

Alternative Report
to the
Fifth Periodic Report of the State of Chile
In the face of the
Committee on Economic, Social and Cultural Rights
(ICESCR)
2025



National Coordinator of Home Workers - CONATRADO
Ethical Commission against Torture – CECT
Corporation for the Promotion and Defense of the Rights of the People – CODEPU
Movement for Sexual Diversity - MUMS

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Contactos:

CONATRADO: conatradochile@gmail.com
CECT : comisioneticacontralatortura@gmail.com
CODEPU: codepu@codepu.cl
MUMS: coordinacion@mums.cl

Santiago de Chile

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Executive Summary

This alternative report has been prepared by the National Coordinator of Home Workers (CONATRADO), the Corporation for the Promotion and Defense of the Rights of the People (CODEPU), the Movement for Sex-Gender Diversity (MUMS) and the Ethical Commission Against Torture (CECT), within the framework of the fifth cycle of evaluation of the State of Chile before the Committee on Economic Rights. Social and Cultural Institutions (ICESCR). Its purpose is to contribute critically to the follow-up of the Pact, articulating empirical evidence, normative analysis and organizational experiences from an intersectional, territorial and social justice perspective.

The structure of the report considers an intersectional approach, which includes the struggles and experiences of the signatory organizations, finally achieving:

1. Address the persistent labor informality, the invisibility of home-based work – both in outsourced and self-employed modalities.
2. The structural exclusion of contemporary coastal workers, shore workers and chinchorreras, without legal recognition or social protection.
3. Discrimination in access to the Universal Guaranteed Pension (PGU) for beneficiaries of reparation pensions (Valech Law), through age staggering without retroactive effect.
4. The deficit in the implementation of the National Care System, which makes it difficult to enforce the rights of caregivers.
5. To demonstrate the weak justiciability of ESCR, marked by scarce jurisprudence, constitutional gaps and the absence of reparation mechanisms.
6. Focus the lack of comprehensive reparation in environmental sacrifice zones, where the State has failed to comply with health, environmental and participatory commitments
7. Analyze and unveil structural discrimination against LGBTIQ+ people, especially in public health, education, the right to work, and legal protection, despite partial social and legislative advances
8. The lack of consultation and violation of indigenous territorial rights, and the criminalization of environmental defenders, especially women and urban activists, and the lack of guarantees of non-repetition in sacrifice zones.

The recommendations include regulatory, budgetary and institutional reforms, aimed at guaranteeing the enforceability of ESCR as fundamental rights. It is proposed to move towards a model of universal social protection, legally recognize informal and care work, eliminate the staggering of the PGU for Valech people, strengthen labor inspection, and effectively protect human rights defenders, comprehensive reparation and binding participation, all based on international standards such as the ICESCR, ILO Convention 169 and the Treaty of Escazú. among other measures.

The report aims to be a technical and political input for the Committee on ESCR, for the Chilean State and for other international actors committed to the protection of economic, social and cultural rights. The signatory organizations reaffirm their willingness to collaborate in processes of monitoring, accountability and democratic strengthening.

Glossary of key terms

Term	Short definition
Care System	A political and social model that recognizes, distributes and guarantees the right to care and be cared for.
PGU	Universal Guaranteed Pension. Financed with the Solidarity component of the Pension System
Sacrifice zones	Territories overexposed to environmental pollution due to industrial concentration.
ILO 169	International Labour Organization Convention on Indigenous and Tribal Peoples
Home work	Paid activities carried out from home, under a contractual relationship or independently.
INE	National Institute of Statistics, Ministry of Economy
Escazú	Regional agreement on access to information, participation and protection of environmental defenders.

Correspondence Table

Observation No.	Preliminary Question No.	Theme according to the Committee on ESCR
Home-based work, outsourcing and informal work	15	Medidas para reducir la informalidad laboral y garantizar condiciones laborales dignas
Justiciability of ESCR	6	Judicial mechanisms to enforce ESCR and relevant jurisprudence
Discriminatory PGU Access for Valech People	7	Compatibility between PGU and reparation pensions
Sacrifice zones and territorial reparation	18	Reparation measures, community participation and guarantees of non-repetition
Indigenous peoples' rights and prior consultation	8	Constitutional recognition and mechanisms for free, prior and informed consultation
Environmental protection and community participation	9	Environmental legislation and participation in the evaluation of extractive projects
Environmental defenders and criminalisation	10	Effective protection against threats and violence in contexts of socio-environmental conflict
National Care System and rights of caregivers	16	Care policies, allocated budget and measures to guarantee this right
Structural discrimination against LGBTIQ+ people	14, 21	Access to comprehensive health without discrimination and prevention of structural violence

