inter-American Convention to Prevent and Punish Torture, it will apply that Convention in cases where its provisions are incompatible with those of the present Convention.</p> <p>15/03/2004: By virtue of the powers vested in me by the Constitution of the Republic of Chile, I should like to declare that the Government of Chile recognizes the competence of the Committee against Torture established pursuant to article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations in resolution 39/46 of 10 December 1984, with respect to acts of which the commencement of execution is subsequent to the communication of this declaration by the Republic of Chile to the Secretary-General of the United Nations</p> <p>(a) To receive and consider communications to the effect that a State party claims that the State of Chile is not fulfilling its obligations under the Convention, in accordance with article 21 thereof; and</p> <p>(b) To receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the State of Chile of the provisions of the Convention, in accordance with article 22 thereof.</p>
OP-CAT	12/12/2008	
CRC	13/08/1990	
OP-CRC-AC	31/07/2003	<p>13/11/2008: Pursuant to the provisions of article 3, paragraph 4, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the Republic of Chile is amending the declaration made when it deposited the instrument of ratification of the Protocol, as follows:</p> <p>The Government of Chile declares that, in accordance with its internal legislation, the minimum age for voluntary recruitment into its national armed forces is 18 years. As an exception, persons who are 17 years of age may, at their request, advance by one year their ordinary conscription into military service, although they may not be mobilized before they have reached the age of 18.</p>
OP-CRC-SC	06/02/2003	
OP-CRC-IC	01/09/2015	<p>The Republic of Chile declares, in accordance with article 12, entitled Inter-State Communications, of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, that it recognizes the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations</p>

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations<sup>124</sup></i>
		under any of the following instruments to which the State is a party: the Convention; the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography; and to the Optional Protocol to the Convention on the involvement of children in armed conflicts.
ICMW	21/03/2005	The Republic of Chile makes a reservation with respect to the provisions of article 22, paragraph 5, of this Convention which it considers to be inapplicable to Chile.
		The Republic of Chile will consider the provisions of article 48, paragraph 2, to be fulfilled under the terms of international conventions for the avoidance of double taxation that either have been entered into or will be entered into in the future.
CRPD	29/07/2008	
OP-CRPD	29/07/2008	
CPED	08/12/2009	The Republic of Chile hereby declares, in accordance with article 31 of this Convention, that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention.
		The Republic of Chile hereby declares, in accordance with article 32 of this Convention, that it recognizes the competence of the Committee to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention.

*Source:* Prepared by the authors based on information on the depositary's website.

**Table 59**  
**Other related conventions**

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations<sup>125</sup></i>
Convention on the Prevention and Punishment of the Crime of Genocide	03/06/1953	
Slavery Convention, 1926 as amended 1955	20/06/1995	
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949	No	
Convention relating to the Status of Refugees	28/01/1972	(1) With the reservation that, with reference to the provisions of article 34, the Government of Chile will be unable to grant to refugees facilities greater than those granted to aliens in general, in view of the liberal nature of Chilean naturalization laws;  (2) With the reservation that the period specified in article 17, paragraph 2 (a) shall, in the case of Chile, be extended from three to ten years;

<sup>125</sup> The text of the reservations is provided in English in accordance with the information available on the depositary's website.

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations<sup>125</sup></i>
Protocol relating to the Status of Refugees	27/04/1972	(3) With the reservation that article 17, paragraph 2 (c) shall apply only if the refugee is the widow or the widower of a Chilean spouse;  (4) With the reservation that the Government of Chile cannot grant a longer period for compliance with an expulsion order than that granted to other aliens in general under Chilean law.
Convention relating to the Status of Stateless Persons, 1954	11/04/2018	
Convention on the Reduction of Statelessness, 1961	11/04/2018	
Rome Statute of the International Criminal Court	29/06/2009	1. In accordance with article 87 (1) (a) of the Statute, the requests for cooperation from the International Criminal Court shall be transmitted through the diplomatic channel to the Ministry of Foreign Affairs of Chile.  2. In accordance with article 87 (2) of the Statute the requests for cooperation from the International Criminal Court and any documents supporting the request shall be in Spanish or be accompanied by a translation into Spanish.
Amendments to the Rome Statute of the International Criminal Court on the crime of aggression	23/09/2016	
United Nations Convention against Transnational Organized Crime	29/11/2004	The Republic of Chile, in accordance with paragraph 3 of article 5 of the United Nations Convention against Transnational Organized Crime, hereby gives notification that under the Chilean legal system involvement of an organized criminal group is required for purposes of the offences established in accordance with paragraph 1(a)(i) of article 5.  Moreover, in accordance with paragraph 6 of article 31 of the Convention, it hereby designates the Ministry of the Interior, with address at the Palacio de la Moneda, Santiago, Chile, as the national authority that can assist other States parties in developing measures to prevent transnational organized crime.  Furthermore, in accordance with paragraph 13 of article 18, it hereby designates the Ministry of Foreign Affairs as the central authority for purposes of receiving requests for mutual legal assistance, further specifying in accordance with paragraph 14 of that article that for purposes of such requests the language acceptable to Chile is Spanish.
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention	29/11/2004	

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i> <sup>125</sup>
against Transnational Organized Crime  Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	29/11/2004	

*Source:* Prepared by the authors based on information on the depositary's website.

Table 60  
**Conventions of the International Labour Organization**

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Weekly Rest (Industry) Convention, 1921 (No. 14)	15/09/1925	
Forced Labour Convention, 1930 (No. 29)	31/05/1933	
Labour Inspection Convention, 1947 (No. 81)	No	
Migration for Employment Recommendation, 1949 (No. 86)	No	
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	01/02/1999	
Migration for Employment Convention, 1949 (No. 97)	No	
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	01/02/1999	
Equal Remuneration Convention, 1951 (No. 100)	20/09/1971	
Social Security (Minimum Standards) Convention, 1952 (No. 102)	No	
Abolition of Forced Labour Convention, 1957 (No. 105)	01/02/1999	
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)	No	
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	20/09/1971	
Equality of Treatment (Social Security) Convention, 1962 (No. 118)	No	
Employment Policy Convention, 1964 (No. 122)	24/10/1968	
Labour Inspection (Agriculture) Convention, 1969 (No. 129)	No	
Minimum Wage Fixing Convention, 1970 (No. 131)	13/09/1999	
Holidays with Pay Convention (Revised), 1970 (No. 132)	No	
Minimum Age Convention, 1973 (No. 138)	01/02/1999	Minimum age specified: 15 years.
Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No	
Migrant Workers Recommendation, 1975 (No. 151)	No	

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Labour Relations (Public Service) Convention, 1978 (No. 151)	17/07/2000	
Occupational Safety and Health Convention, 1981 (No. 155)	No	
Workers with Family Responsibilities Convention, 1981 (No. 156)	14/10/1994	
Indigenous and Tribal Peoples Convention, 1989 (No. 169)	15/09/2008	
Worst Forms of Child Labour Convention, 1999 (No. 182)	17/07/2000	
Maternity Protection Convention, 2000 (No. 183)	No	
Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	27/04/2011	
Domestic Workers Convention, 2011 (No. 189)	10/06/2015	
Maritime Labour Convention, 2006, as amended (MLC, 2006)	22/02/2018	In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security: medical care; unemployment benefit; employment injury benefit and maternity benefit <sup>126</sup>
Violence and Harassment Convention, 2019 (No. 190)	12/06/2023	

*Source:* Prepared by the authors based on information on the depositary's website.

**Table 61**  
**Conventions of the United Nations Educational, Scientific and Cultural Organization (UNESCO)**

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Convention against Discrimination in Education	26/10/1971	

*Source:* Prepared by the authors based on information on the depositary's website.

**Table 62**  
**Conventions of the Hague Conference on Private International Law**

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Convention relating to the settlement of the conflicts between the law of nationality and the law of domicile, 1955	No	
Convention on the law applicable to maintenance obligations towards children, 1956	No	
Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, 1958	No	

<sup>126</sup> The text of the declaration is provided in English in accordance with the information available on the depositary's website.

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Convention concerning the powers of authorities and the law applicable in respect of the protection of minors, 1961	No	
Convention on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions, 1965	No	
Convention on the Law Applicable to Maintenance Obligations, 1973	No	
Convention on the Recognition of Divorces and Legal Separations, 1970	No	
Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, 1973	No	
Convention on the Civil Aspects of International Child Abduction, 1980	23/02/1994	Chile understands Article 3 of the Convention on the Civil Aspects of International Child Abduction in the sense that it is not inconsistent with the national legislation which provides that the right to guardianship and custody is exercised until the age of 18
Convention on Celebration and Recognition of the Validity of Marriages, 1978	No	
Convention on the Law Applicable to Matrimonial Property Regimes, 1978	No	
Convention on International Access to Justice, 1980	No	
Convention on the Law Applicable to Succession to the Estates of Deceased Persons, 1989	No	
Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, 1993	13/07/1999	
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, 1996	No	
Convention on the International Protection of Adults, 2002	No	

*Source:* Prepared by the authors based on information on the depositary's website.

