



**MultiversoPhi's alternative report on the State of Chile's compliance with the
International Covenant on Economic, Social and Cultural Rights.**

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Executive Summary

1. The III National Study on Disability in Chile (III ENDISC), from the Department of Evaluation and Studies of the National Disability Service (Senadis) of the Ministry of Social Development and Family (2023). It points out that from its declared epistemological position consistent with the Convention on the Rights of Persons with Disabilities and the human rights approach, where initially the first international agreement of the 21st century that addresses the human rights of persons with disabilities is the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol to the UN (CRPD), promulgated in 2006 and ratified by the State of Chile in 2008; committing Chile, which subscribes and ratifies it, to guarantee equality before the law for all persons and mainly those belonging to persons with disabilities (PwD). Thus, the State of Chile is obligated to promote, protect, and guarantee the full enjoyment of human rights by persons with disabilities, ensuring full equality before the law. It also requires it to adapt the Chilean legal system so that persons with disabilities can assert their rights. This includes fundamental principles such as accessibility, autonomy and independence, equality and non-discrimination, and protection of particularly vulnerable groups; as well as topics of primary relevance to persons with disabilities related to health, education, employment, habilitation, family, care, rehabilitation, and participation in political life, among other significant topics and matters related to ESCR. These topics will be presented in this document, as the MultiversoPhi Community Services Foundation, which must be addressed in terms of fundamental rights. The main problem identified lies in the lack of understanding of the perspective of persons with disabilities and the effective guarantees of their fundamental rights, which are unknown, mainly due to a lack of specialized knowledge, ignorance, lack of will, the incorporation of experiential knowledge and the same narratives of the PwD, along with the sensible reflections of the general population, which lead to sociocultural constructs that sustain stigmas, maintain access barriers, sustain inequality gaps, and ignore the rights of people with disabilities; because there is no education, nor daily experiences, of coexistence in diversity, equality (equity) and harmony; because vestiges of a patriarchal, welfare-based, and primarily ableist, utilitarian, and competitive culture of instrumental values continue to prevail and maintain, over intrinsic values. All of this increases what we call occupational injustice and therefore, in this case, of groups of people, thus reaching an occupational apartheid, necessarily imperative and prudent to repair, punish, and re-dignify. Therefore, we will approach it from the diverse relationships, factors, and complexity, to bring it specifically to what refers to the area of health, access to justice, and others, along with the urgent need to take action to make effective the guarantees of fundamental, human and ESCR rights of PwD, in Chilean territory.

Introduction

2. This document presents a reflective analysis and suggestions proposed by MultiversoPhi to the responses of the State of Chile to the list of previous issues, which according to it points out various advances and challenges in the fulfillment of the rights established in the Covenant on Economic, Social and Cultural Rights, however, from MultiversoPhi, we believe they are insufficient in issues that the State has not yet responded historically and to date, mainly for people with disabilities (PwD), in the Chilean territory. To develop the reflective analysis and suggestion process by MultiversoPhi, we analyzed the various experiences, conducted research, reviewed documents, and engaged in co-constructive dialogues with the various participants in our organization. We also conducted collaborative and participatory processes at the socio-community level, alongside other civil society organizations, study groups, and active participation in public policies. These processes have been carried out since early 2018 and continue to this day. We also incorporated the analysis and study of various national and international research projects, surveys, land registries, legislation, and documents, in order to describe the reflective analysis used to detail the mechanisms developed by the Chilean State, which are insufficient to eliminate the current barriers and thus protect, guarantee, and promote the rights under the ESCR Covenant.