Introduction

1. Within the framework of the fifth cycle of review of the State of Chile before the Committee on Economic, Social and Cultural Rights (ESCR), the signatory organizations present this alternative report with the purpose of critically contributing to the monitoring of compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).
2. This contribution is built from an intersectional, territorial and critical perspective, articulating organizational experiences, empirical evidence and normative analysis.
3. This document has been constructed from the List of Preliminary Issues issued by the Committee in 2024, adopting a thematic approach that incorporates updated evidence, statistical data, verifiable testimonies, case studies, and contextual analysis. Each critical observation is directly associated with one or more points on the List of Issues, which allows this contribution to be articulated in direct dialogue with the international standards required of the Chilean State.
4. Methodologically, the signatory organizations have met in different instances to discuss the pertinent observations and recommendations and, from their respective trajectories, have identified regulatory gaps, institutional deficits and structural setbacks in key areas such as:
 - a) Persistent labor informality
 - b) The invisibilization of home-based and unpaid work and structural discrimination in access to social security
 - c) The lack of a National Care System with a rights-based approach.
 - d) The weakness of the mechanisms for judicial enforceability of ESCR and the lack of effective reparation in environmentally vulnerable territories
 - e) The exclusion of indigenous and coastal communities, and the precariousness of women environmental defenders
5. Structural discrimination against LGBTIQ+ people and the absence of inclusive public health protocols, lack of reparation and legislation aimed at ensuring the right to work.
6. Each observation is supported by verifiable sources, public testimonies, international jurisprudence and official documents.
7. From a constructive perspective, this report proposes concrete measures that the Chilean State can adopt to strengthen the recognition, protection, and enforceability of ESCR, both at the normative and institutional levels. The recommendations presented integrate principles of citizen participation, intersectional approach, territorial justice and democratization of access to rights.
8. With this contribution, the signatory organizations reaffirm their commitment to the unrestricted defense of human rights, inviting the Committee on ESCR to consider these observations as an input for its dialogue with the Chilean State and as a reference for future recommendations. This report is also made available to public and private entities that wish to delve into the structural challenges faced by ESCR in Chile.

Thematic Analysis

Observation 1: Invisibilization of home-based work and structural informality

9. This observation is directly linked to point 15 of the List of Preliminary Issues, which requests the Chilean State to provide information on measures adopted to reduce labor informality and guarantee decent working conditions, including work at home. In this regard, it is observed:

Absence of regulatory recognition, invisible subcontracts, and deregulation

10. Neither the Political Constitution of Chile nor the Labor Code¹ explicitly recognize homework as a protected labor category. This affects both outsourced workers who provide services from their homes

¹Labor Code updated on July 7, 2025. Labor Directorate

under indirect contracts or subcontracting, and self-employed workers who carry out productive or service activities from home without a formal contractual relationship. For its part, Law No. 20,123 regulates subcontracting, but does not contemplate the home as a protected place of work, nor does it establish specific guarantees for those who work from home under this modality². Generating precariousness of working conditions; lack of effective oversight; and disconnection between the main company and the home-based worker.

11. According to the INE, in 2022, 27.7% of the Chilean workforce was self-employed, and a significant part of them work from home³. However, there is no legal category that recognizes home-based self-employment; these workers do not have access to social benefits or labor protection; and informality is perpetuated by a lack of specific regulation.

Formalization with rights and supervision

12. The invisibility of home-based work prevents access to social security, occupational health, and protection against arbitrary dismissals, in addition to its formalization, which can contribute to the national economy and the incorporation of this sector of the economy into the statistics.
13. The State of Chile defines labor formality mainly as a contributory regime, which implies that access to Social Security is subject to compliance with tax obligations. This conception de facto excludes self-employed and home-based workers, who face structural barriers to access essential services such as health, welfare and insurance against occupational accidents, which implies that access to Social Security is not guaranteed, because this approach does not consider the expansion of rights.⁴ Nor is the development of policies aimed at protecting social security considered; effective strategies or specific legislation are not developed to guarantee social security for those who are out of dependent employment; generating a vacuum in the social protection of workers with high precariousness and no oversight.
14. 82% of informal wage earners work in formal companies, evidence of a structural failure in compliance with labor standards⁵, lower tax collection and violation of social security³.

Invisibilización estadística y exclusión de sectores informales

15. The official statistics on labor informality in Chile are based on the same "taxation" approach that does not resolve the structural condition of its existence by not effectively addressing the situations of structural informality that affect women home workers, wives of artisanal fishermen and the artisanal fishing sector itself. This approach prevents a comprehensive understanding of the phenomenon and limits the design of inclusive public policies, implying that women who work from home, in precarious conditions, are left off the radar of social and labor protection⁵; the wives of artisanal fishermen are not recognized as workers or as holders of labor rights; artisanal fishing, despite being a relevant productive activity, faces ambiguity in its classification as formal or informal employment, which affects access to social security and support programs; the "part-time" contract established in the regulatory framework of Artisanal Fishing in Chile is not regulated as a labor contract in the Labor Code, which generates legal ambiguity on whether artisanal fishermen are formal or informal workers⁷. This situation prevents access to support programs, labor inspection and protection against accidents or occupational diseases.
16. The socio-economic structure of the country has more acute effects on the female population, reflected in the fact that women have a labor informality rate of 28.9%, higher than that of men (25.4%)⁸ and

² Sepúlveda, S. P. (n.d.). *Outsourcing and Labor Regulation in Chile: A Reconstruction of Labor Transformations*. Academia.edu

³ "Independent Worker in Chile: Boom, Challenges and Future". YoEstudio.cl

⁴ Formal Employment: The Door to Social Security - CIPER Chile

⁵ AFP analysis reveals that at least 1.1 million women work as informal workers in Chile

⁶ The role of women in artisanal fishing

⁷ Social security for small-scale fishermen

⁸ Critical Challenges in the Labor Market 2025: Informality, Gender Gaps, and Uneven Recovery – Center for Surveys and Longitudinal Studies

the work of the migrant population, especially in agriculture, exceeds legal quotas and pushes informality due to lack of supervision⁹.