Table 63  
**Geneva Conventions and other treaties on international humanitarian law**

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949 (First Convention)	12/10/1950	
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949 (Second Convention)	12/10/1950	
Geneva Convention relative to the Treatment of Prisoners of War (Third Convention)	12/10/1950	
Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949 (Fourth Convention)	12/10/1950	
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977	24/04/1991	Accepts competence under article 90
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977	24/04/1991	
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 1977	06/07/2009	
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), 1997	10/09/2001	The Republic of Chile declares that it will apply provisionally paragraph 1 of article 1 of the Convention.

*Source:* Prepared by the authors based on information on the depositary's website.

Table 64  
**Regional human rights instruments**

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
American Convention on Human Rights	10/08/1990	<p>(a) The Government of Chile declares that it recognizes, for an indefinite period of time and on the condition of reciprocity, the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed a violation of the human rights established in the American Convention on Human Rights, as provided for in Article 45 of the Convention.</p> <p>(b) The Government of Chile declares that it recognizes as binding, ipso facto, the jurisdiction of the Court on all matters relating to the interpretation or application of the Convention in accordance with its Article 62.</p> <p>In making these declarations, the Government of Chile places on record that its recognitions of the competence of the Commission and the jurisdiction of the Court apply to events subsequent to the date of deposit of this instrument of ratification or, in any case, to events which began subsequent to March 11, 1990. Moreover, in acknowledging the competence of the Inter-American Commission on Human Rights and the jurisdiction of the Inter-American Court of Human Rights, the Government of Chile declares that, when these bodies apply the provisions of Article 21.2 of the Convention, they may not make statements concerning any reasons of public utility or social interest that may have been taken into account in depriving a person of his or her property.</p>
Inter-American Convention to Prevent and Punish Torture	15/09/1988	<p>Reservations were made at the time of ratification, but some were withdrawn in 1990. The following have been maintained:</p> <p>The government of Chile states that in its relations with the countries of the Americas that are Parties to the present Convention, it will apply this Convention in those cases where there is incompatibility between its provisions and those of the Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted by the United Nations in 1984.</p> <p>With regard to the third paragraph of Article 8, since a case may only be submitted to the international fora whose competence has been recognized by the state of Chile.</p>
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women	24/10/1996	

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities	04/12/2001	
Protocol to the American Convention on Human Rights to Abolish the Death Penalty	04/08/2005	The State of Chile makes the reservation authorized under Article 2.1 of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty and may, therefore, apply the death penalty in wartime in accordance with international law, for extremely serious crimes of a military nature.
Inter-American Convention on Forced Disappearance of Persons	13/01/2010	
Inter-American Convention on Protecting the Human Rights of Older Persons	11/07/2017	<p>The Republic of Chile declares that the life course approach shall be understood as the continuum of a person's life, from the beginning of his or her existence to the last stage of his or her life, which, conditioned by various factors, such as family, social, economic, environmental and/or cultural factors, shape his or her life outcomes, the State being responsible for applying this approach in its public policies, plans and programmes, with special emphasis on old age.</p> <p>The Republic of Chile declares that the concept of gender identity referred to in this Convention shall be understood in a manner consistent with the provisions of its national legislation.</p> <p>The Republic of Chile declares that articles 5 and 18, second paragraph, both relating to article 2 of the same Convention, in no way prevent the adoption of legitimate, reasonable and proportionate measures such as those which, based on the requirements either relating to the functioning of an institution or inherent to the nature of the position or function, establish age limits for holding certain public positions or performing certain functions, and therefore cannot be considered as constituting an act of discrimination.</p> <p>The Republic of Chile declares, in relation to article 11 of the Convention, that the free and informed consent on health matters to which it refers must be provided in accordance with both formal and substantive requirements and all other applicable provisions in force in the Chilean legal system.</p>
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights	23/03/2022	

<i>Convention</i>	<i>Ratification</i>	<i>Reservations and declarations</i>
Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance	Not ratified. Treaty was signed on 22/10/2015	
Inter-American Convention against All Forms of Discrimination and Intolerance	Not ratified. Treaty was signed on 22/10/2015	

*Source:* Prepared by the authors based on information on the depositary's website.

## **B. Legal framework for the protection of human rights at the national level**

### **1. Protection of human rights in the Constitution**

103. Article 5 of the Constitution<sup>127</sup> provides that the exercise of sovereignty is circumscribed by the obligation to respect the essential rights inherent to human beings and that State bodies have a duty to respect and promote all such rights guaranteed by the Constitution and by international treaties that have been ratified by Chile and are in force.

104. In chapter III of the Constitution, article 19, on constitutional guarantees, protects the human rights and fundamental freedoms that are set out in various international instruments, thereby guaranteeing the following: the right to life and personal physical and psychological integrity; equality before the law; equal protection of the law in the enjoyment of rights; respect for and protection of an individual's private and public life and personal and family honour and protection of personal data; the inviolability of the home and all forms of private communication; freedom of conscience; the right to liberty and security of person; the right to live in a pollution-free environment; the right to health protection; the right to education; academic freedom; freedom of opinion and of information, with no prior censorship; the right of peaceful and unarmed assembly without prior authorization; the right to petition authorities; the right to form associations without prior authorization; free choice of employment; access to all public positions and employment; the right to social security; the right to unionize; equal distribution of the tax burden; the right to engage in any economic activity, abiding by the laws regulating it; freedom from arbitrary discrimination by the State and State bodies in economic matters; freedom to acquire assets of all kinds; the right of ownership; and freedom to create and disseminate works of art and to enjoy copyright protection in respect of intellectual and artistic creations of all kinds. It also provides assurance that any laws enacted pursuant to the Constitution to regulate, supplement or, in the cases authorized by the Constitution, limit the guarantees provided for therein may neither alter the essence of those rights nor impose conditions, levies or requirements that hamper their free exercise.

#### **Constitutional states of exception**

105. Article 39 and subsequent articles of the Constitution<sup>128</sup> provide for the following states of exception: (a) a state of alert, in the event of external war; (b) a state of siege, in the event of internal war or serious disturbance; (c) a state of emergency, in serious cases of disturbance of the peace or of harm or threat to national security, whether from internal or external causes; and (d) a state of disaster, in the event of a public calamity.

106. Article 19 (26) expressly guarantees that laws enacted to regulate or supplement the fundamental rights recognized in the Constitution can neither alter the essence of those rights

<sup>127</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

<sup>128</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

nor impose conditions, levies or requirements that hamper their free exercise, including during constitutional states of exception. The constitutional amendments of August 1989 included the repeal of a second paragraph of article 19 (26) under which this guarantee did not apply during constitutional states of exception. Thus, any limitations or restrictions on the exercise of these rights must be temporary and in line with the provisions of the Constitution.

## 2. Incorporation of human rights instruments into the national legal system

### (i) *Customary international law and general principles of law*

107. There is no law that expressly provides for the automatic incorporation of rules of customary international law or general principles of law into the Chilean domestic legal system. Such rules and principles are effectively incorporated in either of two cases: (a) when a provision of domestic law expressly refers to international law in a specific situation, in which case Chilean courts must apply it; or (b) when there is no such express reference but the position consistently taken in the case law and supported by legal writers has been to recognize the legal validity of international law.

### (ii) *International treaties*

108. Under the case law endorsed by legal writers, the incorporation of any international treaty into the domestic legal system requires the following three steps: its adoption by the National Congress, its promulgation by the President and its subsequent publication in the Official Gazette. The basis for this can be found in article 54 (1) of the Constitution, which gives the National Congress the exclusive power to “approve or reject international treaties submitted to it by the President for ratification. Treaty approval shall require the relevant quorum in each house, in accordance with article 66, and shall be subject, as appropriate, to the same procedures applicable to a law”.<sup>129</sup>

109. Once an international treaty has been approved in accordance with the steps indicated above, its provisions may be applied by the country’s courts and administrative authorities and be invoked before them.

110. In relation to other sources of domestic law, the force of an international treaty is equal to that of a law. This conclusion – in the absence of an express legal provision to that effect – has been drawn from the position prevailing in the case law and the consensus of legal scholars. The situation of international human rights treaties is different, however, and is addressed in the following section.

