

**JOINT ALTERNATIVE REPORT BY MIGRANT, AFRO-DESCENDANT, EDUCATION,
AND HUMAN RIGHTS ORGANIZATIONS TO THE UNITED NATIONS COMMITTEE
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS ON THE OCCASION OF THE
REVIEW OF CHILE'S FIFTH PERIODIC REPORT (E/C.12/CHL/5)**



7th August 2025, Santiago, Chile

A. PRESENTATION

1. This report has been prepared by an alliance between Asociación Kilombo Negrocéntricos, Brigada Migrante Feminista, Mesa por una Educación Intercultural, Observatorio Ciudadano and Red de Equipos de Educación en Derechos Humanos, with the aim of identifying and visibilizing the various human rights violations affecting migrant, refugee, and Afro-descendant children, individuals, and communities in Chile. It considers the 2015 Concluding Observations of the CESCR (E/C.12/CHL/CO/4), the 2020 list of issues (E/C.12/CHL/QPR/5), and the responses submitted by the State of Chile in its 2022 report to the Committee.

2. While recognizing that the foreign population in Chile faces diverse challenges and issuesⁱ, this report specifically emphasizes levels of discrimination (Article 2.2, ICESCR), the right to education (Article 13, ICESCR), to health (Article 12, ICESCR), and to work (Articles 6 and 7, ICESCR). It is also important to highlight that migrants who are Blackⁱⁱ and/or Indigenous face greater obstacles due to the intersection of racism, xenophobia, aporophobia, gender-based violence, and other factors that shape the lived experiences of these communities. This report therefore denounces situations that reflect such intersectionality.

3. First, it is important to note that the number of people in a situation or context of human mobility in Chile has progressively increased in recent years. According to the National Migration Service (Sermig) and the National Institute of Statistics (INE), the estimated number of foreign residents in Chile as of December 31, 2023, was 1,918,583, equivalent to 10% of the country's total population, representing a 4.5% increase from the previous yearⁱⁱⁱ. In this context, the Bicentennial Survey found that public perception of excessive immigration in Chile reached 88%, marking a 10-point increase in recent years, even though only 7% of people reported consistently negative experiences with this group^{iv}. Furthermore, regarding whether immigrants with regular status should have the same rights as Chilean citizens to access health, education, and housing services, 66% of respondents said yes, although the number of those opposed has doubled in recent years, rising from 10% in 2017 to 21% in 2024^v.

4. Therefore, alongside the increase in migratory flows, there is also a growing visibility of discrimination, criminalization, racism, xenophobia, and hate speech toward migrants and refugees in the country. This intensifies during election periods, as is currently the case, and has even led to discussions about restricting political rights for migrants already registered to vote^{vi}, and to hate crimes such as the murder of Yaidi Garnica^{vii}. In turn, administrative and legislative changes that promote exclusion and the denial of economic and social rights —particularly for migrant children and adolescents^{viii}— contradict the adoption of the new migration policy (Law 21.325) in 2021, the National Migration and Foreign Policy of 2023, and the 2024 update to the Policy for Foreign Students. Indeed, there are more than 10 bills that undermine the very principles of these policy frameworks^{ix}, as well as the Law on Guarantees and Integral Protection of the Rights of Children and Adolescents (Law 21.430)^x. The following sections will delve into these issues in more detail.

B. REGULATORY FRAMEWORKS AND PUBLIC POLICIES ON HUMAN MOBILITY AND NON-DISCRIMINATION

5. The Law No. 21.325^{xi} or the new Immigration and Foreigners Law enacted in 2021 that came into effect on February 12, 2022, replaced the old Decree Law 1094 of 1975. It established a new regulatory framework for managing migratory flows in Chile. The law recognizes several guiding principles, including respect for the human rights of migrants, the best interests of children and adolescents, non-discrimination, and a new institutional structure: the National Migration Service. However, throughout the text, the law adopts a restrictive approach to human mobility, rooted in internal security concerns, with an emphasis on border control and deportation procedures rather than guaranteeing rights and facilitating regularization processes^{xii}.

6. In particular, the impossibility of changing migratory status within the country, as well as the lack of broad, accessible, permanent, and effective mechanisms for regularization, hinders access to basic services for people with irregular migratory status. This results in discriminatory practices and violations of the principle of equality before the law. Although the law establishes the State's obligation to respect international human rights treaties, there is a notable lack of mechanisms to ensure the effective exercise of economic, social, and cultural rights for migrants, especially in contexts of administrative precariousness or lack of documentation. This is particularly the case for individuals from Venezuela or Haiti, whose internal situations make it nearly impossible to obtain passports, certificates, and other documents required for regularization in Chile.

7. In 2023, the National Migration and Foreign Policy was enacted in accordance with Article 22 of Law 21.325, with the objective of ensuring: "Respect for and promotion of the human rights of migrants, as established in the Political Constitution of the Republic, national laws, and international treaties ratified by Chile and currently in force, regardless of migratory status." The PNME incorporates four cross-cutting approaches: human rights, gender, childhood and adolescence, and interculturality. However, of the 81 objectives, 27 immediate measures, and 15 legislative bills proposed, the majority are related to the axis of security and border control. In fact, 73% focused on implementing measures such as deportations, entry bans, or sanction procedures designed to discourage entry through unauthorized border crossings^{xiii}.

