



The Ethical Commission Against Torture (CECT) Comisión Etica Contra la Tortura is a civil society organization dedicated to the defense and promotion of human rights. It was born on March 10, 2001, with the goal of ending impunity for the crime of torture, which occurred both in the dictatorial past and in the present, given its prevalence.



The Ecoceanos Center, Centro Ecoceanos is a citizen organization independent of governments, industry, and political parties. Through information campaigns, public mobilization, and nonviolent direct action, it promotes a culture of defense of life and conservation of the oceans and their biodiversity.



The Latin American Environmental Conflicts Watch Observatorio Latinoamericano de Conflictos Ambientales (OLCA) is an organization that supports communities in the defense of social rights and the rights of nature. Its approach is based on environmental and ecological justice, recognizing the profound inequalities between affected communities and the actors who promote development models incompatible with their ways of life.



Chile Better Without Free Trade Agreements, Chile Mejor sin TLC, has brought together social, environmental, human rights, unions, and political organizations since 2015 in order to develop alternatives to free trade agreements, systematize their contents and impacts, and raise awareness about new treaties.



The Movement for Water and Territories (MAT) unites environmental organizations and defenders from different territories, together since 2012 to recover water for peoples and ecosystems.

R E P O R T

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Abstract

Report prepared by these five organizations as part of a coalition defending human rights and the rights of nature. We have joined our struggles in demanding Truth and Justice in the face of the forced disappearance of a 72-year-old Mapuche leader, female president of her indigenous community. She is missing since November 8, 2024. The case crystallizes countless threats, abuses and attacks suffered by communities and defenders when resisting the destruction that extractive projects leave in their territories.

Chilean citizens are experiencing a deep regression of their human rights, environmental rights, and rights related to access to water. The Chilean state's response to social demands has been to enshrine impunity for crimes committed by state agents during 2019 popular uprising. A set of laws repressing social activists have been enacted paving the way for new injustices regarding the exercise of rights. Furthermore, the expansion of extractivism has been disguised as an energy transition with megaprojects by transnational corporations that jeopardize the environmental heritage of the territories and the rights of Indigenous Peoples and other communities. The state fails to oversee large corporations and provides subsidies to transnational predatory companies that violate human rights and endanger ecosystems.

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2025 SHADOW REPORT TO THE COMMITTEE FOR ESCR

1. **Section I, Letter A, Issues of Particular Importance, Number 3 Refers to: Point A. Issues of Particular Importance, Number 3, Lines 1, 2, and 3 on: “Measures... to reestablish a dialogue” “that respond to the social demands expressed during the protests since October 2019.”**

State Response to the Social Demands Expressed in the 2019 Popular Uprising

1.1. Impunity and Criminalization. According to the Public Prosecutor's Office (Public Account, April 2025), 90.9% of the 11,925 complaints of institutional violence from October 2019 to March 2020 are closed¹. Only 252 complaints from the period resulted in the formalization of complaints by State agents; and 44 have resulted in final convictions. “Impunity... is unfounded... as this is the fifth year, many of the cases will expire²”.

The lack of an official registry of victims hinders the development of effective policies for comprehensive reparation and non-repetition³... People are being abused, violated, mutilated, wounded with pellets, and without Truth, Justice, or Reparation. Parliament and the media, both controlled by the right, stigmatize participants in the social protest⁴ as “criminals”. There are efforts to prevent pardons⁵ for those who suffer disproportionate prison sentences; to hinder access to social and health programs and/or revoke reparation pensions⁶ [6] Therefore, we request that we insist on recommending:

a. **The non-criminalization of social protest and the understanding of the right to protest as a human right** to be ensured and permitted; Release and exonerate the citizens who protested in 2019. Bring truth and justice to all those who have been subjected to state crimes: murder, torture, and mutilation that has caused disability. Establish a Truth, Justice, and Comprehensive Reparation Commission or maintain a permanent registry of victims of human rights violations.

b. **Reform the police force** to ensure that it acts in accordance with the protection of human rights.

c. **An inquiry into the effectiveness of the national mechanism for the prevention of torture** and the measures adopted for victims of torture during this period.

d. **The reopening and effective investigation of closed complaints.**

¹ <https://radiojgm.uchile.cl/el-90-de-las-causas-del-estallido-social-se-encuentran-cerradas/>

² <https://amnistia.cl/chile-a-cinco-anos-del-estallido-social-las-victimas-y-sus-familiares-continuan-a-la-espera-de-justicia-y-reparacion-integral/>

³ [Human Rights Reparation policies must consider Reparation, restitution, rehabilitation, and non-repetition](#)

⁴ <https://www.ciperchile.cl/2021/03/20/la-teoria-del-complot-en-el-estallido-chileno-un-examen-critico/>

⁵ <https://radio.uchile.cl/2022/11/19/indultos-particulares-la-formula-que-alberga-las-esperanzas-de-los-presos-del-estallido/>

⁶ <https://www.youtube.com/watch?v=XEpKDiCKJ24>

1.2. **Enactment of regressive human rights laws to inhibit the exercise of the right to social protest**, foster impunity, and criminalize the Mapuche people.