### (iii) *Hierarchical status of international human rights treaties*

111. There is no law that expressly sets out the hierarchical status of international human rights treaties with respect to other sources of law in Chile. According to one view common in the legal literature and the case law, human rights treaties that have been ratified by Chile and are in force have the same status as the Constitution. This is because the 1989 amendments to the Constitution added language to the second paragraph of article 5, which already stated that “the exercise of sovereignty is circumscribed by the obligation to respect the essential rights inherent to human beings”. That paragraph now continues: “It is the duty of State bodies to respect and promote all such rights guaranteed by the Constitution and by international treaties that have been ratified by Chile and are in force.”

112. A second view expressed in the legal literature, which has also been reflected to some extent in case law, is that, in the absence of an express legal provision, the legal status of human rights treaties should generally be considered equivalent to that of general international treaties.

<sup>129</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

### 3. Judicial, administrative or other authorities with competence affecting human rights matters and the extent of such competence

113. All authorities in the country are obligated to promote and respect human rights in the performance of their duties. As the foundation for the institutional structure, the Constitution declares that the State is “at the service of the individual” and that, to this end, it must help “create the social conditions which permit each and every member of the national community to achieve the greatest possible spiritual and material fulfilment, with full respect for the rights and guarantees established by this Constitution” (art. 1, fourth paragraph).<sup>130</sup> The power of the State as well as “the exercise of sovereignty is circumscribed by the obligation to respect the essential rights inherent to human beings” (art. 5, first paragraph). As mentioned above, under the 1989 amendments to the Constitution, a second paragraph was added, which states that “it is the duty of State bodies to respect and promote all such rights guaranteed by the Constitution and by international treaties that have been ratified by Chile and are in force”.

114. The peremptory nature of the constitutional provisions on fundamental rights and the duty of the authorities to protect them arises from the principle of constitutional supremacy, which makes the actions of State bodies subject to the Constitution. In this regard, article 6 of the Constitution indicates that “State bodies must subordinate their acts to the Constitution and to the laws enacted in accordance with it and safeguard the institutional structure of the Republic. The provisions of this Constitution are binding both on the directors and staff of those bodies and on all persons, institutions and groups. Violations of this provision will result in the liability and the penalties provided for by law.”

115. The most important of the bodies responsible for ensuring constitutional supremacy are described below.

#### (i) Constitutional Court

116. The Constitutional Court conducts a priori and a posteriori reviews of laws, including decrees with the force of law.

117. A priori reviews can be optional, such as those requested by the President, the houses of Congress or some of their sitting members, or mandatory, such as those relating to laws interpreting the Constitution, constitutional organic laws or international treaties containing provisions characteristic of the latter type of laws. The Court may also, on an optional basis, conduct a priori reviews of bills containing constitutional amendments and international treaties submitted to Congress for approval. It conducts a priori and a posteriori reviews of legal rules resulting from an exercise of regulatory powers (decrees and decisions). Lastly, it decides questions of constitutionality related to rulings issued by the high courts (the Supreme Court and Courts of Appeal) and the Election Validation Court.

118. An a posteriori review of a law takes place when an action is brought challenging the law’s constitutionality, either as applied in a particular case or generally. It should be noted that, when the Constitution was amended in 2005, article 80, which had given the Supreme Court competence to hear constitutional challenges, was repealed; since then, the Constitutional Court has had that competence.

119. The Court is also competent to declare unconstitutional any organizations, movements or political parties that commit the constitutional offences referred to in the sixth and following paragraphs of article 19 (15) of the Constitution.

#### (ii) Supreme Court

120. Article 82 of the Constitution<sup>131</sup> grants the highest court “managerial, disciplinary and financial oversight over all the nation’s courts” except the Constitutional Court, the Election Validation Court and the regional electoral courts. It has the power to hear petitions for remedies such as *amparo*, including with respect to infringements of the right to engage in

<sup>130</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

<sup>131</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

economic activity, and protection, which makes it the body responsible for restoring rights violated by infringements of constitutional guarantees.

(iii) *Office of the Comptroller General of the Republic*

121. The Office of the Comptroller General is a higher oversight body for the State administrative apparatus and is responsible for monitoring the lawfulness of administrative acts and ensuring the proper use of public funds. The provisions governing the Office are set out in a constitutional organic law specific to that body (No. 10.336),<sup>132</sup> and it is independent of the executive branch and other administrative bodies.

122. Its oversight duties relate to legal, accounting and financial matters. It seeks to verify whether public institutions act within the law and within the scope of their powers and whether they use public resources efficiently and effectively, ensuring that administrative bodies act in a manner consistent with the legal system, the Constitution, laws and international treaties. It thus plays a key role in the prevention of corruption, with respect to which it promotes regular training for institutions and collaborative initiatives at the international level.

123. The Office's oversight responsibilities also include ensuring that public assets are administered properly and in compliance with the laws in force, in connection with which it monitors the receipt and investment of public funds and examines and reviews the accounts of the civil servants responsible for those resources.

**4. Provisions of the various human rights instruments that can be, and have been, invoked before, or directly enforced by, the courts, other tribunals or administrative authorities**

124. Chilean courts have recognized and enforced the rules of international human rights law.

125. Merely by way of example, the Supreme Court has found that “ultimately, the human rights guaranteed under a treaty are incorporated into the domestic legal system, forming part of the living Constitution and acquiring full force, validity and legal effect, with no State body being permitted to disregard them and all being obligated to respect and promote them, as well as to protect them through the set of constitutional safeguards intended to ensure that rights are fully respected. This obligation arises not only from article 5 of the Constitution, mentioned above, but also from the first and fourth paragraphs of article 1, article 19 (26) and the international treaties themselves, including article 1 common to the four Geneva Conventions, which establishes the duty of States parties to respect and to ensure respect for international humanitarian law”.<sup>133</sup>

126. In a noteworthy decision relating to the right to a defence, the Supreme Court found that “the fifth paragraph of article 19 (3) of the Constitution recognizes citizens' entitlement to equal protection of the law in the exercise of their rights, in that all persons may obtain legal representation in the manner indicated by law and no authority or individual may impede, restrict or disrupt the due provision of legal assistance if requested”. In this regard, the tenth recital states that “furthermore, given the reference made in article 5 of the Constitution, the constitutional recognition of the right to a defence must also be extended to the rights guaranteed under provisions of international treaties that have been ratified by Chile and are in force, such as article 11 (1) of the Universal Declaration of Human Rights ... article 14 (3) of the International Covenant on Civil and Political Rights ... article 8 (2) of the American Convention on Human Rights”.<sup>134</sup>

127. In a more recent judgment, the Constitutional Division of the Supreme Court indicated the following in reference to the right to appeal: “It should be added that what is known as the right to appeal is part of the fundamental guarantee of due process, which, according to the sixth paragraph of article 19 (3) of the Constitution, is characterized by rational and fair

<sup>132</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=18995>.

<sup>133</sup> Supreme Court of Justice, Criminal Division, Case No. 3125-04, judgment of 13 March 2007.

<sup>134</sup> Supreme Court of Justice, Criminal Division, Case No. 3125-04, judgment of 13 March 2007.

proceedings. Although the right to appeal is not expressly addressed in chapter III of the Constitution, by virtue of article 5 thereof, it is applicable, binding and enforceable because it arises from international treaties ratified by Chile, such as the International Covenant on Civil and Political Rights and the Pact of San José, which enshrine – the former in article 14 and the latter in articles 8 and 25 – the right to appeal to a higher court or tribunal for review of a judgment.<sup>135</sup>

128. The Fourth Division (Mixed) turned to international law on the issue of the right to identity, stating the following: “In addition, the Constitutional Court has held that the fact that the second paragraph of article 5 of the Constitution provides that ‘the exercise of sovereignty is circumscribed by the obligation to respect the essential rights inherent to human beings’ means that men are rights holders by virtue of the fact that they are men, with no need for there to be a constitutional provision in order for them to have constitutional protection” (Constitutional Court judgment in Case No. 226, twenty-fifth recital). Thus, even if it is argued that there is no support for a right to personal identity in international treaties ratified by Chile and in force, such as the American Convention on Human Rights and the International Covenant on Civil and Political Rights, because they contain no express mention of such a right, it would also have to be recognized that the exercise of sovereignty by lawmakers is circumscribed by the obligation to respect the essential rights inherent to human beings, including the right to identity, a view also reflected in Constitutional Court judgments (Cases No. 834, twenty-second recital, and No. 1340, ninth recital).<sup>136</sup>

## 5. Remedies that guarantee the enjoyment of human rights

### (i) *Remedy of protection*

129. This action, which was established under article 20 of the Constitution,<sup>137</sup> is intended to protect the fundamental rights specified therein in the event of their denial or infringement or of a threat to their legitimate exercise on account of arbitrary or unlawful acts or omissions. In keeping with the nature of the remedy, applications are dealt with by a court of appeal in summary manner and without formalities, with a view to affording effective protection. The facts and the evidence are assessed freely. The judgment of the court is final and is subject to appeal before the Supreme Court within a short period. The decisions of the courts must be handed down within specific time limits, and there are broad powers for taking the necessary measures to restore the rule of law and ensure the protection of the person concerned.