8. On the other hand, to this date, the Chilean Constitution does not explicitly recognize the collective rights of Afro-descendant, migrant, or refugee populations, perpetuating their legal invisibility and excluding their specific sociocultural realities from public policies. According to the 2022 CASEN Survey^{xiv}, migrant families face higher levels of overcrowding and housing deficits than Chilean families (for instance, 31% of foreign individuals live in households with overcrowding or health deficiencies, compared to 16% of the local population), and report higher rates of discrimination based on origin (34% versus 16%).

9. Regarding non-discrimination specifically, Law 20.609^{xv} (commonly known as the Anti-Discrimination Law or Zamudio Law) provides a legal framework to prevent and punish arbitrary discrimination^{xvi}. However, civil society has criticized its implementation for its limited scope and reactive approach^{xvii}. Notably, the law addresses discrimination on an

individual basis and fails to acknowledge structural dimensions such as racism, which systematically and specifically affect groups like migrants, Indigenous peoples, or Afro-descendants. The judicial mechanism for reporting acts of discrimination also overlooks linguistic and cultural barriers faced by foreigners. This is compounded by limited knowledge of the judicial system and Chilean legal framework, and by the fear experienced by those without up-to-date documentation. Moreover, there is a lack of disaggregated data to quantify arbitrary discrimination based on racial or ethnic origin, nationality, or migratory status, which undoubtedly renders such forms of discrimination invisible.

10. Finally, regarding asylum, according to the Statistical Yearbook on Human Mobility in Chile, of the more than 28,000 asylum applications filed between 2017 and 2024, only 748 have been approved, representing a recognition rate of less than 3%. Humanitarian visas requiring institutional proof of vulnerability—such as those intended for victims of trafficking, smuggling, or gender-based violence—have also shown low approval rates: in 2024, only 24, 3, and 32 permits were granted respectively^{xviii}, falling short of Chile's commitments under international treaties. Particularly concerning are recent modifications to Law 20.430 and the enactment of Law 21.655^{xix}, which have been flagged by various civil society organizations as potentially stripping international protection from individuals who transited through a third country before entering Chile. The law also introduces a mechanism for the immediate return of individuals who enter the country irregularly and expands border control up to 10 km from the national boundary. These provisions contradict the principle of non-refoulement, which prohibits returning a person to a country where their life or safety may be at risk^{xx}.

RECOMMENDATIONS

11. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance.

12. Amend Law 20.609 to include concrete measures to prevent and combat discrimination and racism against Afro-descendant, migrant, refugee, and asylum-seeking individuals, as well as Indigenous peoples. Additionally, introduce reparative measures in cases of discrimination and establish an autonomous body with sanctioning power that can develop preventive protocols and conduct public awareness campaigns to promote non-discrimination.

13. Reform Law No. 21.325 to incorporate broad, permanent, accessible, and effective mechanisms for migratory regularization, especially for people already living in the country, and eliminate administrative barriers that restrict access to social rights such as education, health, and housing.

14. Create mandatory intercultural protocols in public services and establish a system of free legal assistance specialized in migration rights, with the aim of ensuring the effective implementation of Article 2 of the ICESCR, in accordance with the principles of equality and non-discrimination, General Comment No. 20 of the CESCR, and Chile's international commitments.

15. Adapt migration and asylum regulations to align with international treaties ratified by Chile, ensuring adherence to the principles of progressivity, equality, and non-discrimination, and refrain from enacting legislative reforms that contradict these standards.

16. Enact a constitutional reform that recognizes Indigenous and Afro-descendant peoples as holders of collective rights, respecting their cultural identity, differentiated political participation, and access to intercultural policies in areas such as health, housing, and education.

C. ON ACCESS TO EDUCATION FOR MIGRANT CHILDREN AND ADOLESCENTS

17. Access to school education for migrant students in Chile is limited by an institutional framework that reproduces both symbolic and material exclusion. Although there are regulations that guarantee the right to schooling without requiring migratory documentation—through the use of the Provisional School Identifier (IPE)—many schools continue to request a national ID (RUT) or other documents that hinder the formal enrollment of children and adolescents in irregular migratory situations^{xxi}.

18. These administrative barriers are compounded by the widespread absence of intercultural education policies, leaving schools without concrete measures, mechanisms, or effective protocols to culturally and linguistically welcome and integrate migrant students^{xxii}. In other words, the school system tolerates the presence of migrants but does not actively include them, generating an environment in which diversity becomes a marker of difference rather than a source of learning.

19. Moreover, both access to and retention in the formal education system show significant gaps that reveal structural conditions of discrimination against the migrant population, disproportionately affecting women, who are less likely to be enrolled despite performing better than their male peers and comparably to the national student population^{xxiii}.

20. In general, migrant children and adolescents face major barriers such as school segregation, lack of curricular adaptation to their cultural and linguistic needs, and discriminatory attitudes from teachers and peers^{xxiv}. These practices reinforce social exclusion and limit opportunities for upward mobility among racialized migrant communities. It is also essential to consider that meaningful educational inclusion depends on curricular and pedagogical dimensions that enable effective participation in the learning process and intercultural dialogue within educational spaces. Without these processes, educational trajectories will continue to reflect the gaps highlighted by statistical analyses.