3. MultiversoPhi is a non-profit foundation organization founded and comprised of people with disabilities. Its purpose is to provide services and develop activities in the areas of health, education, employment, art, culture, sports, public policy, academics, and research. This includes training, rehabilitation, promotion, and encouragement for job creation, hiring, and job placement. This program primarily benefits people diagnosed or suspected of having rare conditions and/or diseases (mainly connective tissue disorders: EDS),

neurodivergent conditions (mainly autism, high abilities, and attentional divergence), and/or people with disabilities who find themselves in situations of occupational injustice and/or occupational apartheid. This program considers people to be fully entitled to the guarantees of universal accessibility and fundamental rights. The purpose of MultiversoPhi is to promote and prevent comprehensive health, ensuring equality and equity that enables access to and full fulfillment of each person's fundamental rights. This is to increase and improve the quality of life, well-being, participation/action, and inclusion of individuals in communities at the local, national, and international levels, in their various areas. Its target group is primarily comprised of people with disabilities, women, children, and adolescents.

4. Therefore, the main topics addressed in this document relate to the fundamental rights guarantees for persons with disabilities, as outlined in the CRPD, whose objective is "to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity." The CRPD applies a human rights approach to disability, thereby converting general human rights into specific rights for persons with disabilities and clarifying existing international legislation regarding disability. Even if a State does not ratify the CRPD, it contributes to the interpretation of other human rights conventions to which that State is a party.

Thematic Analysis

A. Issues of Particular Importance

Preliminary question 2

5. (7.) *Regarding the recognition of economic, social and cultural rights in the new CPR, the General Regulations of the Convention indicate the preeminence of human rights as one of the guiding principles of its action*(1). Along with this, among the thematic commissions created is the Commission on Fundamental Rights, which will address, among other topics, the rights protected by the Covenant. *(1) Art. 3. A. "Preeminence of Human Rights. Conceptual, methodological, and interpretive framework designed to promote, protect, and fully comply with the principles, rights, and standards recognized in the International Human Rights System."*

6. (8.) *The SC, through the study "The International Covenant on Economic, Social and Cultural Rights in the Jurisprudence of the SC (2015-2021)," provides, through a mixed-methods study, an updated overview of the scope of the application of the Covenant in its jurisprudence, quantitatively analyzing 90 judgments, the types of remedies and legal actions on which the Court rules, and the norms and rights cited in these judgments. The research also includes a qualitative analysis of the SC's rulings on the direct application of the ICESCR norms, the interpretive function of this application, and the Court's reasoning regarding the specific obligations arising from the Covenant, the rights enshrined in this instrument, and their incorporation into domestic law.*

7. Since equal access to justice is a fundamental foundation of legal and justice systems, it is essential for maintaining a just social order, protecting and guaranteeing human rights, and promoting equality before the law. People with disabilities or PwD face multiple access and specific barriers that have historically and currently impeded the full exercise and enjoyment of their rights. These barriers stem primarily from attitudinal, communicational, and physical barriers, which hinder the full and effective participation of PwD in effective access to justice. These can be carried out through adjustments, including adaptations and support required for independence and autonomy, thus facilitating the performance of PwD as direct or indirect participants, including as witnesses, in all stages of judicial proceedings.

8. As part of the universal access required for the effectiveness of guarantees for the fundamental rights of persons with disabilities, awareness, literacy, education, and effective and quality training are required for those working in the administrative area of justice (judges/magistrates, technical advisors, curatorships, among others), including police and prison personnel, along with specialized lawyers, that is, both from the human resources, as well as the technical and material resources that accompany this effective guarantee. All of this has been specified by the UN (2020) as the international principles and guidelines for access to justice for persons with disabilities, which includes international standards on this matter and is incorporated into the basis, Law 20.422, on equal opportunities and social inclusion for persons with disabilities (PwD). For effective access to justice, work with the required international standards is necessary, of a multidisciplinary nature and from a transdisciplinary perspective, where PwD has effective participation.

9. The greatest prevailing sociocultural challenge, which permeates underlying constructs and jurisprudential decisions, is stigma and discrimination. These lead to the denial of legal capacity for persons with disabilities,

a lack of recognition of their narratives, perspectives, autonomy, and fundamental rights. This leads to marginalization from full and effective participation in judicial processes. In some situations, decisions may even be made for the person by "another person," such as a guardian, thus violating their recognition of their autonomy and effectiveness. They are excluded from the judicial system, thus denying them access to justice due to their disability. Effective access to their legal capacity and full guarantees of their fundamental rights are not permitted, perpetuating prejudices, stigma, and discrimination, which are often classified as "positive" discrimination.