### (ii) *Remedy of amparo*

130. Article 21 of the Constitution uses this term to provide for habeas corpus. It is described as a special remedy for cases of deprivation of liberty in which the Constitution or the laws are infringed. Its purpose is to enable the court to order that legal formalities be observed and to immediately take the steps it considers necessary to re-establish the rule of law and ensure due protection for the person concerned.

### (iii) *Action for protection against arbitrary discrimination*

131. The action for protection against arbitrary discrimination was created with the entry into force of Act No. 20.609<sup>138</sup> in July 2012. Its purpose is to effectively re-establish the rule of law when an act of arbitrary discrimination is committed. This type of action may be brought by the persons affected or their legal representatives or legal guardians on account of acts or omissions amounting to arbitrary discrimination before a court having jurisdiction over their place of domicile or over that of the person responsible for the act or omission. In addition, any person may file this type of action on behalf of someone who has been subjected

<sup>135</sup> Supreme Court of Justice, Constitutional Division, Case No. 1133-2023, judgment of 9 February 2023.

<sup>136</sup> Supreme Court of Justice, Fourth Division, Case No. 2830-2022, judgment of 1 February 2023, sixth recital. See also Case No. 79897-2021, judgment of 9 November 2022, fifth recital.

<sup>137</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

<sup>138</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

to arbitrary discrimination if the latter is unable to do so. The action must be filed within 90 calendar days of the commission of the act or the date when the person became aware of it.

(iv) *Administrative remedies*

132. Under article 10 of Constitutional Organic Act No. 18.575 establishing the general bases of the State administration,<sup>139</sup> “administrative acts shall be open to challenge by means of the remedies established by law. An application for reconsideration may always be made to the organ where the act in question originated and, where appropriate, to the next level of authority above it, without prejudice to such judicial action as may be required”.

133. In addition, articles 6 and 10 of Act No. 10.336, on the Office of the Comptroller General of the Republic,<sup>140</sup> stipulate that any decree issued through the administrative organs of the State shall be subject to constitutional review. Under this procedure the Office exercises broad powers of oversight by issuing rulings that are binding on the Administration and are based on the full range of national legislation, including legislation to protect individuals’ fundamental rights.

(v) *Proceedings for the protection of labour rights*

134. These are judicial proceedings that are provided for under the Labour Code and are handled by labour courts. The proceedings are used to address issues arising in labour relations as a result of the application of labour laws that affect any of the fundamental rights of workers. Such issues include potential acts of discrimination.

**6. Institutions or national machinery with responsibility for overseeing the implementation of human rights**

Table 65

**National institutions working in the field of human rights and/or with groups needing special protection**

<i>Institution or body</i>	<i>Responsibilities</i>
Ministry for Women and Gender Equity	This ministry works with the President to design, coordinate and evaluate policies, plans and programmes for the promotion of gender equity and equal rights and the elimination of all forms of arbitrary discrimination against women.
Office of the Undersecretary for Human Rights	The Office, under the Ministry of Justice and Human Rights, advises and works directly with the Minister of Justice and Human Rights in designing and formulating policies, plans and programmes for the promotion and protection of human rights. Its responsibilities and powers are set out in article 8 of the Organic Act on the Ministry of Justice and Human Rights. <sup>141</sup>
Office of the Undersecretary for Children	Act No. 20.885, <sup>142</sup> which established the Office, also created the Interministerial Committee for Human Rights, whose role will be to advise the President in developing the outline for the Government’s intersectoral policy on human rights and to serve as a forum for information-sharing, guidance, coordination and decision-making for the ministries and services that comprise it.
	This is the arm of the Ministry of Social Development responsible for working directly on the preparation of policies and plans; the coordination of activities, services and

<sup>139</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=191865>.

<sup>140</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=18995>.

<sup>141</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1099611>.

<sup>142</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1086063>.

<i>Institution or body</i>	<i>Responsibilities</i>
	management systems; the promotion of rights and the design and management of prevention tools; studies and research; and the preparation of reports for international organizations on matters within its competence in the field of children's rights.
National Migration Service	The Service's mission is to implement the National Migration Policy and guarantee informed, safe, orderly and regular migration, applying a human rights-based and gender-sensitive approach, promoting the dignified treatment and the rights and duties of migrants and ensuring proper enforcement of migration laws. It is a decentralized public service, with its own legal personality and assets, and is under the oversight of the President through the Ministry of the Interior and Public Security.
National Service for Minors	This is a central government agency, under the Ministry of Justice and Human Rights, that works in collaboration with the judicial system. It is responsible for contributing to the protection and promotion of the rights of children and adolescents and to the reintegration of adolescents who have broken the law into society. It will soon be replaced by the National Juvenile Social Reintegration Service, which is in the process of being set up.
National Juvenile Social Reintegration Service	This body was created in 2023 for the purpose of carrying out and administering the measures and penalties provided for in the Act on Adolescent Criminal Responsibility (No. 20.084) <sup>143</sup> through the development of programmes that help juvenile offenders give up all criminal conduct, foster their social integration and contribute to the implementation of intersectoral policies. It is being set up gradually, as a replacement for the National Service for Minors.
National Service for the Protection of Children and Adolescents	This Service was created in 2021. Its mission is to protect children, adolescents and young people whose rights have been seriously threatened or violated and to restore those rights by ensuring their participation and that of their families, supporting their holistic development, repairing and reframing the harm suffered and preventing new violations in a timely manner through the involvement of specialized technical teams and programmes adapted to their needs. It is a decentralized public service, with its own legal personality and assets, and is under the oversight of the President through the Ministry of Social Development and the Family.
National Service for Older Persons	This Service is responsible for proposing policies to foster the effective integration of older persons into their families and society and putting forward solutions to the problems such persons face. It is an operationally decentralized public service and is under the oversight of the President through the Ministry of Social Development and the Family.
National Service for Persons with Disabilities	This body seeks to promote equal opportunity, social inclusion, participation and accessibility for persons with disabilities. It is a public service that is decentralized both geographically and operationally and is connected to the President through the Ministry of Social Development and the Family.

<sup>143</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=244803>.

Institution or body	Responsibilities
National Indigenous Development Agency	The Agency is responsible for promoting, coordinating and implementing State efforts to foster the holistic advancement of Indigenous persons and communities, especially in economic, social and cultural matters, and for encouraging their participation in national life. It is an operationally decentralized public service with its own legal personality and assets, and is under the oversight of the Ministry of Social Development.
National Migration Service	The Service's mission is to implement the National Migration Policy and guarantee informed, safe, orderly and regular migration, applying a human rights-based and gender-sensitive approach, promoting the dignified treatment and the rights and duties of migrants and ensuring proper enforcement of migration laws. It is a decentralized public service, with its own legal personality and assets, and is under the oversight of the President through the Ministry of the Interior and Public Security.
National Service for Women and Gender Equity	This is the agency responsible for implementing the policies, plans and programmes referred to it by the Ministry for Women and Gender Equity (Act No. 20.820). <sup>144</sup> It seeks to bolster the independence of women in all their diversity and promote their full enjoyment of their rights by putting in place and carrying out programmes for formal and substantive equality in rights that reflect local and intersectional approaches.

*Source:* Prepared by the authors.

## 7. Acceptance of the jurisdiction of a regional human rights court or other mechanism

135. At the regional level, Chile has accepted the jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

136. As at the date of this report, 15 of the cases filed against Chile have been heard and decided by the Court: (a) *Case of "The Last Temptation of Christ"*, in which a judgment was handed down on 5 February 2001;<sup>145</sup> (b) *Case of Palamara-Iribarne v. Chile*, in which a judgment was handed down on 22 November 2005;<sup>146</sup> (c) *Case of Claude-Reyes et al. v. Chile*, in which a judgment was handed down on 19 September 2006;<sup>147</sup> (d) *Case of Almonacid-Arellano et al. v. Chile*, in which a judgment was handed down on 26 September 2006;<sup>148</sup> (e) *Case of Atala Riff and Daughters v. Chile*, in which a judgment was handed down on 24 February 2012;<sup>149</sup> (f) *Case of García Lucero et al. v. Chile*, in which a judgment was handed down on 28 August 2013;<sup>150</sup> (g) *Case of Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People) v. Chile*, in which a judgment was handed down on 29 May 2014;<sup>151</sup> (h) *Omar Humberto Maldonado Vargas et al. v. Chile*, in which a judgment was handed down on 2 September 2015;<sup>152</sup> (i) *Case of Poblete Vilches et al. v. Chile*, in which a judgment was handed down on 8 March 2018;<sup>153</sup> (j) *Case of Órdenes Guerra et al. v. Chile*, in which a judgment was handed down on 29 November 2018;<sup>154</sup>

<sup>144</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1075613>.