21. In particular, Black migrant children and adolescents, especially those of Haitian origin, face challenges related to school integration and language barriers, which are further aggravated by media narratives that shape perceptions of Black students and reinforce stigmas that negatively affect their educational experience^{xxv}. Of particular concern is the discriminatory treatment, negligence, violence, and institutional racism exposed in the case of Dangeline Verse Saint Albord, a two-year-and-eight-month-old

Chilean girl of Haitian parents, who died in a preschool under the administration of JUNJI (National Board of Nursery Schools), in the commune of Rengo, O'Higgins Region. According to preliminary information, the child died of asphyxiation after swallowing a balloon during school hours. However, the lack of adequate protocols and first aid equipment has been denounced^{xxvi}. Additionally, there has been no response from relevant authorities such as JUNJI or Defensoría de la Niñez (Office of the Children's Rights Defender), and the case has not received coverage in national media. Only Haitian, antiracist, and migrant organizations, as well as independent media outlets, have brought visibility to the case and are demanding justice, investigation, and reparation^{xxvii}.

22. It is important to note the limited capacity of teachers to address intercultural issues, given that this subject is poorly developed in initial teacher training and continuing education, particularly from a perspective that includes migrant populations^{xxviii}. Additionally, although the national curriculum includes interculturality among its guiding principles, efforts to strengthen this approach are currently facing significant obstacles. Nationalist positions are gaining ground within the National Education Council, as evidenced by the observations issued in February and June 2025 regarding the proposal to revise curricular frameworks^{xxix}.

23. Migrant children are also more likely to live in households without access to caregiving support. About 26% of households with migrant children report not knowing anyone who can assist with caregiving responsibilities, compared to 17% of households with Chilean-born children^{xxx}. This is a key factor in understanding migrant families' need for access to nurseries and early childhood education centers. However, Chile's early childhood education system faces a deficit in the number of available institutions. In fact, the Antofagasta and Metropolitan regions, both with high concentrations of migrant families^{xxxi}, had the lowest coverage levels in 2023^{xxxii}.

24. In the public early childhood education system, the enrollment rate for migrant children is 32%, compared to 53% for the national population. Furthermore, more than 40% of migrant children attend institutions classified as "insufficient" by the Quality Education Agency^{xxxiii}. According to Choshuenco Educational Foundation, there is a shortage of spots in preschools near migrant families' homes. As a result, the parents of nearly 60,000 children in Chile are unable to secure enrollment in nearby institutions, which often leads them to resort to unlicensed childcare centers^{xxxiv}.

RECOMMENDATIONS

25. The State of Chile must refrain from reforming or enacting laws that result in arbitrary discrimination against migrant children and adolescents in accessing education.

26. Ensure equal educational opportunities for all children and adolescents, without discrimination, in accordance with the various international instruments ratified by Chile.

27. Implement awareness-raising programs for teachers, school administrators, and students aimed at combating racism and xenophobia and promoting cultural diversity at all educational levels: early childhood, primary, secondary, and higher education.

28. Strengthen the continuous professional development of teachers and public-school leadership teams in intercultural and antiracist education competencies. Additionally, promote pedagogical innovation programs to support the inclusion of these subjects in teacher training institutions across the country.

29. Strengthen the educational trajectory monitoring system recently developed by the Ministry of Education to better address the specific challenges faced by students based on migratory status, nationality, language, and gender.

30. Reform school curricula to include content that reflects the history, culture, and contributions of Afro-descendant peoples.

31. Ensure equitable access to scholarship programs and socioeconomic support for Black and migrant students.

32. Expand the number of available spots in nurseries and early childhood education centers, particularly in regions with higher population density.

D. ON ACCESS TO HEALTHCARE FOR MIGRANT PERSONS

33. The right to health, recognized under the ICESCR, obliges States to guarantee equal access to quality health services without discrimination based on race, ethnic origin, or nationality. However, in Chile, migrant individuals face a range of structural, cultural, and institutional barriers that limit the effective exercise of this right^{xxxv}.

34. Although regulations exist that guarantee access to healthcare regardless of migratory or documentation status^{xxxvi}, in practice, healthcare centers impose administrative requirements that contradict these principles, such as requesting a national ID (RUT) or valid visa as a prerequisite for care or enrollment^{xxxvii}, decisions often left to the discretion of individual public officials. The dissonance between law and practice is compounded by a widespread lack of knowledge among migrants regarding how the system works, how to access services, and what their rights are^{xxxviii}, especially in a context where information is not provided in clear or culturally/linguistically accessible formats.