10. People with disabilities are autonomous individuals who make full decisions about their lives from the age of majority and progressively from their childhood and adolescence. These decisions must be guaranteed through a deep, specialized, and comprehensive understanding of what we call higher well-being, expressing their opinions, and understanding their fundamental rights, as well as the neuro-bio-maturational and developmental processes in their full scope; as effective guarantors of rights. Due process must guarantee access to and the full exercise of rights throughout the entire process, including information and notification processes. It must also apply safeguards to protect rights, along with ensuring dignified, fair, and equitable treatment, such as the presumption of innocence and non-discrimination, among others. Furthermore, understanding that a fair trial must be guaranteed, it is therefore imperative to apply the necessary adjustments and adaptations to guarantee equal conditions, based on substantive safeguards.

11. Finally, it is necessary to highlight the guarantee of quality, qualified, and specialized legal assistance and representation that is affordable and free of charge, understanding that PwD are in a position of economic disadvantage, generally in a holistic social situation of economic precariousness or unemployment (According to current data from the Third Endisc, only 39.3% of PwD have access to the labor market in Chile), among others; this implies the impact of the inequalities that currently exist in the various areas of full development and guarantees of fundamental rights—economic, social, and cultural rights and human rights—of PwD, which impact "cascadingly" other related rights. Therefore, it is imperative that they have access to legal assistance and representation without their rights being further compromised, as their ability to obtain justice is currently a disadvantage and inequality. People with disabilities have historically been violated, making it necessary to emphasize effective oversight and monitoring of fundamental rights guarantees and access to justice. Strong and specialized oversight mechanisms are a necessary method for promoting and protecting fundamental rights guarantees for people with disabilities in equal opportunities.

B. Ongoing Application of the Covenant

Preliminary Question 10 (*PwD: Person with a disability):

12. According to SENADIS (National Disability Service), the United Nations (UN) International Convention on the Rights of Persons with Disabilities (UNCODR) established that the appropriate term to refer to this population group is "Persons with Disabilities" (PWD) or "Persons with Disabilities" (PwD). Therefore, these terms are considered the only correct ones worldwide. SENADIS (National Disability Service) prefers to refer to "Persons with Disabilities" because this approach incorporates a social perspective, breaking down barriers and obstacles. In other words, it breaks with the idea that the person is "to blame" for their own disability. Instead, disability actually arises from the context imposed by society, both physical and social barriers. SENADIS: "Person with a disability as a comprehensive concept. Persons with disabilities are individuals who, due to their physical, mental, intellectual, sensory, or other health conditions, when interacting with various contextual, attitudinal, and environmental barriers, experience restrictions on their full and active participation in society."

13. The WHO estimates that one billion people live with disabilities, approximately 16% of the world's population (World Health Organization, 2022). Compared to the general population, people with disabilities experience poorer health, lower educational attainment, higher poverty rates, and lower labor force participation rates, among other factors. This is also the case in Chile, even with fewer advantages than in more prosperous regions.

14. In line with the CRPD, Law 20.422, which establishes standards on equal opportunities and social inclusion for persons with disabilities, defines a person with a disability as someone who, having one or more physical, mental, or sensory impairments, whether due to psychological or intellectual causes, whether temporary or permanent, and who, when interacting with various barriers present in the environment, finds their full and effective participation in society impeded or restricted, on equal terms with others. In this sense, contextual barriers are factors that hinder the participation and full development of individuals. They directly impact their overall health, their full development, their occupations and performance, primarily in activities of daily living and social participation, among others. These factors impact their quality of life and overall well-being; and therefore, their human rights, as well as their economic, social, and cultural rights.