<sup>145</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/Seriec\\_73\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/Seriec_73_ing.pdf).

<sup>146</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_135\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_135_ing.pdf).

<sup>147</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_151\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_151_ing.pdf).

<sup>148</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_154\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_154_ing.pdf).

<sup>149</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_239\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_239_ing.pdf).

<sup>150</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_267\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_267_ing.pdf).

<sup>151</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_279\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_279_ing.pdf).

<sup>152</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_300\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_300_ing.pdf).

<sup>153</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_349\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_349_ing.pdf).

<sup>154</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_372\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_372_ing.pdf).

(k) *Case of Urrutia Laubreux v. Chile*, in which a judgment was handed down on 27 August 2020;<sup>155</sup> (l) *Case of Vera Rojas et al. v. Chile*, in which a judgment was handed down on 1 October 2021;<sup>156</sup> (m) *Case of the Teachers of Chañaral and Other Municipalities v. Chile*, in which a judgment was handed down on 10 November 2021;<sup>157</sup> (n) *Case of Pavez Pavez v. Chile*, in which a judgment was handed down on 4 February 2022;<sup>158</sup> and (o) *Case of Baraona Bray v. Chile*, in which a judgment was handed down on 24 November 2022.<sup>159</sup>

137. Chile has fully complied with the judgments in cases (a) and (c) and is in the process of complying with those in cases (b), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o). Four cases are currently pending before the Court: *Case of Galetovic Sapunar et al. v. Chile*; *Case of Huilcaman Paillama et al. v. Chile*; *Case of Adolescents Held in Short- and Long-term Detention Facilities Run by the National Children's Service (SENAMÉ) v. Chile*; and *Case of Vega González et al. v. Chile*.

138. It should be noted that the judgments referred to above and other recommendations of the Commission and the Court have played a role in changes made to the Constitution, laws and government policies and in the overturning of judicial decisions.

## C. Framework within which human rights are promoted at the national level

### 1. National and regional parliaments and assemblies

139. Within the legislative branch, both the Chamber of Deputies and the Senate have specialized human rights committees. The one in the Senate is called the Committee on Human Rights, Nationality and Citizenship, while the one in the Chamber of Deputies is entitled the Committee on Human Rights and Original Peoples.

140. At both levels of the legislature, the Committees are permanent bodies tasked with examining, from a human rights perspective, all bills and matters submitted for their consideration. In addition, they may request the opinion of experts and hold public hearings to gather the views of civil society organizations.

### 2. National human rights institutions

#### (i) National Institute of Human Rights

141. The National Institute of Human Rights was established by Act No. 20.405<sup>160</sup> as an autonomous body under public law. Its role is to promote and defend the human rights of all persons living in the territory of Chile, as enshrined in the Constitution, other laws and international treaties signed and ratified by Chile that are in force, as well as rights deriving from the general principles of law recognized by the international community.

142. The Institute's work includes preparing an annual report on the human rights situation in the country, with recommendations for the protection of and respect for human rights, and facilitating access to information on and raising awareness of human rights and national historical memory. The Institute is not under the authority of the executive, legislative or judicial branches and, although publicly funded, is autonomous and independent.

#### (ii) Torture Prevention Committee

143. In line with the commitments made by the State of Chile upon acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the National Institute of Human Rights was designated as the national mechanism for the prevention of torture and other cruel, inhuman or degrading

<sup>155</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_409\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_409_ing.pdf).

<sup>156</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_439\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_439_ing.pdf).

<sup>157</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_443\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_443_ing.pdf).

<sup>158</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_449\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_449_ing.pdf).

<sup>159</sup> Available at [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_481\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_481_ing.pdf).

<sup>160</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1008867&idVersion=Diferido>.

treatment or punishment pursuant to Act No. 21.154,<sup>161</sup> which was published on 25 April 2019 and establishes that, to execute this mandate, the Institute will act exclusively through the Torture Prevention Committee.

144. The Torture Prevention Committee is a human rights body dedicated to the prevention of torture and other inhuman treatment. Through a system of visits, advisory services, training and dialogue, it seeks to ensure that all persons deprived of their liberty are treated with dignity and respect for their rights. The Committee is not under the authority of the executive, legislative or judicial branches and, although publicly funded, is autonomous and independent.

(iii) *Office of the Ombudsman for Children*

145. In January 2018, Act No. 21.067<sup>162</sup> on the establishment of the Office of the Ombudsman for Children was adopted. The purpose of the Office is to disseminate, promote and protect children's rights in accordance with the Constitution, the Convention on the Rights of the Child, other international treaties ratified by Chile and national legislation and to safeguard their best interests.

146. The Office is not under the authority of the executive, legislative or judicial branches and, although publicly funded, is autonomous and independent.

**3. Dissemination of human rights instruments**

147. The website of the Library of the National Congress provides access to the full text of all treaties and optional protocols ratified and signed by Chile within the framework of the United Nations.<sup>163</sup>

148. Furthermore, settlement agreements in proceedings before the Inter-American Commission on Human Rights, judgments of the Inter-American Court of Human Rights and Views of the United Nations treaty bodies are published on the website of the Ministry of Foreign Affairs.<sup>164</sup>

**4. Raising human rights awareness among public officials and other professionals**

149. The Office of the Undersecretary for Human Rights of the Ministry of Justice and Human Rights has set up a human rights education platform with five e-learning courses and eight information bulletins intended for the community. As of the end of 2023, 25,307 public servants had taken at least one of the courses.

150. The functions of the Office of the Minister and Secretary General of Government include promoting respect for social diversity, the interaction of cultures and freedom from arbitrary discrimination in any form among public institutions and civil society. It has an observatory tasked with providing training to public servants on civic participation and non-discrimination and with preparing talks and workshops for government institutions, public servants, citizen organizations and civil society in general to promote and guarantee effective respect for civic participation and freedom from arbitrary discrimination. In this context, training on the Anti-Discrimination Act was provided to more than 5,300 people in 2023.

151. The Carabineros have a national training programme on human rights and police intervention techniques, which was designed to strengthen the existing skills of personnel involved in operations, at the theoretical and practical levels, with a view to applying key concepts of the human rights doctrine to policing. In addition, "Agents of Dialogue" courses have been rolled out to establish communication with the organizers of demonstrations, and academies have incorporated modules on deprivation of liberty, the ban on requiring

<sup>161</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1130871>.

<sup>162</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1114173>.

<sup>163</sup> Available at [https://www.bcn.cl/leychile/consulta/buscador\\_tratados](https://www.bcn.cl/leychile/consulta/buscador_tratados).

<sup>164</sup> Available at <https://www.minrel.gob.cl/sentencias-y-acuerdos-ante-el-sistema-interamericano-de-ddhh>.

detainees to undress and human rights in the context of policing. The Carabineros have 441 human rights instructors who have led over 11,200 training sessions since 2022.

152. The investigative police force also has a permanent training programme. In the area of training and upskilling in human rights, the National Headquarters for Education and Doctrine coordinates the personnel training system through educational offerings at its campuses. Academic programmes have been designed for personnel, covering a wide range of topics, including human rights, interculturalism and migrant rights. Eleven programmes have been developed in recent years, with a total of 717 staff members having received training.

153. A set of specialized human rights modules for the armed forces was rolled out in 2019. It includes a unit on the legal foundations of human rights that discusses international human rights declarations, principles and treaties. There is also a unit on human rights and criminal law, which covers topics such as international criminal jurisdiction as it relates to human rights and security, individual criminal responsibility and command responsibility, crimes against humanity, war crimes and crimes of genocide.

154. The Department of Human Rights Promotion and Protection of the Prison Service has professionals trained to conduct various courses with the aim of providing training in human rights issues to all Prison Service personnel.

155. The training courses offered by the Judicial Academy include courses on international human rights law and groups in vulnerable situations, as well as courses on the human rights of children and adolescents. The course on international human rights law and groups in vulnerable situations and the course on the human rights of children and adolescents have been compulsory for persons preparing to enter the judiciary since 2021 and 2022, respectively. In addition, there are advanced training courses on the subject, as well as specific courses on migrants, gender and non-discrimination, and sexual and gender diversity, among others.

156. As for other bodies, the human rights unit of the Public Prosecution Service provides training to prosecutors, assistant attorneys and police units in investigation standards in cases of violence committed by public officials.