35. Furthermore, in the Chilean context, Black and immigrant individuals—particularly Haitians—are subject to racialization within the public healthcare system. There is growing concern about the barriers Haitian women face in accessing healthcare^{xxxix}, illustrated by the deaths of Monise Joseph^{xl} and Rebeka Pierre^{xli}. Also worth noting are the deaths of Sandra Janvier^{xlii} and Wislande Jean^{xliii}, two Haitian women who died during the COVID-19 pandemic in 2020 under similar conditions. Wislande Jean lived in the Metropolitan Region, in an informal settlement in the commune of Colina, exposed to the elements and in overcrowded, materially insecure conditions. Sandra Janvier lived in the Valparaíso Region with her husband, infant son, and sisters. Both women presented severe COVID-19 symptoms and sought care at public health centers in their areas. They were turned away by healthcare personnel and sent home. After several days of worsening symptoms, both women died shortly after visiting the centers. Following their

deaths, the Medical Legal Service took several hours to retrieve their bodies and issue the corresponding death certificates.

36. These cases have been denounced by human rights, feminist, and migrant organizations, who argue that structural racism in Chile is costing the lives of immigrant and Afro-descendant people, especially women. They demand justice and the implementation of public policies that ensure equitable access to essential services such as healthcare, without discrimination based on ethnic origin or nationality. These experiences include unjustified delays in care, forced sterilizations^{xliv}, lack of interpreters to overcome language barriers, and stigmatization by medical staff- factors that reinforce the exclusion of this vulnerable group.

37. Language barriers are especially critical for Haitian individuals, who face significant challenges in communicating with healthcare providers, understanding diagnoses, or describing symptoms. This leads to stress, fear, and isolation^{xlv}. Discriminatory treatment is also systemic, expressed both in direct mistreatment and institutional distrust, as well as in excessive medicalization and the infantilization of migrant patients, particularly in the case of pregnant women^{xlvi}.

38. The health system has not developed the infrastructure or protocols necessary to meet the needs of a diverse population, resulting in care that is homogenous, inadequate, discriminatory, and culturally insensitive. Migrants in irregular situations, aware of these barriers and fearful of being penalized, often choose not to seek healthcare at all. This deepens their exclusion^{xlvii} and puts their lives at risk.

RECOMMENDATIONS

39. Ensure the effective implementation of Supreme Decree 67 through mandatory protocols in all primary care centers and hospitals that guarantee healthcare access for migrant people, without requiring documentation or regular migratory status as a condition. These protocols must also ensure dignified and non-discriminatory treatment.

40. Establish specialized healthcare teams focused on intercultural health, with permanent presence in areas with high concentrations of migrants. Additionally, incorporate Haitian Creole interpreters into public health services, at least in regions where these communities are concentrated.

41. Develop a national health policy for migrants with an antiracist approach, including mandatory training for healthcare personnel on dignified treatment, decolonized care, and differentiated attention according to cultural, linguistic, and gender-based needs.

42. Guarantee the clear, accessible, and multilingual dissemination of rights and available services in the public health system, including outreach campaigns directed at migrant communities to inform them of their healthcare rights. These measures should aim to overcome the gap between current regulations and their real-world application, ensuring full implementation of the principle of non-discrimination enshrined in Articles 2 and 12 of the ICESCR, in line with General Comment No. 14 of the CESCR.

E. ON THE LABOR RIGHTS OF MIGRANT PERSONS (Article 6 on the Right to Work and Article 7 on Just and Favorable Conditions of Work)

43. The right to decent work under conditions of equality is fundamental to ensuring the social and economic inclusion of individuals. This right, enshrined in Articles 6 and 7 of the ICESCR, establishes that no person should be discriminated against in access to employment or in working conditions due to race, ethnic origin, or skin color.

44. In general, regarding migration and employment, Fundación Sol reports that the migrant working population, compared to Chilean workers, has a 6.8% lower likelihood of having a formal employment contract, a 26.6% higher likelihood of being underemployed, a 10% lower chance of working in protected employment, and between 7.9% and 9.3% lower likelihood of being affiliated with a labor union^{xlviii}.

45. Also, the National Institute of Statistics states that in the April–June 2025 quarter, the unemployment rate among foreigners was 8.2%, representing an increase of 1.7% over the year. Meanwhile, the number of informally employed foreigners reached 293,216, a reduction of approximately 9%^{xlix}. Particularly, two studies conducted in Chile^l have shown that Black individuals—especially those of Haitian nationality—face abusive labor conditions that include low and irregular wages, long working hours, and dependency on employers for migratory regularization, placing them in subordinated and exploitative labor relationships.

46. For example, a study on the salmon farming industry and its human rights impacts in Chile revealed that^{li}: “Regarding migrant workers, some interviewees mentioned that Haitian workers were subjected to treatment based on stigmas (language and skin color). Some respondents—though not the Haitian workers themselves—reported situations of labor abuse, facilitated by the need to work and Chilean visa regulations (one can only obtain a visa with a job offer). Haitian workers described difficulties in securing quality housing at a reasonable price”.

47. Labor segregation relegates migrant individuals to low-skilled sectors, such as domestic work and construction, where they often lack legal contracts and access to social benefits. Racism functions as an economic mechanism that determines their place in the labor market, using linguistic and cultural barriers to perpetuate exclusion and limit opportunities. These dynamics also undermine access to fundamental rights such as housing, healthcare, and education, reinforcing a system in which Black individuals are treated as second-class workers. This phenomenon illustrates how structural racism exploits the vulnerability of these communities to perpetuate cycles of inequality and economic dependency, further entrenching their social and economic exclusion.