15. Currently, the most prevalent barriers faced by people with disabilities are attitudinal barriers, the most common and which contribute to the development of other types of barriers. Communication barriers are those faced by people whose disability is related to hearing, speech, vision, reading, writing or understanding, and who, therefore, use alternative mechanisms to communicate. These are everyday barriers to communication, such as the media, which tend to perpetuate stigmas and discrimination, as well as in social relationships where the barriers themselves are constantly deployed; physical barriers, which are any barrier in the structural environment that hinders, impedes or blocks a person's movement or access to a space; and social barriers are the social conditions in which people are born, grow, live, learn, develop, perform occupationally, work and age. There is a close link between guarantees of human rights and economic, social and cultural rights, with poverty, access, effective participation, discrimination and disability.

16. Therefore, to guarantee human rights and economic, social, and cultural rights in Chile, sustainable development must be taken into account, with full inclusion and guarantees of fundamental rights for persons with disabilities. As the World Bank (2021) points out on the Inclusion of Persons with Disabilities in Latin America and the Caribbean: A Path to Sustainable Development, "The number of persons with disabilities will tend to increase in the future, due to the aging of the population and the accumulation of disabilities with age." This makes it essential and of paramount importance to design and advance policies on inclusion and effective guarantees of rights for persons with disabilities, taking into account the specific conditions of each country and each situation. This requires more and better data, clear and measurable objectives, land registries, research, addressing and eliminating stereotypes, and empowering and supporting organizations with disabilities. While the report highlights the extreme vulnerability of many developing countries, it also highlights the growing visibility of the exclusion of developing countries today, a fact that poses a serious challenge to the sustainable development of Latin America and the Caribbean.

17. From the source of ENDIDE 2022 and III ENDISC, 2022, SENADIS, Ministry of Social Development and Family, (2023), and current figures on disability in Chile, they indicate that in Chile there are a total of 3,291,602 PwD, of which 587,709 are children and adolescents (14.7%) and 2,703,893 (17.6%) are adults (from 18 years of age), where it is seen that the percentage of PwD increases with age and where there is a gender gap, where the proportion of women with disabilities (21.9%) is higher compared to that of men (13.1%). In turn, the population of PwD over 18 years of age, there are 1,746,835 in a situation of severe disability (64.6%) and 957,058 in a situation of mild or moderate disability (35.4%) and where quintile I, which represents households with lower incomes and quintile II, which represents households with incomes slightly higher than those of the first quintile; both quintiles being those that concentrate the highest percentages of adult PwD and, therefore, with greater risk and vulnerability, where in turn an average years of schooling is observed (10 years), two years less than the population without disabilities, as well as more than half of the PwD, do not have complete secondary education (50.1%), almost 22 points more than the population without disabilities (28.4%). Adults with disabilities perceive various barriers to accessing services compared to adults without disabilities. Figures on the adult population dependent on disability in Chile show that 529,274 (3.4%) have mild dependency, 549,424 (3.6%) have moderate dependency, and 420,279 (2.7%) have severe dependency. The female adult population has a higher degree of dependency related to some type of disability compared to the male adult population.

18. Regarding children and adolescents, one-seventh of children and adolescents in Chile have some type of disability, with almost 5% having a severe disability and 10% having a mild or moderate disability. The majority

of boys and adolescents are men with disabilities (15.1%), versus 14.3% of girls and adolescents with disabilities. The percentage of disabilities increases with age, reaching 16.8% between the ages of 14 and 17. The number of women with disabilities increases with age. This tends to confirm the projections indicated by the World Bank in 2021, giving primary importance to the presentation of a serious challenge to the sustainable development of Latin America and the Caribbean. It is relevant to mention that among children and adolescents, 67.8% report having felt discriminated against (versus 38.1% without disabilities). There is also a gender gap, with 76.4% of women with disabilities, for the most part, reporting having felt discriminated against, which requires applying the necessary gender perspective.