17. The State of Chile has not developed comprehensive policies that recognize the link between home-based work, environmental sustainability, and food security. In particular, the situation of women workers who ¹⁰work on the shores¹¹, often from their homes or coastal communities, in precarious conditions, without social protection or formal job recognition.

Structural impacts on employment and generalised precariousness

18. Despite fiscal efforts, informality is not decreasing, making it clear that it is a structural phenomenon. According to the INE, the informal employment rate in Chile was 26.0% in the March-May 2025 quarter^{12 13}; informality especially affects self-employed workers (65.5%) and private salaried workers (15.6%)¹⁴; and the trade sector concentrates 13.3% of informality, followed by manufacturing and personal services ^{2,3}.
19. Likewise, the employment deficit amounts to 279 thousand jobs, mainly affecting workers with less education⁴ and the increase in the minimum wage to \$500,000 in 2024 coincided with the loss of 252 thousand formal jobs, affecting small businesses⁴.

Link between labor informality, the environment and coastal food security

20. The State of Chile allows the installation of desalination plants in urban and coastal areas, as well as the operation of fishing plants that discharge toxic waste on the shores, without effective environmental regulation or protection mechanisms for coastal communities. These productive activities generate significant impacts on marine ecosystems and on the health of the workers who depend on them, especially in informal sectors such as coastal workers and shellfish divers. Despite evidence of serious occupational diseases, such as decompression osteonecrosis, these are not fully recognized or addressed by the social security system. Therefore, brine discharges and industrial waste disrupt coastal biodiversity, affecting local food security and traditional livelihoods¹⁵. There are also no clear protocols to assess the cumulative impact of these activities in areas of high environmental and social vulnerability, and none of the proposals consider working with territorial or local actors in coastal areas.¹⁶ While coastal workers, who operate in precarious conditions and without social protection, face environmental risks without state recognition or support, due to exposure to waters contaminated with fecal coliforms¹⁷, metals and industrial waste, it also affects the health of divers, generating disabling diseases.
21. Likewise, the lack of legal recognition of these pathologies¹⁸ as occupational diseases prevents access to compensation, pensions and labor protection, and there is not sufficient environmental or labor control for companies.

Observation 2: The National Care System in Chile

22. These observations are directly linked to point 16 of the List of Preliminary Issues, which requests the Chilean State to provide information on care policies, measures adopted and budget allocated to guarantee this right. In relation to this, it is observed:

⁹ Lorena Flores sobre empleo en Chile: “Cuando una persona entra en la informalidad es difícil salir” «Diario y Radio Universidad Chile

¹⁰ [Women of the sea: invisible protagonists of artisanal fishing in Chile](#)

¹¹ [More than 200 native women protect Chile's sea: this is how they preserve 20 coastal spaces with ancestral knowledge](#)

¹² ["These are bad figures": expert addresses Chile's unemployment rise that reaches 8.9% | express-bio-bio-group-programs | BioBioChile Television](#)

¹³ [Informal employment rate at the national level reached 25.8% in the January-March 2025 quarter](#)

¹⁴ [Study reveals that informal wage earners in the private sector are close to one million: 82% work in formal companies](#)

¹⁵ [Desalination in Chile: environmental and socioeconomic impacts to be considered](#)

¹⁶ [Climate Change Adaptation Plan for the Coastal Zone: Let's Not Miss the Opportunity \(El Mostrador\)](#)

¹⁷ [Research by The Clinic \(March 2025\): maps 31 beaches with sewage discharges, directly affecting coastal communities and sea workers.](#)

¹⁸ [Chile's 30,000 divers will have a law that seeks to remedy high rate of deaths and illnesses](#)

Legislative progress without regulatory consolidation

23. Although the bill that creates the National System of Support and Care has advanced in Congress with transversal support¹⁹, it has not yet been enacted, which prevents the legal consolidation of the right to care.

Political recognition without legal guarantee

24. The launch of the National Support and Care Policy 2025–2030²⁰ and its Action Plan present institutional advances, but they are not legally binding, which limits their enforceability as a right.

Persistent gender gap

25. According to official figures, 1,194,273 people work in care work in Chile, of which women spend an average of 41 hours per week, compared to 19.9 hours for men⁷. This structural inequality has not been addressed with effective redistribution measures or economic recognition.

Budget deficit and limited decentralization

26. The budget allocated to care remains marginal²¹ and municipalities lack sufficient resources to implement territorial programs, which puts the effective execution of the system at risk.

Invisibilization of homeworkers in care policies

27. It is noted with concern that public policies and official statistics in Chile continue to make home-based workers who perform care tasks invisible²². Women who carry out paid care work from their homes continue to be classified as "housewives", which excludes them from legal recognition, social protection and access to public policies such as "Chile Cuida", perpetuating the feminization of poverty and labor informality.

Observation 3: Deficits in the justiciability of ESCR in Chile

28. These observations are directly linked to **point 6** of the List of Preliminary Issues, which requests the Chilean State to provide information on judicial mechanisms to demand ESCR, relevant jurisprudence, and institutional obstacles.

Constitutional and regulatory limitations

29. Chile does not explicitly recognize economic, social and cultural rights (ESCR) as judicially enforceable in its current Constitution²³. Although Article 5 establishes respect for international treaties, there are no clear mechanisms to invoke the ICESCR before national courts. This omission limits the possibility for people affected by violations of their social rights to access effective judicial reparation.