## 5. Promotion of human rights awareness through educational programmes and Government-sponsored public information

157. In 2018 Chile published its First National Human Rights Plan, which contains a chapter on human rights education and is focused on promoting and ensuring awareness, education and training in human rights with a view to developing a human rights culture to help prevent violations. Focus area II of the Second National Human Rights Plan, published in 2022, is the promotion of rights, to be achieved through human rights education policies and the adoption of measures to increase awareness, promotion of and respect for human rights among the general population and through the development of public policies on the education and training of public servants, with emphasis on the prevention of human rights violations, in accordance with international standards.

158. For its part, the Office of the Undersecretary for Human Rights has a human rights training portal, through which the public can access a series of open classes and information bulletins focused on promoting knowledge of human rights, the rights of children and adolescents, the rights of Indigenous women, non-discrimination, gender identity, the rights of older persons, the rights of persons deprived of their liberty, the rights of persons with disabilities, prevention of torture, and business and human rights, among other themes.<sup>165</sup>

## 6. Promotion of human rights awareness through the mass media

159. One of the goals of the First National Human Rights Plan 2018–2021 was to raise public awareness and promote a culture of human rights through communication campaigns in various print and audiovisual media.

<sup>165</sup> See <https://www.derechoshumanos.gob.cl/cursos-virtuales-para-la-ciudadania/>.

160. The Second National Human Rights Plan 2022–2025 sets out a series of guidelines and actions focused on the dissemination of information on human rights through social networks and the media. It also envisages national dissemination campaigns in at least two media outlets (television, radio, social networks, etc.) on the following topics: prevention, non-discrimination and the elimination of violence against people belonging to the LGBTIQ+ community, and promotion, recovery and revitalization of Indigenous languages.

## 7. Citizen participation and the role of civil society

161. Act No. 20.500<sup>166</sup> on Associations and Citizen Participation in Public Affairs guarantees the right of individuals to participate, with equal opportunities, in the life of the nation, as provided for in article 1 of the Constitution, inasmuch as citizen participation is considered to constitute the central pillar of a modern democracy. The Act seeks to incentivize and make more efficient and transparent the formation of more versatile associations and promote their participation in the social, economic, cultural and political life of the country. It ensures that their participation unfolds in an environment of freedom, pluralism, tolerance and social responsibility, recognizing their importance as agents of change and social transformation, in accordance with the principle of subsidiarity enshrined in the country's legal system.

162. The most important provisions of the Act are: (a) its recognition of the right of persons to associate freely for lawful purposes and the duty of the State to promote and support such initiatives; (b) its definition of such concepts as “public interest organizations” and its identification of the management procedures they must follow, such as having articles of association, having a board of at least three members and disclosing their financial records when they receive public funds for their activities; (c) the stipulation that the Civil Registry must maintain a national registry of non-profit legal entities (operational as from 16 February 2012) containing information on the establishment, modification, dissolution or termination of such associations, and on the bodies that manage or administer them; and (d) the establishment of the Fund to Strengthen Public Interest Organizations, which is intended to finance national and regional projects and programmes involving such organizations. The Fund is to be governed by a national council that will, *inter alia*, approve the application requirements for proposed projects and select the national programmes from among the annual applications.

163. The Act also requires that each body of the State establish the specific formal modalities for the participation of individuals and organizations falling within the scope of their competence. Notwithstanding this provision, each body of the State must make relevant information about its policies, plans, programmes, actions and budgets available to the public in as timely, complete and wide a manner as possible.

164. In addition, these bodies must give a public account of their actions, plans, policies, programmes and budgets and announce matters of public interest on which they wish to obtain the public's opinion by means of consultations that must be informed, pluralistic and representative. Lastly, the Act establishes the obligation to set up consultative councils for civil society made up of a diverse, representative and pluralistic group of non-profit associations related to the subject matter and competence of the respective body.

165. Also worth mentioning is the role played by the Observatory for Civic Participation and Non-Discrimination, which reports to the Office of the Minister and Secretary General of Government. It is tasked with advising the Office, for instance by proposing the formulation of policies, plans, programmes and studies related to the promotion and protection of civic participation and non-discrimination. It also provides training to public servants concerning civic participation and non-discrimination and organizes talks and workshops for government institutions, public servants, citizen organizations and civil society in general to promote and guarantee effective respect for civic participation and freedom from arbitrary discrimination. The Observatory may also enter into collaboration agreements with civil society organizations, State institutions, municipalities or public or private international bodies, with the aim of promoting civic participation and

<sup>166</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1023143>.

non-discrimination and creating opportunities for debate and discussion in order to hear the different views of civil society, academia and the general public on issues related to civic participation and non-discrimination.

## 8. Budget allocations and trends

166. No budgetary funds are allocated specifically for the implementation of the State's human rights obligations.

167. With regard to the payment of compensation ordered in international court judgments, settlement agreements and agreements on compliance with human rights recommendations, five legal mechanisms have been used so far to allocate a budget for and effectively disburse compensation: (1) payment of compensation awarded in judgments and agreements via Decree-Law No. 3 establishing the consolidated, coordinated and systematized text of the Ministry of Justice and Human Rights Act,<sup>167</sup> article 2 (p), through an exempt resolution of the Ministry of Justice and Human Rights, charging the amount to the budget item entitled "Compliance with executory judgments" 50.01.03.26.02.001; (2) payment of compensation awarded in agreements via Decree-Law No. 1263 of 1975 on the financial administration of the State,<sup>168</sup> article 28 (1), through a resolution or decree of specific ministries, charging the amount to subheading 26, "Other current expenses", item 02, "Compensation for harm to third parties" (*Miguel Ángel Millar, Alex Lemún and F.S. cases*); (3) payment of a "grant in compliance with judgments and agreements", contained in the Public Sector Budget Act (section 09, chapter 90, programme 03), created in 2019 (*Norín Catrimán, Alex Lemún and F.S. cases*); (4) payment of compensation awarded in agreements through the creation of a new budget item "Jurisdictional equivalents and other transactions", charged to programme 03 of the Public Sector Budget Act (*Isaías Heredia, Cesario del Carmen, Margarita Barbería, Familia Contreras González and Moisés Navarro cases*); and (5) amendment of the Public Sector Budget Act by means of decrees to allocate a budget for the execution of works or free transfers of lands set out in settlement agreements (*Chusmiza Usmagama case*).

168. The budget of the National Institute of Human Rights for 2024<sup>169</sup> is Ch\$ 15,215,413,000. This budget allocation includes Ch\$ 1,368,238,000 to finance the implementation of Act No. 21.154,<sup>170</sup> designating the Institute as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. The budget of the Office of the Ombudsman for Children for 2024 is Ch\$ 4,489,373,000.

## 9. Development cooperation and assistance

169. Chile cooperates with various countries in the region in the promotion of human rights through the work of the Chilean Agency for International Cooperation for Development.

170. Chile also participates in the Meeting of High Authorities on Human Rights of the Southern Common Market (MERCOSUR) and associated States, as a space for sharing good practices and challenges in the promotion and protection of human rights in the region.

## D. Reporting process at the national level

171. Pursuant to Act No. 21.080,<sup>171</sup> the Ministry of Foreign Affairs represents Chile in international organizations and forums and is responsible for coordination and for involving the various ministries and other government bodies in all matters affecting foreign policy.

172. More specifically, under Decree No. 41 of the Ministry of Foreign Affairs,<sup>172</sup> the department for the universal human rights system of the Ministry's Human Rights Division is responsible for coordinating and supporting the preparation of the country's periodic

<sup>167</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1099611>.

<sup>168</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=6536>.

<sup>169</sup> Available at [https://www.dipres.gob.cl/597/articles-330063\\_doc\\_pdf.pdf](https://www.dipres.gob.cl/597/articles-330063_doc_pdf.pdf).

<sup>170</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1130871>.

<sup>171</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1116334>.

<sup>172</sup> Available at <https://www.bcn.cl/leychile/navegar?i=1164864>.

reports and reviews before the various human rights treaty bodies, for coordinating and systematizing the State's responses to requests from United Nations special procedures and for compiling background information and preparing instructions for the participation of Chile in the universal periodic review.

173. The Office of the Undersecretary for Human Rights of the Ministry of Justice and Human Rights is responsible for providing technical advice to the Ministry of Foreign Affairs in the preparation and follow-up of periodic reports to human rights bodies and mechanisms and, where appropriate, in the implementation of decisions and recommendations issued by the universal human rights system.

174. It is important to note that, for both the universal periodic review and reviews before treaty bodies, Chile has followed the practice of forming delegations made up of representatives of the three branches of government (executive, legislative and judicial). Furthermore, Chile has stepped up its efforts to involve independent organizations and civil society in the preparation of periodic reports and the evaluation of reviews before treaty bodies, together with representatives of the relevant national delegation. For example, as part of the country's latest universal periodic review, in April 2024, four consultations were held with civil society in three regions of the country, so that such organizations could assist in preparing the national report.