19. In Chile, the State requires registration in the national disability registry as a requirement for the effectiveness of numerous so-called "benefits" related to the guarantees of fundamental rights. However, data show that only 11.6% of adults and 7.7% of children and adolescents are included in these registries, a process that is not without significant access barriers and challenges, both in management and specialized professionals, to ensure its effectiveness.

Preliminary Question 22

20. e) Law No. 20850: provides financial protection for specific health conditions, such as oncological, immunological, rare, or infrequent diseases.

21. 146. The organization and allocation of resources within the network respond to the specificities of each territory and community. The objective is to maintain and promote the well-being of the population by responding to their mental health needs, ranging from prevention to recovery and socio-community inclusion, in a coordinated effort with the community, ensuring quality care standards that include the evaluation and continuous improvement of its functioning. To this end, the network has transdisciplinary teams with high technical skills and capacity.

22. 154. Other notable measures in this area are:

23. d) Law No. 20850: provides financial protection for specific health conditions, such as oncological, immunological, rare, or infrequent diseases.

24. The United Nations General Assembly (2021) formally adopted a resolution recognizing the 300 million people living with a rare, infrequent or orphan disease (RARE) worldwide, along with their families; and in Chile, approximately three million people, as essential to advancing the 2030 agenda for sustainable development. This resolution focuses on the importance of non-discrimination and promotes the fundamental foundations of the United Nations (UN) Sustainable Development Goals (SDGs), including access to education and decent work, poverty reduction, the fight against gender inequality, and support for the full and effective participation of people with RARE in society; these are indisputably related to economic, social, and cultural rights, along with human and fundamental rights. With the current year being 2025, a measure adopted by the WHO, which recognizes RARE as a priority in terms of health, equity, and inclusion, represents a transcendental step toward the recognition and effective care of people with RARE and their families, in terms of effective guarantees of rights.

25. Regarding previous question 22 and the points raised, MultiversoPhi points out the following;

26. The validity of respect for human and fundamental rights, such as economic, social, and cultural rights, along with the validity of establishing legal mechanisms to protect and enforce them, includes in Chile the constitutional guarantee of the protection of people's health in its entirety, "The right to health protection. The State protects free and equal access to actions for the promotion, protection, and recovery of health, and the rehabilitation of individuals. It shall also be responsible for the coordination and control of health-related actions. It is the State's primary duty to guarantee the implementation of health actions, whether provided through public or private institutions, in the manner and under the conditions determined by law, which may establish mandatory contributions. Each person shall have the right to choose the health system they wish to join, whether state or private," provided by coexisting institutions of public and private health systems.

27. In health matters, the obligations of doctors and health professionals must be considered, along with the rights and duties of individuals and the commitments of the State. Thus, in Chile, the Explicit Health Guarantees (GES) system exists. This constitutes a set of benefits guaranteed by law for a group of diseases

determined primarily by their high prevalence. This, by definition, evidently excludes RARE, which are based on their low prevalence.

28. In Chile, Law 20.850 is considered a financial protection system for high-cost diagnoses and treatments, known as the Ricarte Soto Law. It provides guarantees for 27 health problems, of which only 19 are RARE. This is because there are nearly 8,000 types of RARE, with a total of 7,603 currently registered.

29. Based on what was pointed out by Gina Raineri, G. (2017), Law 20,584, which regulates the rights and duties of people in relation to actions linked to their health care, whose inspiration is based on financial matters and high costs, does not meet the minimum international standards expected and committed to in terms of fundamental rights, to which the State of Chile commits and ratifies. The efforts deployed by the State of Chile in terms of RARE are insufficient to achieve the UN aspiration of ensuring that no person with RARE is abandoned "Leave no one behind" (SDG), due to the inability to respond to and guarantee the specific challenges of people with RARE and their families, facing ethical dilemmas of people requiring special attention due to their greater risk and vulnerability, who must be addressed comprehensively in their specificity, promoting and safeguarding their autonomy and strengthening the prevention of factors that may threaten the protection and respect of their dignity and non-discrimination, along with the guarantees of their rights, in a sustainable manner throughout the course of their life; taking into account that because they tend to be serious, chronic and degenerative, in their great majority, they can be considered a situation of disability, in a society, which is not adapted to them, due to the multiple access barriers that exist, thus diminishing their full and effective participation, together with the effective enjoyment of their economic, social and cultural rights, and therefore the purpose of promoting, protecting and ensuring the full enjoyment and in conditions of equality of all human rights and fundamental freedoms by all PwD is not made effective from the human rights and rights of PwD, together with promoting respect for their inherent dignity.