Limited national jurisprudence

30. Between 2015 and 2021, the Chilean Supreme Court cited the ICESCR in less than a dozen rulings, and most of them did not recognize its binding nature. A paradigmatic case is that of Martina Vera Rojas, in which the Inter-American Court of Human Rights (IACHR Court) condemned the Chilean State for violating the right to health, by allowing an insurer to suspend the life support of a girl with Leigh syndrome²⁴.

Institutional obstacles

¹⁹ [Chile's Senate approves bill to create Care System - Noticias Prensa Latina](#)

²⁰ [Learn about our plan to recognize care work - Gob.cl](#)

²¹ [Ministry of Social Development and Family - Government of Chile - President Boric at presentation of the first national policy on support and care This is an in](#)

²² [National Support and Care Policy: This is how we recognize the work of caregivers and those who need care](#)

²³ [Economic, social and cultural rights.](#)

²⁴ [Center for Judicial Ethics – Study on the case of Vera Rojas v. Chile.](#)

31. The Chilean judiciary does not have systematic training in social rights, which makes it difficult to implement them effectively. In addition, the Anti-Discrimination Law (No. 20,609) does not contemplate reparative measures or enforcement mechanisms for ESCR²⁵, limiting their usefulness in cases of structural violation¹⁵.

Disconnection between public policy and enforceability

32. The National Human Rights Plan 2023–2026 does not include indicators of judicial enforceability for ESCR²⁶. Social policies continue to be welfare-based, without a rights-based approach or accountability mechanisms. This weakens the possibility for ESCR to be protected as fundamental rights and not just as conditional benefits.

Observation 4: Discrimination in access to the PGU for Valech people

33. Preliminary Question No. 7 of the Committee on Economic, Social and Cultural Rights (CESCR) Committee requests the Chilean State to provide information on the measures adopted to guarantee universal access to social security, in particular the Universal Guaranteed Pension (PGU), and on the criteria for compatibility with other pensions, including reparation pensions. In this regard, it follows that:

Age Escalation Discrimination

34. The pension reform established by Law No. 21,735²⁷ allows access to the full amount of the PGU (\$250,000) only to people over 82 years of age from September 2025, extending to those over 75 in 2026 and to those over 65 in 2027²⁸. This measure unfairly excludes thousands of beneficiaries of reparation pensions under those ages, forcing them to wait one or more years to receive a right that already corresponds to them. The lack of retroactivity violates the principle of equality before the law and contradicts the reparative nature of the Valech pension.

Denaturalization of the reparative nature

35. The pension established by Law No. 19,992²⁹ is not a targeted subsidy, but a measure of reparation for serious human rights violations committed by the State. However, in practice, it has been treated as a welfare benefit, subject to socioeconomic targeting criteria such as the Social Registry of Households, which makes its origin in transitional justice invisible.

Implications for fundamental rights

36. This situation violates the right to social security enshrined in Article 9 of the ICESCR and contradicts General Comment No. 19 of the Committee on ESCR. In addition, it reproduces a form of indirect discrimination based on age and reparative status, especially affecting survivors of political imprisonment and torture who face precarious health conditions and social exclusion.

Observation 5: Sacrifice zones in Chile and pending territorial reparation

37. These observations are directly linked to point 18 of the List of Preliminary Issues, which requests the Chilean State to provide information on reparation measures, community participation and guarantees of non-repetition in areas affected by industrial pollution. In this regard, it is observed:

The persistence of health and environmental violations

²⁵ Zero Discrimination: A Necessary and Urgent Step Towards Equity - CIPER Chile

²⁶ FORJA Corporation – Report "Human Rights-ESCR in Chile: Realities and Challenges".

²⁷ Law No. 21,735 on pension reform (Official Gazette, 2025)

²⁸ In the face of pension reform: exonerated people will now be able to add the PGU to their reparative pension

²⁹ Law No. 19,992 on Reparation Pensions (Valech Report)

38. In Quintero-Puchuncaví, more than 50 years of industrial activity have generated multiple episodes of mass poisoning. In 2018, more than 1,300 people were treated for neurological and respiratory symptoms, without the contaminant being identified³⁰.
39. In Tilttil, an interdisciplinary study published in March 2025 revealed high concentrations of heavy metals such as lead and arsenic in the air, with chronic risk to human health³¹.
40. In Coronel, the area was declared saturated by fine particulate matter (PM2.5) in 2015. Studies by the Ecoronel Observatory show an increase in respiratory diseases in schoolchildren, especially in sectors near industrial plants³².

The deficit in comprehensive reparation and guarantees of non-repetition

41. The Quintero-Puchuncaví Environmental and Social Recovery Program (PRAS), launched in 2017, has not met its goals for decontamination or effective community participation²⁰.
42. In Mejillones and Tocopilla, thermoelectric plants continue to operate with coal, despite decarbonization commitments. The closure of some plants was postponed until 2040, which prolongs the exposure of the communities²⁰.
43. In Huasco, the community denounces a lack of independent monitoring and the absence of specific public health plans, despite being declared a latent zone by MP10²⁰.