RECOMMENDATIONS

48. Adopt urgent measures to prevent labor exploitation and eradicate discriminatory practices in access to employment and working conditions for migrant and racialized individuals—particularly Haitians—taking into account General Comments No. 20 and No. 23 of the CESCR.

49. Establish effective labor inspection mechanisms with an antiracist and intercultural approach, especially in sectors with high concentrations of migrant workers, such as construction, agriculture, salmon farming, and domestic work.

50. Amend Law 21.325 so that the migratory regularization process does not depend solely on having an employment contract. This would help prevent subordinate relationships that can facilitate abuse or labor exploitation.

51. Implement multilingual information campaigns about labor rights and safe, confidential reporting channels, along with free legal assistance services for migrant workers.

52. Establish incentives and obligations for companies to adopt inclusive practices and non-discrimination policies in hiring, retention, and promotion. These measures would advance the fulfillment of the right to work under equal conditions, as set forth in Articles 2 and 6 of the ICESCR, and contribute to dismantling the structures of economic racism that restrict the full social inclusion of Black people in the country.

ⁱ For more information, see: Informe Red Nacional de Organizaciones Migrantes y Promigrantes (RedMigra) para el Cuarto Ciclo del Examen Periódico Universal de Chile ante Naciones Unidas (2023–2024). Available at: https://drive.google.com/file/d/1zAwLTJAWH0iGQnnkKnQOBMMJm-kj0MDHf/view?usp=drive_link

ⁱⁱ In this report, the terms “Black people” and “Afro-descendants” are used interchangeably. We acknowledge that within the United Nations framework, the term “Afro-descendant” has been widely adopted in official documents. However, many individuals and communities who identify as part of the Black population choose to self-identify as “Black,” considering this term not only as an ethno-racial reference but also as a political, historical, and cultural affirmation of resistance against structural racism. Both expressions are used here with full respect for the diversity of identities and forms of self-definition within Black communities in Chile.

ⁱⁱⁱ It was estimated that, of this total, 979,571 were men and 939,012 were women. In terms of age group, the majority are between 30 and 39 years old, meaning it is a population largely of working age. It is also important to note that 302,306 migrant children and adolescents (under 19 years old) live in Chile, representing 15.8% of the estimated total population. The largest foreign communities in Chile are Venezuelan (38%), followed by Peruvian (13.6%), Colombian (10.9%), Haitian (9.8%), and Bolivian (9.4%).

^{iv} Encuesta Nacional Bicentenario UC (2024). p. 42. Available at: <https://encuestabicentenario.uc.cl/content/uploads/2024/12/Encuesta-Bicentenario-2024-FINAL-1.pdf>

^v Ibid., p. 45.

^{vi} Díaz, N. *Proponen limitar voto extranjero en Chile: cómo funciona actualmente y qué plantea el nuevo proyecto*. (June 21, 2025). Bío-Bío Chile. Available at: <https://www.biobiochile.cl/noticias/servicios/explicado/2025/06/11/que-dice-la-ley-actual-respecto-al-voto-extranjero-quienes-pueden-hacerlo-y-cuantos-estan-habilitados.shtml> ; Senado de la República de Chile. *Con votación de mayoría aprueban moción que propone multas para quienes no concurren a las urnas*. (June 10, 2025). Available at: <https://www.senado.cl/comunicaciones/noticias/con-votacion-de-mayoria-aprueban-mocion-que-propone-multas-para-quienes-no>

^{vii} CNN Chile. *Frente Amplio califica de deleznable “crimen de odio” muerte de venezolana tras discusión por volumen de música en Cerro Navia* (June 23, 2025). Available at: https://www.cnnchile.com/pais/frente-amplio-califica-de-deleznable-crimen-de-odio-crimen-de-venezolana-muerta-tras-discusion-por-volumen-de-musica-en-cerro-navia_20250623/ ; Diario U. Chile. *Velatón por Yaidy Garnica: “justicia, verdad y no a la impunidad”* (June 22, 2025). Available at: <https://radio.uchile.cl/2025/06/22/velaton-por-yaidy-garnica-justicia-verdad-y-no-a-la-impunidad/> ; Rojas, O. *Víctor Higuera sobre asesinato de Yaidy Garnica: “Tiene todos los elementos de un crimen de odio”* (July 16, 2025). Available at: <https://cotejo.info/2025/07/verdad-victor-higuera-asesinato-yaidy-garnica-elementos-crimen-odio/> ; Singer, F. *El asesinato de Yaidy Garnica enciende la alarma sobre la violencia contra venezolanos en Chile* (June 28, 2025). Available at: <https://elpais.com/america/2025-06-28/el-asesinato-de-yaidy-garnica-enciende-la-alarma-sobre-la-violencia-contra-venezolanos-en-chile.html>

^{viii} In July 2024, the Interior Government Commission of Chile approved a provision prioritizing the rights of Chilean citizens over foreigners in access to education. See: Ortiz, F. (July 24, 2024). *Aprueban indicación que prioriza el derecho de chilenos por sobre extranjeros en acceso a educación*. BioBio Chile. <https://www.biobiochile.cl/noticias/nacional/chile/2024/07/24/aprueban-indicacion-que-prioriza-el-derecho->