30. In Chile, in 2025, Law 21,743 on rare, infrequent, or orphan diseases was enacted and published. Its main purpose is to establish a regulatory framework for the planning, development, and execution of public policies, programs, and actions related to rare, infrequent, or orphan diseases; that for the purposes of this law and its related regulations, the corresponding definitions must be made and the principles that inspire this law, as well as the policies, plans, programs, regulations, actions, and other instruments issued or executed within their framework must be established; for this purpose, a Technical Advisory Commission on rare, infrequent, or orphan diseases must be created, which must provide advice to the Ministry of Health on the matter. By creating a list of rare, infrequent, or orphan diseases, along with a National Registry of People with Rare, Infrequent, or Orphan Diseases, which will contain, at a minimum, the list of people living with these diseases and their diagnoses, with the proper protection of their personal data in accordance with Law No. 19,628. This registry will be maintained by the Ministry of Health (MINSAL). This is how the existence of people with RARE and their families is just beginning to become visible.

C. Good Practices

31. 213. *Regarding PwD, the following good practices in education stand out: the Support Program for Students with Disabilities in Higher Education Institutions. Since 2015, it has funded technical assistance and support services for higher education students with disabilities, with national coverage since 2016. The Support Program for Educational Institutions has funded projects aimed at reducing contextual barriers so that students can improve their educational inclusion since 2017. In the health sector, the Community-Based Rehabilitation Network Strengthening Program is notable, which seeks to support the development and transformation of Community Rehabilitation Centers and other rehabilitation facilities within the national health network toward more comprehensive and community-based rehabilitation processes. In the labor market, Law No. 21015, which encourages the labor market inclusion of PwD, as described above, stands out. Finally, in the areas of culture and sports, FONAPI aims to fund initiatives that contribute to the social inclusion of people with disabilities.*

32. All of the above measures have not been fully effective in Chile in terms of management, implementation, access, and participation in equal opportunities. They are insufficient and ineffective in fully guaranteeing the fundamental rights and economic, social, and cultural rights of people with disabilities and the effective enjoyment of their rights in Chilean territory. The WHO global report on health equity for people with disabilities demonstrates that there are still significant gaps in the implementation of these rights due to inequities, barriers, and lack of access for people with disabilities, along with the effective guarantee of their

fundamental rights and right to health. The poor results in global health statistics are due to the unfair conditions faced by people with disabilities in all facets of life, including within the health system itself. Countries have an obligation, under international human rights and economic, social, and cultural law, to address existing inequalities in health and the guarantees of fundamental rights, along with complying with the agreements to which the State of Chile is committed, under the aforementioned international standards.

33. According to the International Classification of Functioning, Disability and Health (ICF), "well-being" is a general term that encompasses the entire universe of human life domains, including the physical, mental, and social aspects that comprise what is considered a "good life." Health domains are a subgroup within the domains that comprise the entire universe of human life. Among PwD groups, participation restrictions stand out, which the ICF defines as the problems an individual may experience in engaging in life situations. The presence of a participation restriction is determined by comparing that person's participation with the expected participation of a person without a disability in that culture or society. It is therefore that from MultiversoPhi and our bases, we believe that effective occupational justice is essential, which, according to Simó, S. (2008) is understood as "the promotion of social and economic change to increase individual, community and political awareness, resources and equal opportunities for the development of occupations that allow people to reach their potential and experience "well-being", mainly for the full approach, access and guarantees of fundamental rights of PwD in Chile; since in studies carried out it is found that occupational injustice is "the result of social policies and other forms of government that are structured as power and that are exercised to restrict participation in the daily occupations of populations and individuals", also taking into account according to Nilsson I, Townsend E. (2010), the concept of occupational rights, which is related to the idea that human beings are occupational beings who need and want to commit to doing, being, becoming and belonging; this from the perspective in which human beings need to commit to occupations for survival, to relate to other people and to build communities.