The lack of binding participation and citizen monitoring

44. In Tilttil, the study led by Chilean and European universities showed that the community's perception of risk coincides with the real sources of pollution, but the communities have not been incorporated into environmental decision-making¹⁹.
45. The use of biomarkers such as *Tillandsia bergeri* made it possible to identify critical areas of exposure, validating the need for permanent participatory environmental monitoring¹⁹.
46. In Coronel, organizations such as Ecoronel have demanded prior consultation protocols for new industrial projects, without institutional response²⁰.

Observation 6: Violation of the rights of indigenous peoples

Violation of ILO Convention 169 in extractive and energy projects

47. The Chilean State has not guaranteed prior consultation on the "Los Lagos" hydroelectric project, developed by the Norwegian company *Statkraft* on the Pilmaiquén River, nor has there been any consultation with the indigenous communities for the siting of the Celeo Redes Mega Electric Highway project, officially called the Group 3 Zonal Transmission System S/E Itahue – S/E Hualqui. which covers 400 km of high voltage lines, which will cross 3 regions: Maule, Ñuble and Biobío, affecting rural peasant communities and Mapuche communities. Despite the fact that this project was rejected by the Environmental Assessment Service (SEA) and having received more than 800 citizen indications, the Committee of Ministers of Gabriel Boric's government authorized it^{33 34}
48. The conflict in Santa Barbara and the installation of Wind Towers without citizen or community participation. In the same way, the conflict in Penco and the Aclara Mining Company and its project to install a Rare Earth Mine in the territory, against the determinations of the population that accuses deficient studies and lack of citizen participation.³⁵
49. In addition, the Rucalhue Hydroelectric Power Plant project, promoted by Rucalhue Energía SPA (a subsidiary of the Chinese state-owned company CWE), does not comply with international obligations in terms of the rights of indigenous peoples and environmental protection, such as the Friendly Settlement Agreement signed before the IACHR in 2004, which provides for non-hydroelectric intervention in indigenous peoples' territories.³⁶ Nor was there any free, prior and informed

³⁰ [Earth Day | These are 6 areas of Chile that is being devastated](#)

³¹ [Environmental Studies and Citizen Science: A Challenge in Environmental "Sacrifice" Zones in Chile - Faculty of Engineering](#)

³² [BCN Zonas de sacrificio en Chile 2022 FINAL.pdf](#)

³³ [Proyecto de transmisión eléctrica Itahue-Hualqui es aprobado](#)

³⁴ [Pronunciamiento proyecto torres de alta tensión | noticias](#)

³⁵ [Lucha de Penco por las tierras raras: Minera rechazada cinco veces presenta sexto trámite](#)

³⁶ [UN Rapporteur warns that Rucalhue Power Plant contravenes agreement that ensures the non-intervention of hydroelectric dams in Mapuche territory | Resumen.cl](#)

consultation with the indigenous communities³⁷, in violation of the rights established in ILO Convention 169 and Article 1 of the International Covenant on Economic, Social and Cultural Rights.

Urban ecosystem conflicts and wetland defense

50. The conflict over wetlands in urban areas³⁸, such as Paicaví Wetland, Vasco de Gama, Rocuant-Andalién, Pichi Mapu, Price, among others, affected by the expansion of real estate industry projects and the lack of urban planning, requires legal protection under Law 21.202.

Criminalisation of protest and violation of guarantees for defenders

51. The situation of nature defenders in urban areas³⁹ who are harassed and threatened by extractivism is alarming⁴⁰. In the Los Ríos Region, the family of Julia Chuñil, an environmental defender, is still missing and her family is intimidated⁴¹. In Biobío, cases such as that of Luisa Valenzuela⁴², Camila Arriagada, Arnoldo Cárcamo⁴³, among others.
52. The company Rucalhue Energía SPA, tries to criminalize the protest demonstrations in front of the site of the Hydroelectric Power Plant, filing a lawsuit against 12 young defenders of the territory, including repressive measures.⁴⁴
53. Despite its approval in December 2024, the Protocol for the Protection of Environmental Defenders has not been effectively implemented. Serious problems persist: There is no "Alert Circuit" promised by the Government, a key tool to detect and monitor cases of threats against defenders; The reported threats and aggressions have not received a response or institutional accompaniment, leaving defenders in complete vulnerability

Lack of recognition and effective protection of indigenous ceremonial sites

54. Despite the abandonment of the Osorno project in 2023, the *Morada del Señor Kintuante ceremonial site* remains without effective protection. The National Monuments Council has not initiated the consultation process ordered by the Supreme Court in 2021⁴⁵.

Forest ecocide and environmental collapse due to monocultures and overexploitation

55. In the Biobío Region, the forestry model has been identified as a cause of **ecocide** by the International Tribunal on the Rights of Nature, as a result of the fires of 2023 that affected thousands of hectares and local communities⁴⁶.
56. In the same territory, industrial fishermen have filed appeals for protection against the overexploitation of juvenile sardines, denouncing the inaction of SERNAPESCA and the environmental collapse⁴⁷.

Limited participation and recognition of territorial community networks

57. In the Los Ríos and Los Lagos regions, scientific studies have documented soil erosion, loss of biodiversity and contamination of water sources caused by monoculture tree plantations⁴⁸.

³⁷ [Appeal for Protection Filed Against CONAF for Rucalhue Hydroelectric Project – Environmental Defense](#)

³⁸ [The reasons behind the dozens of claims filed against declarations of urban wetlands - País Circular](#)

³⁹ NHRI (2024). Contribution to the List of Preliminary Issues. Report on the context of defenders in socio-environmental conflicts.