[de-chilenos-por-sobre-extranjeros-en-acceso-a-educacion.shtml](#) ; Defensoría de la Niñez (July 31, 2024). Available at: <https://www.defensorianinez.cl/prioridad-para-chilenos-en-sistema-educativo-defensor-de-la-ninez-alerta-sobre-indicacion-en-proyecto-de-ley-de-migraciones-que-podria-transformarse-en-una-discriminacion-arbitraria-contra-ninos-nin/>

^{ix} See: <https://www.infomigra.org/12-nuevos-proyectos-de-ley-migratorios-2024-en-chile/>

^x The miscellaneous migration bill includes an amendment to Article 17 on the right to education. The Chamber of Deputies approved an amendment that prioritizes students based on whether they are nationals or foreigners, and passed the bill to the second constitutional stage under that premise, as seen in Official Communication No. 20.059 (Bulletin 16072-06).

^{xi} Biblioteca del Congreso Nacional de Chile [BCN]. Ley No. 21325. Ley de Migración y Extranjería. April 11, 2021 (Chile). Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1158549>

^{xii} Observatorio Ciudadano (2021). *Nueva Ley Migratoria promueve una migración desordenada, insegura e irregular*. Available at: <https://observatorio.cl/nueva-ley-migratoria-promueve-una-migracion-desordenada-insegura-e-irregular/>

^{xiii} Servicio Jesuita a Migrantes (2024). *Informe: Monitoreo del estado de la movilidad humana y la protección internacional en Chile*. Santiago, Chile. p. 13. Available at: <https://sjmchile.org/wp-content/uploads/2024/03/informe-seguimiento-politica-migraciones-y-ley-de-refugio.pdf>

^{xiv} Ministerio del Desarrollo Social y Familia. (July 3, 2024). *Encuesta Casen 2022: 8,8% de la población en Chile es migrante*. https://www.desarrollosocialyfamilia.gob.cl/noticias/encuesta-casen-2022-88-de-la-poblacion-en-chile-es-migrante?utm_source=chatgpt.com

^{xv} Biblioteca del Congreso Nacional de Chile [BCN]. Ley No. 20609. *Establece medidas contra la discriminación*. July 24, 2021 (Chile). Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1042092>

^{xvi} Article 2 of Law 20.609 defines arbitrary discrimination as: “Any distinction, exclusion, or restriction lacking reasonable justification, made by State agents or private individuals, that causes deprivation, disruption, or threat to the legitimate exercise of fundamental rights established in the Political Constitution of the Republic or in international human rights treaties ratified by Chile and currently in force.” The law specifies that arbitrary discrimination includes motives such as: race or ethnicity, nationality, socioeconomic status, language, ideology or political opinion, religion or belief, union membership or lack thereof, sex, sexual orientation, gender identity and expression, marital status, age, parentage, personal appearance, and illness or disability.

^{xvii} Becerra, Marco (2024). *Impacto de la Ley Antidiscriminación. Déficits y desafíos para la protección de las personas LGBT+*. Available at: <https://www.acciongay.cl/evaluacion-del-impacto-de-la-ley-antidiscriminacion-20-609-en-chile-deficits-y-desafios-para-la-proteccion-de-las-personas-lgbt/> ; Salas, Emilia (2025). *Reformar la Ley Zamudio: una deuda pendiente*. Available at: <https://radiojgm.uchile.cl/reformar-la-ley-zamudio-una-deuda-pendiente/>

^{xviii} Servicio Jesuita a Migrantes, SJM (2024). *Anuario Estadístico de Movilidad Humana en Chile 2024*. Santiago, Chile. p. 85. Available at: <https://sjmchile.org/incidencia-y-estudios/anuarios>

^{xix} Biblioteca del Congreso Nacional de Chile [BCN]. Ley No. 21655. *Que modifica la Ley N° 20.430, para establecer una etapa inicial del procedimiento de determinación de la condición de refugiado, y la Ley N° 21.325, en relación con la medida de reconducción o devolución inmediata de personas extranjeras que ingresen de forma irregular al territorio nacional*. February 5, 2024 (Chile). Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1201169>

^{xx} Amnistía Internacional (February 21, 2024). *Amnistía Internacional alerta nuevamente sobre las reformas a la ley de migración y refugio*. Available at: <https://amnistia.cl/amnistia-internacional-alerta-nuevamente-sobre-las-reformas-a-la-ley-de-migracion-y-refugio/> ; Hilfiger, G. & Castillo, C. Servicio Jesuita a Migrantes. (March 28, 2024). *Nueva ley que modifica el procedimiento para la determinación de la condición de refugiado*. El Mercurio Legal. Available at: <https://sjmchile.org/opinion/columna-nueva-ley-que-modifica-el-procedimiento-para-la-determinacion-de-la-condicion-de-refugiado/>

^{xxi} Rival-Carrillo, D., Valenzuela-Valenzuela, A., & Cartes-Velásquez, R. (2021). *Migración y trabajo, una revisión del contexto chileno actual*. CUHSO (Temuco), 31(1), 522–547.

^{xxii} Ambiado Cortes, C., Veloso Luarte, V., & Tijoux Merino, M. E. (2022). *¿Trabajo sin libertad en Chile? Migrantes entre el racismo, la violencia y la dependencia*. Andamios, 19(48), 161–181.