34. According to the essay by Gracia, D. (2001), Law seeks to positivize and operationalize the basic claims of humanity, constituted by the values of human dignity, liberty, equality, solidarity, and legal security. For Peces-Barba, these values have always been present in one form or another in the history of culture, and constitute something like the universal moral claims of the human species, whose legal expression is Human Rights or Fundamental Rights, which thus constitute "public ethics." According to Gracia, D. (2001), values are more basic or elemental than norms, laws, or principles of action. We value because we cannot not. Everything is an object of esteem or appreciation. Based on the contributions of Medina (2006), based on these elementary data, it is easy to conclude that valuation is a mental process carried out by human beings in order to achieve their biological and vital objective: survival. It is therefore imperative to be constructivist. Through dialogue, it is possible to share values, so that these can ultimately be affirmed as universal. Thus, regarding a fundamental value, justice, John Rawls has maintained the thesis that it is possible to reach rational agreements on what is just or what the rules of justice are, through an intersubjective process in which all human beings can participate under conditions of symmetry. This is how human rights, economic, social, and cultural rights, such as fundamental rights, the states that participate try to manage those values that have been agreed upon by all, and allow for the personal and plural management of those others on which agreement has not been possible. Thus, Gracia, D. (2001), stipulates that intrinsic value is understood as that quality that is valuable in itself, not by reference to any other, such that, if it were to disappear, even if everything else remained the same, we would think we had lost something important, that is, something "valuable." Thus defined, it differs from the notion of instrumental value or value by reference, in that it is not valuable in itself but rather for something else or a different quality, which is what gives it value. Therefore, fundamental rights, derived from intrinsic values, are not, in principle, exchangeable. People, for example, are not exchangeable, since we consider each person to be respectable in and of themselves. Hence Kant's phrase that people "have dignity, not price," which was also expressed by the poet Antonio Machado: "Every fool confuses intrinsic value and price, being instrumental value." Oscar Wilde stated that "A cynic is a man who knows the price of everything, but the value of nothing." With this, we at MultiversoPhi wonder whether instrumental values would have triumphed over intrinsic values in Chile, especially for PwD.

35. The solution to value conflicts must be sought through deliberation about values and their characteristics, but taking into account the circumstances of each case and the foreseeable consequences. This is the

characteristic of what are now called "ethics of responsibility." Valuable qualities are always possessed to a greater or lesser degree, and therefore, things that possess them can be described as "good," "better," or "optimal." Ethics is not about what is good but about what is best, what is optimal. In the management of values, we cannot be belligerent, but neither can we be neutral. The tragedy of our society in general, as Gracia D. (2001) mentions, and of its education in particular, is that it always oscillates between the neutrality of its passive values and the belligerence of its active values. Therefore, rather than indoctrinating belligerently or clarifying while preserving neutrality in matters of value, what we must do is involve people in the processes of active co-construction of values. Values are co-constructed, and that is why they must be the object of our activity, both individual and collective. The construction of values is the fundamental objective of any life worthy of the term "specifically human." Effective participation and eliminating barriers to access to participation are part of the effective guarantees of fundamental rights, dignity, and autonomy of people with disabilities. Currently, as Heidegger called "gossip," we live in the realm of pure heteronomy. This is part of the current learning process for new generations, which increases the gaps and aggravates the effective guarantees of the rights of people with disabilities. Therefore, as Ortega y Gasset pointed out, each human being is "a point of view on the universe." Since all people are necessary, all are indispensable, each human being must be actively involved in the construction of a world of values. As the UN points out in its current objectives, "Leave no one behind," and the objectives of the people with disabilities community, "Nothing of us without us." Hence the importance of moral deliberation. Analytical judgments are impossible to apply to synthetic judgments, such as moral judgments. Based on fundamental rights, broad and participatory deliberation on these issues is possible in search of reasonable and prudent decisions. The decision-making process cannot consist of mere mathematics, but rather a careful and thoughtful analysis of the main factors involved. This is what is technically known as "deliberation," with ethical deliberation being a complex but necessary task to guarantee the rights of people with disabilities.