⁴⁰ [Biobío leads with alarming levels of violence: Physical attacks against women environmental defenders tripled in 2024 | Sabes.cl](#)

⁴¹ [In the footsteps of Julia Chuñil, Mapuche environmental defender | Interference](#)

⁴² [Luisa Valenzuela, the guardian of the Vasco de Gama wetland of Hualpén - Revista Nos](#)

⁴³ [Concern grows over persecution of environmental defenders and advance of rare earth mining in Chile | Radio del Mar](#)

⁴⁴ [Central Rucalhue: Fijan audiencia de formalización contra 12 jóvenes movilizados en defensa del río Biobío](#)

⁴⁵ [Statkraft Chile \(2023\). Renuncia al proyecto Osorno. Revista Electricidad \(2023\). Consulta pendiente en proyecto “Los Lagos”.](#)

⁴⁶ [OLCA \(2023\). Tribunal Internacional de Derechos de la Naturaleza declara ecocidio en Biobío.](#)

⁴⁷ [Pescadores Industriales del Biobío \(2025\). Recurso de protección por sobreexplotación de sardina juvenil](#)

⁴⁸ [Diario Concepción \(2024\). Impacto de monocultivos forestales. IEB Chile \(2023\). Investigaciones sobre biodiversidad y erosión.](#)

Observation 7: Structural exclusion and health for LGBTIQ+ people

58. These observations are linked to point 8, and points 14 and 21 of the List of Preliminary Issues, which request information on measures to guarantee access to comprehensive health without discrimination and to prevent structural violence against LGBTIQ+ people. In this regard, it is observed:

Structural discrimination persists

59. A study by Laborum (June 2025) revealed that 70% of workers in Chile have suffered some type of employment discrimination, with sexual orientation and gender identity being recurrent causes⁴⁹.
60. 12% of LGBTIQ+ people have had to hide their sexual-affective orientation at work, and 5% their gender identity, for fear of losing their jobs or being discriminated against²¹.
61. The Anti-Discrimination Law (No. 20,609) does not contemplate intersectional approaches or remedial measures, which limits its effectiveness in the face of multiple ⁵⁰discriminations.

Barriers to access to comprehensive health

62. According to OTD Chile's T Survey (2024), 60% of trans and non-binary people avoid medical check-ups for fear of being mistreated or ignored⁵¹.
63. In Talca and Coyhaique, trans communities have denounced the absence of specialists, lack of local protocols, and ministerial barriers that aggravate health exclusion⁵².
64. In May 2025, the Chamber of Deputies approved the CEI 57 Report⁵³, which proposes to suspend the Gender Identity Accompaniment Program (PAIG), which represents a setback in affirmative health.

Institutional deficit and lack of professional training

65. Only 28% of citizens believe that the health system is prepared to care for trans people, and only 33% consider that professionals have adequate training⁵⁴.
66. Law 20.418 on sex education does not contemplate a gender or sexual diversity approach, which perpetuates misinformation in health²⁷.

On the application of the Anti-Discrimination Law (Law No. 20,609)

67. The application of the Law does not provide for mechanisms for reversing the burden of proof, which obliges the victim to prove the discriminatory act, even in contexts where access to evidence is limited or unequal. This contradicts international standards that recommend facilitating proof in cases of structural discrimination.
68. There is no robust institutional framework or cross-cutting public policies that address discrimination against LGBTIQ+ people in advance⁵⁵. The law focuses on judicial redress, without effective prevention, education, or monitoring mechanisms.
69. Only 26.7% of those who suffered discrimination in the workplace filed a complaint, and that many LGBTIQ+ people do not identify with trade union organizations because they consider them unsafe or exclusionary spaces.⁵⁷
70. Many women avoid reporting their sexual orientation in medical consultations, affecting the quality of care. Gynecological care is exclusively oriented to reproduction, ignoring other dimensions of female sexuality⁵⁷.
71. 79.3% of trans women work in informal conditions and only 26.7% of those who suffered labor discrimination filed a complaint⁵⁷.

About Hate Crimes

⁴⁹ Laborum – Study on labor inclusion in Chile (2025)

⁵⁰ CIPER – Column on Anti-Discrimination Law Reform (March 2025)

⁵¹ Without health there is no pride: the outstanding debt with the LGBTIQ+ community - La Tercera

⁵² Pride is also caring: health and recognition in times of threat

⁵³ Restriction of Rights and Regulatory Setback in Chile: CEI Report 57 and Trans Children in the Light of International Standards, by Fernanda Seguel and Elías Asencio Castro - Diario Constitucional

⁵⁴ Pride Month 2025: Surveys reveal perception of LGBTIQ+ rights in Chile

⁵⁵ <https://www.mums.cl/2021/06/estudio-de-la-situacion-sociolaboral-de-la-poblacion-lgbtiqua-en-chile-2020/>