175. Regarding follow-up to the concluding observations issued by treaty bodies or to recommendations arising from the universal periodic review, the Human Rights Division of the Ministry of Foreign Affairs and the Protection Division of the Office of the Undersecretary for Human Rights work together closely to transmit the observations to the relevant departments and monitor compliance with them. These recommendations lead to the development of public policies and legislation necessary for the fulfilment of international human rights obligations.

176. In addition, in November 2023, President Gabriel Boric, together with his counterpart from Paraguay, President Santiago Peña, signed a memorandum of understanding to develop the Recommendations Monitoring System-Plus, a permanent national inter-institutional mechanism for the systematization, follow-up and coordination of actions taken in compliance with and implementation of human rights commitments and recommendations. In December 2023, the platform's source code was symbolically delivered to the Office of the Undersecretary for Human Rights of the Ministry of Justice and Human Rights, on whose servers the technological tool was installed. It is expected that the system will strengthen the capacity of Chilean institutions to implement and follow up on the recommendations of international human rights organizations.

177. Furthermore, in keeping with the pledge made by Chile in the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, the Ministry of Foreign Affairs is reactivating the coordination commission for compliance with the State's obligations in the area of international human rights law, which was established by Supreme Decree No. 323 of 2006,<sup>173</sup> with an expanded mandate to enable it to also follow up on recommendations. The hope is that the commission will be able to resume operations in 2024 and coordinate with the Recommendations Monitoring System to better follow up on human rights obligations and recommendations.

## **E. Other related human rights information**

178. Chile continues to cooperate with the human rights mechanisms and has issued a standing invitation to the special procedure mandate holders to visit the country. It received visits from the Special Rapporteur on human rights and the environment and the Special Rapporteur on torture in 2023 and from the Special Rapporteur on Cultural Rights in 2024; visits from the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the right to health are scheduled. In addition, Chile has enhanced its collaboration with human rights mechanisms, including the treaty bodies, special procedures and the Office of the United Nations High Commissioner for Human Rights, significantly

<sup>173</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=256047>.

increasing its volume of responses to requests for information. In 2023, it replied to 70 of the more than 90 requests received.

179. Lastly, implementation of the 2030 Agenda for Sustainable Development is a State policy, as illustrated by the establishment of a national council for this purpose. Chile prepared a diagnostic report (2017), three voluntary country reports (2017, 2019 and 2023) and an implementation strategy (2023), which all had a human rights focus. Progress has also been made in terms of participation thanks to subnational dialogue processes. Gender equality is a priority in this area, in keeping with feminist foreign policy.

### **III. Information on non-discrimination and equality and effective remedies**

#### **A. Non-discrimination and equality**

180. Article 1 (1) of the Constitution explicitly establishes equal treatment and non-discrimination by stating: “People are born free and equal in dignity and rights”.<sup>174</sup> That statement is strengthened by the constitutional guarantee of equality before the law set forth in article 19 (2), which states that “in Chile there are no privileged persons or groups”, “men and women are equal before the law” and “neither the law nor any authority may establish arbitrary differences”.

181. Likewise, article 19 (3) establishes the constitutional guarantee of equal protection of the law in the exercise of rights, while article 19 (2) (16), on the exercise and protection of freedom to work, prohibits any discrimination that is not based on personal capacity or suitability.

182. The ban on unreasonable or subjective inequality of legal treatment, which is established in the Constitution, is directed above all at the public authorities and at those who make the law and the judges who apply it. This does not rule out the possibility that the law or the public authorities may provide for positive or affirmative action on behalf of vulnerable groups in order to compensate for situations of historical inequality, only for as long as such situations last. In this way, the State fulfils its mandate as a guarantor of individual liberties, favouring equality of opportunity for the most vulnerable groups and creating clear and accessible ways and means of participation.

183. In addition, Act No. 20.609,<sup>175</sup> published in July 2012, established a judicial mechanism – the action for protection against arbitrary discrimination – to effectively restore the rule of law whenever an act of arbitrary discrimination is committed. Amendments are currently being discussed in the National Congress in order to strengthen the Act and improve its effectiveness. Legislators are seeking to widen its scope, restructure procedures, introduce a compensation procedure, designate the Office of the Undersecretary for Human Rights as the body responsible for coordinating public policy with an intersectoral focus and establish the Council for Equality and Protection against Arbitrary Discrimination.<sup>176</sup>

#### **1. Gender equality and women's rights**

184. The following legislative measures designed to advance women's rights have recently been adopted: measures to prevent, punish and eradicate gender-based violence against women (Act No. 21.675 of 2024),<sup>177</sup> the elimination of discrimination against women for remarrying (Act No. 21.264 of 2020),<sup>178</sup> the determination of the order of surnames

<sup>174</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.

<sup>175</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1042092&idVersion=Diferido>.

<sup>176</sup> Official Bulletin No. 12.748-17. Available at <https://www.camara.cl/legislacion/ProyectosDeLey/tramitacion.aspx?prmID=13286&prmBOLETIN=12748-17>.

<sup>177</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1131064>.

<sup>178</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1159523>.

(Act No. 21.334 of 2021),<sup>179</sup> the protection of breastfeeding (Act No. 21.155 of 2019)<sup>180</sup> and the introduction of gender representation quotas for the boards of directors of public companies and State-owned enterprises (Act No. 21.356 of 2021).<sup>181</sup> The National Congress is also working on a reform of the marital partnership regime.

185. Recent non-legislative measures of note in this area include the Fourth National Plan on Equality between Women and Men 2018–2030,<sup>182</sup> the National Action Plan to Combat Violence against Women and Gender-based Violence 2021–2030, the Employment Equality Plan 2021–2030, the establishment of the Supreme Court Technical Secretariat for Gender Equality (2017) and the adoption of the Supreme Court Gender Equality Policy (2018).

## 2. Children and adolescents

186. Regarding the protection of the rights of children and adolescents, Act No. 21.430 of 2022,<sup>183</sup> on safeguards and comprehensive protection, is of note. In addition, Chile has adopted the National Children's Policy 2015–2025 and the National Action Plan for Children 2018–2025. Both are being aligned with the new standards under Act No. 21.430. Also noteworthy are Act No. 21.515 of 2022,<sup>184</sup> which sets the age of majority as the minimum age for marriage, and Acts No. 21.389 of 2021<sup>185</sup> and No. 21.484 of 2022,<sup>186</sup> both on measures to ensure the payment of maintenance.

187. Other salient recent initiatives include Act No. 21.522 of 2022,<sup>187</sup> which defines offences against the sexual inviolability of children and adolescents, with a focus on exploitation, the sex trade and child pornography; Act No. 21.523 of 2022,<sup>188</sup> which strengthens procedural safeguards to protect the rights of victims of sexual offences and prevent their revictimization; Act No. 21.271 of 2020<sup>189</sup> on the protection of children and adolescents at work; Act No. 21.266 of 2020<sup>190</sup> on protection measures for child victims of sexual offences; Act No. 21.160 of 2019,<sup>191</sup> which establishes that sexual offences committed against minors are not subject to statutes of limitation; Act No. 21.057 of 2018<sup>192</sup> regulating videotaped interviews; and Act No. 21.013 of 2017,<sup>193</sup> which defines the new offence of corporal ill-treatment and increases the protection of persons in special situations, including children and adolescents.

188. With regard to children and adolescents who are wards of the State, the following salient laws have been adopted: Act No. 21.302 of 2021<sup>194</sup> on the establishment of the National Service for the Protection of Children and Adolescents to provide protection to children and adolescents who are at serious risk or have suffered violations of their rights; Act No. 21.527 of 2023<sup>195</sup> establishing the National Juvenile Reintegration Service, which will be implemented gradually and will replace the National Service for Minors; and

<sup>179</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1149335&idParte=10157710&idVersion=2020-09-11>.

<sup>180</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1204220&idParte=10503626&idVersion=2024-06-14>.

<sup>181</sup> Available at <https://www.bcn.cl/leychile/navegar?i=1162243>.

<sup>182</sup> Available at <https://biblioteca.digital.gob.cl/handle/123456789/3645>.

<sup>183</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1173643>.

<sup>184</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1187063>.

<sup>185</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1168463>.

<sup>186</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1181003&idParte=10363246&idVersion=2222-02-02>.

<sup>187</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1187183>.

<sup>188</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1187224>.

<sup>189</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1150357>.

<sup>190</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1144003>.

<sup>191</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1134001>.

<sup>192</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1113932>.

<sup>193</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1103697>.

<sup>194</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1154203>.

<sup>195</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1187684>.

Act No. 21.140 of 2019,<sup>196</sup> which increases the subsidies to residences and imposes stricter transparency and efficiency requirements.