35. According to Gracia (2001), the principles of non-maleficence and justice are public in nature and therefore determine our duties to all people, both in their biological life (principle of non-maleficence) and in their social life (principle of justice). These principles, therefore, define the duties that are universalizable and enforceable on all people equally. For this to be possible, they must be formulated in a form acceptable to the majority or totality and therefore acquire legal form. The principles of autonomy and beneficence, on the other hand, define the private space of each person, which they can and should manage in accordance with their own beliefs and life ideals. The first two principles correspond to the so-called "ethics of minimums," and the other two to the "ethics of maximums." Therefore, the duties inherent in minimal ethics are more limited or restricted than those inherent in maximal ethics, and are more stringent. In the event of a conflict, they often take priority over maximal duties. Moral conflicts frequently arise as a consequence of their conceptualization as public or private, a common situation in approaches to fundamental rights regarding PsD. There is "symbolic violence" and "hidden discrimination" in an attempt to provide support for the crisis we are currently witnessing in Chile.

36. Professional and political duty, therefore, is a Reflective Practice, whose action is based on practical and tacit knowledge that is activated during action and in which, especially for heuristic purposes, three components can be distinguished that feed back into each other: knowledge in action, reflection in action, and reflection on reflection in action. According to Medina and Jarauta (2011), professional knowledge incorporates, in addition to theoretical (propositional), procedural (knowing how), and conditional (knowing the opportune moment of application) knowledge, a knowledge in action that, as we have seen, is constructed during the professional and political act, through which previous knowledge is integrated and adapted to changing practical situations, resulting in the production of new knowledge. In the activities that professionals and politicians carry out, there is not only spontaneous knowledge in action. Frequently, as a consequence of an unexpected result, we may reflect on what we do, even during the action itself. This is what Schön calls reflection in action. However, reflection in action differs from reflection on action. This is how, from what Medina (2006) approached, what Schön (1992) pointed out is extracted, "The question of the relationship between competence in practice and professional knowledge needs to be posed the other way around. We should not start by asking how to make better use of scientific and formal knowledge, but what we can do from a careful examination of art, that is, of the competence by which practitioners are actually able to handle

the indeterminate areas of practice independently of that other competence that can be related to technical rationality", being from the approach addressed by Medina (2006), a reconceptualization of the knowledge that is taught, learned, experienced and acted on in everyday life, within the socio-cultural constructs, of students, professionals and politicians, among others; are believed by MultiversoPhi to be imperative and necessary for compliance with the Guarantees of fundamental human rights, and economic, social and cultural rights, for all people within Chilean territory.

General Conclusion

37. It is suggested to the ESCR Committee that it is necessary to apply human rights perspectives, the humanization of health, the social perspective of occupation, the social determinants of health, quality of life, intersectional and gender perspectives, the perspective of children and adolescents, inclusion and coexistence in diversity, progressive autonomy and independence (with or without required support), universal accessibility, comprehensive health, quality of life, respect for the narratives and experiences of people with disabilities, intercultural and multicultural perspectives, transdisciplinary and multidisciplinary perspectives, among others, in Chilean territory, to guarantee the full and effective enjoyment of ESCR, human and fundamental rights, of persons with disabilities, with rare diseases and/or neurodivergences, since today, they are clearly being violated and do not even comply with the minimum standards of international covenants. Stop objectifying us in numbers and let's move forward in respecting the human, fundamental and ESCR rights of people with disabilities.