^{xxiii} The dropout rate among migrant students exceeds 8%, with an 11% desertion rate and promotion rates 10 percentage points lower than those of national students. According to researchers from CEM in a session reviewing the commitments of the Migrant Student Policy, these figures represent averages but show significant differences when taking into account the migratory status of students. Participation and retention are even lower among those with irregular migratory status. Extracted from CEM (2025). *Análisis de variables educativas de estudiantes extranjeros en Chile desde el año 2017 al 2024*. https://bibliotecadigital.mineduc.cl/bitstream/handle/20.500.12365/21638/DOC%20DE%20TRABAJO%203_8_2025_fd01.pdf?sequence=1&isAllowed=y

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^{xxvi} El Ciudadano (2025). Available at: <https://www.elciudadano.com/actualidad/justicia-para-dangelina-nina-chilena-haitiana-que-murio-por-asfixia-en-ja> ; Izquierda Diario (2025). Available at:

https://www.laizquierdadiario.cl/Jistis-Justicia-por-Dangeline-Vercerdin-junji-en-rengo-cuyo_campamento-fue-desalojado-durante-duelo/08/02/

xxvii El Inmigrante (2025). Available at: https://www.instagram.com/p/DMxeFYGuYKM/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA=

xxviii Meza, M., Peña, P., Follegati, L., Díaz, B., & Villaseca, M.A. (July 2021). *Educación en Derechos Humanos: estado actual y posibilidades de su inclusión en las carreras de Pedagogía en Educación Básica*. CEPPE Policy Brief N°27, CEPPE UC; Millán, C., Fondecyt N° 11220806. Agencia Nacional de Investigación y Desarrollo (ANID), Chile; González, J., et al., *La educación intercultural en Chile. Estrategias pedagógicas en profesores jefes*. (2023). Palimpsesto, 13(22), 97–116. <https://doi.org/10.35588/pa.v13i22.6129>

xxix The National Education Council (CNED), in its Agreement 84/2025 (section 4, letter c, point iv), states: “Special emphasis is placed on the historical interpretation of social phenomena as a way of observing reality through a subjective approach to facts and their effects. However, especially in the context of basic education, there is a risk of losing fundamental anchors for a formative process that conveys enduring cultural values of our national idiosyncrasy.” The proposal presents a vision of national identity and cultural heritage that is weakly developed. Although it acknowledges diversity, it does not explicitly construct a sense of national belonging, showing a weakening in the presence of cultural and institutional symbols—as seen, for example, in Learning Objective 10 of first grade. Moreover, the sense of belonging appears disconnected from the awareness of being part of a continent and humanity as a whole. It does not clearly develop content that would allow children to learn about and value national symbols, Chile’s geography, prominent figures, and commemorations that foster social unity and cohesion.

xxx Observatorio Niñez (2024). *Primer Informe Nacional del Bienestar de la Niñez en Chile 2024*. pp. 66–67. Available at: https://static1.squarespace.com/static/640b3ecd8e657207db1fba5a/t/671002eabecce4024d5c8d87/1729102636130/Observatorio+Ninez_+Informe+Nacional+d+el+Bienestar+de+la+Nin%CC%83ez+en+Chile+2024.pdf

xxxi Servicio Jesuita a Migrantes, SJM (2024). *Anuario Estadístico de Movilidad Humana en Chile 2024*. Santiago, Chile. p. 7. Available at: <https://sjmchile.org/incidencia-y-estudios/anuarios>

xxxii Ibid., p. 47.

xxxiii Thayer Correa, L. & Tijoux Merino, M. (2022). *Trayectorias del sujeto migrante en Chile. Elementos para un análisis del racismo y el estatus precario*. Available at <https://repositorio.uchile.cl/handle/2250/194409>

xxxiv Fischer, T. *Alerta baja asistencia en educación de la primera infancia. Solo el 40% de los niños va a un jardín infantil*. Available at: <https://www.emol.com/noticias/Nacional/2024/09/13/1142598/educacion-parvularia-asistencia-jardin-infantil.html>

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xxxvii Ambiado Cortes, C., Veloso Duarte, V., & Tijoux Merino, M. E. (2022). *¿Trabajo sin libertad en Chile? Migrantes entre el racismo, la violencia y la dependencia*. Andamios, 19(48), 161–181.

xxxviii Caro, P., & Cárdenas, M. E. (2022). *Entramados de la precariedad del trabajo (productivo y reproductivo) de mujeres migrantes en la fruticultura del valle central de Chile*. Rumbos TS, 17(28), 179–208.