72. In Chile, hate crimes are not classified as autonomous crimes, but are considered an aggravating circumstance under Article 12 No. 21 of the Penal Code, incorporated by Law No. 20,609 (Anti-Discrimination Law). This punitive and limited approach prevents the development of comprehensive public policies for prevention, reparation, and monitoring.
73. The *Public Policy Report on Hate Crimes against LGBTIQ+ People in Chile* (Fundación Iguales, 2021) reveals that 65.7% of the LGBTIQ+ people surveyed reported having suffered some type of aggression because of their sexual orientation, gender identity or expression. While 24.8% suffered physical aggressions, and 38.2% were victims of cybercrimes. There is a high level of underreporting, which prevents the phenomenon from being dimensioned and effective responses to be designed.
74. The Chilean State does not have a national strategy or specialized public institutions to address hate crimes. There are also no official mechanisms for collecting, analysing and disseminating disaggregated data on these crimes⁵⁶.
75. Hate crimes generate negative individual effects (physical, emotional, social) and group effects, such as the perception of threat and exclusion of the LGBTIQ+ community. This violates the right to live with dignity, security and without discrimination, pillars of the ESCR Pact⁵⁷

Verifiable testimonials

76. Kyle, young transmasculine from Coyhaique⁵⁸
77. Dragonfly, non-binary transfeminine from Linares²⁶
78. RR, transfeminine from Curicó²⁶

Strategic recommendations from civil society

Right to work, care and social protection

Strengthening the National Care System as an enforceable right

79. It is recommended that the National System of Support and Care be consolidated by law, making it binding, ensuring its sustainable financing, territorial implementation with community participation, and constitutionally recognizing care as a pillar of social protection. It is also proposed to review the system's approach to include home-based workers who provide paid or semi-paid care. *Preliminary Question: N° 16*

Gender equality, co-responsibility and monitoring of the care system

80. It is proposed to incorporate gender, autonomy and co-responsibility indicators in monitoring, along with oversight and accountability mechanisms to verify compliance with the 2025–2026 Action Plan and its alignment with international standards. *Preliminary Question: N° 16*

Legal and statistical recognition of unpaid and home-based work

81. It is proposed to legally and constitutionally recognize both unpaid work and work at home, in all its forms (outsourced and independent), incorporating it into the Labor Code, the Constitution and official measurement instruments. The statistical invisibility and the need to include these sectors in social programs and labor policies are highlighted. *Preliminary Question: N° 15*

Structural reform on informality and social security

82. It is suggested to change the conception of labor formality in Chile, recognizing social security as a universal right and not only as a result of contributions. This includes guaranteeing access to health, welfare, labor insurance, and protection for home workers and self-employed, with supervision in feminized and informalized sectors. *Preliminary Question: N° 15*

Recognition of women's productive activities linked to care and artisanal fishing

⁵⁶ [Exploratory study for the measurement of victimization by hate crimes](#)

⁵⁷ [Hate crimes in Chile: an approach to the national reality from a human rights perspective](#)

⁵⁸ [Pride is also caring: health and recognition in times of threat](#)

83. It is proposed to include as formal work the productive activities carried out by women at home and in family contexts (including support in artisanal fishing), developing inclusive labor and social security policies for these sectors. *Preliminary Question: N° 15*

Environmental, territorial and labour approach in coastal areas

84. It is recommended to recognize home-based work in coastal and rural contexts as a productive activity linked to food security, to incorporate an environmental and territorial approach in labor policies in artisanal fishing and shore harvesting areas, and to develop specific programs for "orilleras" or "chinchorreras" workers. *Preliminary Question: N° 16 and N° 9*

Environmental regulation, inspection and reparation in coastal productive areas

85. It is suggested to review the environmental regulatory framework to regulate coastal productive activities, protect ecosystems, carry out cumulative impact studies, and guarantee community participation in environmental inspection and remediation mechanisms. *Preliminary Question: N° 9 and N° 10*

Labor and environmental recognition of coastal workers

86. It is proposed to recognize women workers on the coast as subjects of labor and environmental rights, guarantee access to health, foresight and protection against climate risks, and include them in official measurement instruments and public records. *Preliminary Question: N° 9 and N° 10*

Occupational Health Protection for Seafarers

87. It is recommended to officially recognize occupational diseases such as decompression osteonecrosis in the social security system, develop specific occupational health protocols for seafarers, and incorporate environmental health criteria in the evaluation of coastal projects. *Preliminary Question: N° 9 and N° 10*

Justiciability of ESCR and territorial reparation

88. Constitutionalization of ESCR as enforceable rights Reform the Constitution to allow their direct judicial protection. *Preliminary question n°6.*
89. Creation of specialized courts in social rights Establish bodies with training in structural inequality and human rights. *Preliminary question n°6.*
90. National reparation program for sacrifice zones Design policies with community participation, independent monitoring and guarantees of non-repetition. *Preliminary question N°18.*

Structural discrimination in access to the PGU for beneficiaries of the Valech Law

91. The Chilean State must provide detailed information on the criteria for age staggering and their impact on beneficiaries of reparation pensions. *Preliminary Question No. 6*
92. The staggering and the immediate and universal application of the full benefit of the PGU for all Valech people must be eliminated. *Preliminary Question No. 6*
93. Establish the need to legally recognize the reparative nature of these pensions, decoupling them from instruments of socioeconomic targeting. *Preliminary Question No. 6*

Sexual diversity, affirmative health and non-discrimination

94. Comprehensive reform of the Anti-Discrimination Law (No. 20,609) Incorporate effective sanctions, intersectional approach and reparative measures. *Preliminary Question No. 21.*
95. Inclusive protocols in public health Implement affirmative care for trans and non-binary people, with mandatory training for health teams. *Preliminary question N°14.*
96. Modification of Law 20,609 to incorporate the reversal of the burden of proof.
97. Implement inclusive protocols in sexual health with an emphasis on lesbian, bisexual and trans women. *Preliminary Question No. 5*