### 3. LGBTIQA+ persons

189. Measures have been taken to protect the well-being of LGBTIQA+ persons and address discrimination. These include Act No. 21.400 of 2021,<sup>197</sup> which regulates equal marriage between persons of the same sex, and Act No. 21.367 of 2021<sup>198</sup> repealing the provision under which homosexual behaviour was a cause for divorce on grounds of marital misconduct. Furthermore, the Government Round Table on LGBTIQA+ Rights, established in 2022, has identified and prioritized this group's demands with regard to the recognition and exercise of its rights. This is in addition to previous initiatives, such as the Supreme Court study on access to justice for LGBTIQA+ persons (2021),<sup>199</sup> the Observatory of Violence against LGBTIQA+ Persons set up by the Public Prosecution Service in 2019 and Act No. 21.120 of 2018,<sup>200</sup> which recognizes and safeguards the right to gender identity and allows persons to change their official name and sex.

190. In 2022, the National Institute of Statistics published a standard for the disaggregation of sex, gender and sexual orientation in household surveys and censuses with a view to generating statistics to guide decision-making. Other noteworthy measures include the 2021 recommendations of the Ministry of Health regarding the roll-out of the support programme for trans and gender non-conforming children and adolescents;<sup>201</sup> circular No. 768/2017 of the Office of the Superintendent of Education concerning the rights of trans children, adolescents and students;<sup>202</sup> the 2023 guidelines of the Ministry of Education on students with diverse gender identities and sexual orientation;<sup>203</sup> decision No. 5716/2020 of the National Prison Service<sup>204</sup> authorizing trans persons to be incarcerated in a prison corresponding to their gender identity if they so choose; and circular No. 15 of 2023 of the Ministry of Health<sup>205</sup> prohibiting surgery from being performed on intersex children for solely aesthetic or social reasons.

### 4. Persons with disabilities

191. In addition to Act No. 20.422 of 2010<sup>206</sup> on equal opportunities and social inclusion for persons with disabilities, other measures have been taken in recent years to safeguard the rights of persons with disabilities and promote their inclusion and participation. Salient among them are the National Plan on Universal Accessibility 2022–2032; Act No. 21.168 of 2019<sup>207</sup> on priority health care for persons over the age of 60 and persons with disabilities; Act No. 21.275 of 2020<sup>208</sup> on measures for the employment inclusion of persons with disabilities; Act No. 21.303 of 2021<sup>209</sup> establishing rules on equal opportunities and social

<sup>196</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1128371>.

<sup>197</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1169572>.

<sup>198</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1163736>.

<sup>199</sup> Available at <https://secretariadegenero.pjud.cl/index.php/estudio-lgbti>.

<sup>200</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1126480>.

<sup>201</sup> Available at <https://www.supereduc.cl/wp-content/uploads/2017/04/ORD-N%C2%BA0768-DERECHOS-DE-NI%C3%91AS-NI%C3%91OS-Y-ESTUDIANTES-TRANS-EN-EL-%C3%81MBITO-DE-LA-EDUCACI%C3%93N-A-SOSTENEDORES.pdf>.

<sup>202</sup> Available at <https://diprece.minsal.cl/wp-content/uploads/2021/05/RECOMENDACIONES-PARA-LA-IMPLEMENTACION-DEL-PROGRAMA-DE-ACOMPAÑAMIENTO-PARA-NINOS-NINAS-Y-ADOLESCENTES-TRANS-Y-GENERO-NO-CONFORME.pdf>.

<sup>203</sup> Available at <https://www.movilh.cl/wp-content/uploads/2021/01/gendarmeria-protocolo-trans-movilh.pdf>.

<sup>204</sup> Available at <https://inclusionyparticipacion.mineduc.cl/wp-content/uploads/sites/113/2023/05/DOCUMENTO-PARTICIPACION-2-v2.pdf>.

<sup>205</sup> Available at <https://diprece.minsal.cl/wp-content/uploads/2023/11/Circular-15-Instruye-a-equipos-de-salud-a-adoptar-todas-las-medidas-necesarias-para-asegurar-el-interes-superior-de-ninos-ninas-y-adolescentes-con-variaciones-de-las-caracteristicas-sexuales.pdf>.

<sup>206</sup> Available at <https://www.bcn.cl/leychile/navegar?idLey=20422>.

<sup>207</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1134300>.

<sup>208</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1150763&idParte=0>.

<sup>209</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1154963>.

inclusion for persons with disabilities and the promotion of sign language; Act No. 21.331 of 2021<sup>210</sup> on the recognition and protection of the rights of persons in mental health care; Act No. 21.380 of 2021<sup>211</sup> on the entitlement of carers to priority health care; Act No. 21.403 of 2022<sup>212</sup> on the recognition of deafblindness and the promotion of full social inclusion for deafblind persons; Act No. 21.015 of 2017<sup>213</sup> on incentives for the inclusion of persons with disabilities in the labour market; Act No. 21.545 of 2023<sup>214</sup> on inclusion, comprehensive care and protection of persons on the autism spectrum; and Act No. 20.422 of 2010,<sup>215</sup> which establishes the Consultative Council on Disability<sup>216</sup> and requires the National Service for Persons with Disabilities to conduct consultations and promote the participation of persons with disabilities.

## 5. Older persons

192. The following measures are worth noting with regard to the inclusion of older persons: the launch of the Proper Treatment of Older Persons Programme by the National Service for Older Persons in 2012; the appointment in 2019 of the Older Persons' Ombudsman, who provides specialized legal advice to older persons and communities in cases of abuse, ill-treatment, violence or rights abuses; the Active Ageing Programme, which provides tools to manage ageing, with a focus on digital inclusion; and the "Older Leaders Training School" programme, through which events are held for older persons, who can also receive important information on how to exercise their rights and be active in society.

## 6. Indigenous and tribal peoples

193. Chile acknowledges its failings with regard to the recognition, representation and participation of Indigenous Peoples, respect for their rights and the fight against discrimination. In this regard, it should be pointed out that the above-mentioned Act No. 20.609 of 2012<sup>217</sup> establishes a victim's Indigenous identity as an aggravating circumstance of the offence of discrimination.

194. In recent years, Chile has taken steps to move forward in these areas and to guarantee the autonomy and self-determination of Indigenous Peoples in keeping with the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169). Two of the most recent measures are the adoption of the Buen Vivir Plan in 2022, which sets an agenda for recognition and dialogue with Indigenous Peoples, and the establishment of the Presidential Commission for Peace and Understanding.

195. The foregoing is in addition to the recognition of Indigenous Peoples' right to consultation enshrined in Decree No. 66 of 2014 of the Ministry of Social Development<sup>218</sup> and Act No. 21.151 of 2019,<sup>219</sup> which legally recognizes the Chilean tribal people of African descent and their identity and enshrines their right to be consulted.

## 7. Migrants

196. Act No. 21.325 of 2021<sup>220</sup> on migration and foreign nationals contains innovations in terms of promoting, respecting and guaranteeing human rights and equal access to social benefits. In addition, a new migration authority, the National Migration Service, has been established to ensure the protection and promotion of these rights and safeguards.

<sup>210</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1159383>.

<sup>211</sup> Available at <https://www.bcn.cl/leychile/navegar?i=1166847yt%3D0>.

<sup>212</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1170743>.

<sup>213</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1103997>.

<sup>214</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1190123>.

<sup>215</sup> Available at <https://www.bcn.cl/leychile/navegar?idLey=20422>.

<sup>216</sup> Available at <https://www.senadis.gob.cl/pag/194/1427/descripcion>.

<sup>217</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1042092&idVersion=Diferido>.

<sup>218</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1059961>.

<sup>219</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1130641&tipoVersion=0>.

<sup>220</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=1158549>.

197. As required under the Act, the National Policy on Migration and Foreign Nationals<sup>221</sup> was introduced in 2023 following a participatory process. The Policy safeguards equality in the exercise of rights and promotes appropriate protection against discrimination, with a focus on groups needing special protection, in particular children, adolescents and women victims of domestic violence. The Policy also promotes orderly, safe and regular migration through strengthened border controls and measures against migrant smuggling and trafficking in persons and contributes to the well-being of the population, taking into account the capacity of the different areas to receive migrant populations, in order to ensure the safety of individuals and social cohesion.

## **B. Effective remedies**

198. In addition to the constitutional remedies described in previous sections, the action for protection against arbitrary discrimination was established with the entry into force of Act No. 20.609<sup>222</sup> in July 2012 (see paragraph 133).

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<sup>221</sup> Available at <https://serviciomigraciones.cl/gobierno-de-chile-presenta-pnme/>.

<sup>222</sup> Available at <https://www.bcn.cl/leychile/navegar?idNorma=242302>.