xxxix Bustamante, K. (May 26, 2019). *Inmigrantes. Muerte de haitianas en la salud pública: desenlaces de un sistema en crisis*. Available at: https://www.laizquierdadiario.cl/Muerte-de-haitianas-en-la-salud-publica-desenlaces-de-un-sistema-en-crisis?utm_source=chatgpt.com

xl Monise Joseph, a 31-year-old Haitian woman, died from respiratory failure and vaginal bleeding after waiting approximately three hours to be seen at Hospital Barros Luco. Language barriers complicated her care. Her death exposed the lack of preparation within the health system to attend to migrants who do not speak Spanish, and the urgent need for interpreters in health centers. See: Toro, I. (May 24, 2019). *Su nombre es Monise Joseph: Muere mujer haitiana esperando atención en Hospital Barros Luco*. La Tercera. Available at: <https://www.latercera.com/la-tercera-pm/noticia/nombre-monise-joseph-muere-mujer-haitiana-esperando-atencion-hospital-barros-luco/668650/>

xli Rebeka Pierre was a 38-year-old Haitian doctor, pregnant, who had lived in Chile since 2014. On May 16, 2019, she went to the Steeger Family Health Center (CESFAM) due to chest pain and was referred to Hospital Félix Bulnes for cardiac issues. After being seen, she was discharged; however, a few hours later, she died in a public space in Cerro Navia. Her death raised concerns about the quality of medical care provided and possible negligence within the public health system. See: Public Statement by Corporación Humanas. Centro Regional de Derechos Humanos y Justicia de Género (2019). Available at: https://www.humanas.cl/declaracion-a-un-mes-del-fallecimiento-de-rebeka-pierre-queremos-saber-la-verdad-y-que-se-haga-justicia/?utm_source=chatgpt.com

xlii See: <https://diariolaquinta.cl/2020/07/09/mesa-comunitaria-por-la-salud-digna-de-valparaiso-denuncia-posible-negligencia-medica-y-discriminacion-tras-muerte-de-joven-madre-haitiana/> ;

https://www.facebook.com/CoordinadoraMigranteChile/videos/%EF%B8%8Fsandra-janvier-noten%C3%ADa-ninguna-enfermedad-cr%C3%B3nica-el-5-de-julio-2020-lleg%C3%B3-a-s/794303751329486/?locale=es_LA

^{xliii} In the case of Wislande Jean, the negligence is even more serious due to the leak of WhatsApp voice messages from a municipal worker in Lampa, Ivonne Ormazábal Urtubia, who referred to Wislande's death in a derogatory and disrespectful manner. This reveals how even key institutional actors—those who should ensure care for vulnerable residents—operate from unacceptable prejudices that undermine the quality of attention they provide, regardless of migratory status. See: Barraza, J. (July 8, 2020). *Inmigrantes y Covid-19: La muerte de Wislande Jean y el abandono del campamento Villa Dignidad*. La Voz de los que Sobran. Available at: <https://lavozdelosquesobran.cl/portada/inmigrantes-y-covid-19-la-muerte-de-wislande-jean-y-el-abandono-del-campamento-villa-dignidad/08072020>

^{xliv} Forced sterilization was reported by the Comité Migrante de la Coordinadora 8M, which stated that some Chilean and Haitian women were pressured to sign consent forms for sterilization without being informed of their content, or being told it was an authorization for a cesarean section. See: <https://www.elmostrador.cl/braga/2022/08/26/exigimos-medidas-de-reparacion-organizaciones-feministas-hacen-un-llamado-a-investigar-esterilizaciones-forzadas-ocurridas-en-hospitales-del-pais/>

^{xlv} Rival-Carrillo, D., Valenzuela-Valenzuela, A., & Cartes-Velásquez, R. (2021). *Migración y trabajo, una revisión del contexto chileno actual*. CUHSO (Temuco), 31(1), 522–547.

^{xlvi} See: <https://revistas.academia.cl/index.php/castalia/article/view/2276/2425>

^{xlvii} Cruz-Riveros, C., Portilla-Saavedra, D., Lay-Lisboa, S. L., Mardones-Macaya, C., Macaya-Sanzana, C., & Vidal-Saavedra, L. (2023). *Accesibilidad en la atención primaria de salud desde la perspectiva de migrantes y personal de salud en Antofagasta, Chile*. *Ciencia y enfermería*, 29.

^{xlviii} Durán, G., & Sato, A. (2023). *Trabajo y migración: Inserción laboral y valor de la fuerza de trabajo en la población migrante*. Fundación SOL. Available at: <https://www.ciperchile.cl/wp-content/uploads/Trabajo-y-Migracio%CC%81n-Fundacio%CC%81n-Sol-2023.pdf>

^{xlix} Instituto Nacional de Estadísticas. (2025, March–May quarter). *Boletín estadístico: Empleo población extranjera* (Issue No. 45). INE. <https://www.ine.gob.cl/docs/default-source/ocupacion-y-desocupacion/boletines/2025/poblacion-extranjera/ene-extranjeros-45.pdf>

ⁱ Ambiado Cortes, C., Veloso Luarte, V., & Tijoux Merino, M. E. (2022). *¿Trabajo sin libertad en Chile? Migrantes entre el racismo, la violencia y la dependencia*. *Andamios*, 19(48), 161–181; Thayer Correa, L. & Tijoux Merino, M. (2022). *Trayectorias del sujeto migrante en Chile. Elementos para un análisis del racismo y el estatus precario*. Available at: <https://repositorio.uchile.cl/handle/2250/194409>

ⁱⁱ INDH and Instituto Danés de Derechos Humanos (2021). *Informe Industria Salmonera en Chile y Derechos Humanos*. Available at: <https://bibliotecadigital.indh.cl/items/37b32e37-d88d-4a72-a3b5-f9213c74c36f>

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