98. Design specific public policies to guarantee the labor, union, and social inclusion of LGBTIQ+ people. *Preliminary question N°14.*
99. Strengthening public institutions for sexual diversity *Preliminary Question No. 14.*
100. Reform Law No. 20,609 to include the criminalization of hate crimes as autonomous crimes. *Preliminary question N°14.*
101. Design a national policy against hate crimes, with a preventive, reparative and participatory approach. *Preliminary question N°14.*
102. Establish an official monitoring system, with data disaggregated by sexual orientation, gender identity, and type of crime. *Preliminary question N°14.*
103. Guarantee comprehensive care for victims, including psychological, legal and social support. *Preliminary question N°14.*

Indigenous peoples' rights and the environment

104. Request information from the Chilean State on compliance with the prior consultation in Statkraft's "Los Lagos" project. *Preliminary Question N°8*
105. Demand measures to protect ceremonial sites such as the *Ngen Mapu Kintuante*, recognizing their spiritual and cultural value. *Preliminary Question N°8*
106. To evaluate the effectiveness of state mechanisms for the restitution of indigenous territorial rights. *Preliminary Question N°8*
107. Urge the State to incorporate international standards into current environmental legislation. *Preliminary Question N°9*
108. Request technical and judicial reports on the impact of the forestry and fisheries model in the affected regions. *Preliminary Question N°9*
109. Require evaluation of compliance with community participation standards in the environmental assessment of extractive projects. *Preliminary Question N°9*
110. Recommend the strengthening of mechanisms for the protection of defenders in contexts of socio-environmental conflict. *Preliminary Question N°10*
111. Demand guarantees of non-criminalization of community leaders, observers and organizations that accompany processes of territorial resistance. *Preliminary Question N°10*

Complementary recommendations

Robust implementation of the Escazú Agreement and comprehensive protection of environmental defenders

112. It is proposed to design a National Regulation that operationalizes the articles of the Escazú Agreement, especially Article 9 on defenders, with binding participation of civil society. It is recommended to create an autonomous National Ombudsman's Office for environmental and territorial defense, and to establish comprehensive protocols for protection against threats and violence, with specific attention to urban defenders exposed to real estate and extractive pressures. *Preliminary Question No. 10 (and No. 9 in comprehensive measures)*

Symbolic and institutional reparation in the face of emblematic cases of environmental violence

113. A National Program of Material and Symbolic Reparation is proposed that includes historical memory, guarantees of non-repetition and accompaniment to relatives in cases such as that of Julia Chuñil, Macarena Valdés or Nicolasa Quintremán. *Preliminary Question N°18 (and N°9 by territorial approach)*

Child protection in territories affected by industrial pollution

114. It is recommended to incorporate a focus on children's rights in contaminated territories and to guarantee differentiated care in health, education and psychosocial protection for children and adolescents exposed to environmental violence. *Preliminary Question N°18 and N°9*

Comprehensive legal recognition of trans and non-binary identities

115. It is proposed to reform the legislation to guarantee the full recognition of trans and non-binary identities, including legal identity, labor protection and affirmative health care throughout the national territory. *Preliminary Question N°14 and N°21*

Constitutional recognition of indigenous peoples as collective subjects of law

116. The constitutional recognition of indigenous peoples is proposed, respecting their own regulatory systems and their territorial autonomy. *Preliminary Question N°8*

Articulating framework: intersectional and territorial approach as the basis of public policy

117. It is proposed to adopt the intersectional and territorial approach as the articulating axis of all public policy based on human rights, directing recommendations towards comprehensive reparation, social and environmental justice, and strengthening the accountability of the State. *Cross-cutting issue*

Conclusions

118. This alternative report shows that, despite normative and discursive advances, the Chilean State maintains structural deficits that limit the full exercise of economic, social, and cultural rights. The persistence of labor informality, the exclusion of home-based workers, discrimination in access to the PGU for Valech people, the invisibilization of workers on the coastal edges, and the precariousness of environmental defenders and LGBTIQ+ people, configure a scenario of systematic violation that requires urgent responses.
119. This report is supported by verifiable empirical evidence, including official data, academic studies, international jurisprudence, institutional reports, and published testimonies. The set reveals the need to move towards an institutional model that guarantees ESCR not only as declarative principles, but as enforceable and protected rights by the State.
120. This report is also offered as a tool for advocacy, memory and articulation, reaffirming the commitment of the organizations to social justice, historical reparation and the democratization of access to rights. The Committee on ESCR is invited to consider these observations as part of the international dialogue with the Chilean State, and as a basis for recommendations that contribute to transforming the structural conditions that perpetuate exclusion.
121. The recommendations made by the signatory organizations point to regulatory, institutional and budgetary reforms that guarantee the enforceability of ESCR, from an intersectional, territorial and participatory approach. It proposes to move towards a model of universal social protection, legally recognize informal and care work, strengthen labor oversight, guarantee comprehensive reparation in sacrifice zones, and effectively protect human rights defenders.
122. The signatory organizations reaffirm their commitment to the defense of human rights in Chile, and make this report available to the Committee on Economic, Social and Cultural Rights (CESCR) as a substantive contribution to the issuance of recommendations and the strengthening of international monitoring. They also express their willingness to actively participate in spaces for monitoring and evaluating the State's obligations in the area of ESCR.

ANNEXES

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