- **Law 21,560** (April 2023), or the "Trigger-Happy Law" grants all state agents in law enforcement roles the power to use their weapons and shoot to kill, under the legal presumption of "privileged self-defense." In just one year, the law claimed the lives of more than 30 young people, including minors⁷. That law also fosters police impunity through its retroactive application (via Article 18 of the Penal Code), thus allowing for reduced sentences or acquittals of the 296 state agents tried for human rights crimes.
- **Law 21,633** (November 2023) on Usurpations, also known as the "anti-seizure" law: aims to punish land seizures, camps, and community organizations with imprisonment and inhibit land recovery efforts. Ancestral Mapuche communities. According to housing committee leaders, the law seeks to resolve the high housing shortage with imprisonment, rather than acting through public policy. Police operated in the early morning hours, under court order, using heavy machinery to evict and destroy lightweight dwellings in more than 60 land occupations. Another 50 occupations remain⁸.
- **Anti-Terrorism Law 21,732** (February 2025). Membership of a "terrorist organization" is punishable by sentences of 5 to 15 years in prison, which can even be applied "preventively." The concept of connected and unconnected terrorist, known as a lone terrorist, is also created. This law opens the way to serious violations of the right to privacy, freedom of expression, and the right of association, including that of the Mapuche people.
- **Bulletin No. 15805-07 Rules on the Use of Force** (third draft) seeks to eliminate the principle of proportionality, the Basic Principle on the Use of Force and Firearms and the guiding principle of the United Nations in this regard. The law seeks to use potentially lethal force to prevent "serious damage to critical infrastructure." It eliminates the prohibition on the use of force against already restrained persons, legalizing the use of torture and other cruel, inhuman, and degrading treatment and punishment, and shooting the upper third of the body, including the torso and face, with non-lethal weapons. By eliminating the principle of accountability, it prevents acts of force exercised by state agents from being reviewed and sanctioned.
- **Four years of the State of Emergency**. Four years of a (continuous) State of Emergency in the Biobío and Araucanía regions, approved by Parliament with 56 extensions, more than 1,000 military personnel deployed, and costs of more than \$23 billion pesos, with further criminalization of the Mapuche people's struggle and questionable trials.

1.10 We ask the Committee to recommend to the State of Chile the repeal of the articles of the laws

a. **Violating the right to life, physical integrity, a fair trial, and access to justice by allowing police to shoot to kill, de facto reactivating the death penalty and the summary execution of individuals.**

b. **Granting police impunity** and allow them to mutilate people and coerce and torture detainees under the pretext of pursuing terrorist acts.

And recommend the State to

c. **Stop denying special protection to older adults, children, women, people with disabilities, and members of indigenous communities.**

d. **Stop allowing the abuse of force and eliminate the principle of proportionality**, allowing less-lethal weapons to be fired at the upper third of the body.

⁷ See Annex 1 Monitoring of Law 21,560 (only in Spanish) April 2023 to April 2024, unpublished review prepared by Comision Etica Contra la Tortura. <https://notassect.wordpress.com/wp-content/uploads/2025/08/anexo-1-ley-ley-21.560-julio-2025-c-iniciales.docx>

⁸ <https://www.ciperchile.cl/2024/06/04/desalojo-y-despojo-crece-la-incertidumbre-en-los-campamentos/>

2 Point A. Issues of Particular Importance, section 3.

Final lines regarding the physical integrity of defenders: "...especially human rights defenders, student leaders, and leaders of indigenous communities..."

2.1. **Prevalence and repetition of old repressive methods with serious consequences. Forced disappearance of J. del C. Ch. C. from November 8, 2024 to the present; mother of five children, 72 years old at the time of her disappearance, Mapuche, leader of a Mapuche Community, Los Ríos Region⁹. She met three criteria for special protection: she was a woman, an elderly adult, and a member of an indigenous community. At that time, the Protocol for Defenders of the Escazú Agreement had not yet entered into force. In her role as a leader and defender of nature, forests, seeds, her territory, and water, she was repeatedly threatened by a forestry entrepreneur and landowner.** The NGO Escazú Ahora¹⁰, in its study on Threats to Environmental Defenders, highlights the following threats: "...the high presence of the forestry sector in cases of physical violence against environmental defenders," followed by the environmental sanitation and energy sectors (both 17%). The precautionary measures granted by the Inter-American Commission on Human Rights nine months after her disappearance, demanded by the organizations CODEPU, the Ethical Commission Against Torture, and the NGO Escazú Ahora, demand that the Chilean State redouble its search for J. Ch., identify those responsible, and respect the family of the disappeared woman. Her daughter, J.T. He has been subjected to police abuse to force him to blame himself for his mother's death and to attempted frame-ups. An appeal for protection on his behalf was denied by the court, which confirmed the prosecutor in charge, despite the fact that her actions aim to hold the family responsible for the disappearance.

2.2. Defenders facing lack of protection: fires, threats, "suicides," murders, deaths of activists, and disappearances. The forced disappearance of J.Ch., which recalls practices from the dictatorship, has brought to light other serious violations of the right to life and physical integrity of territorial defenders fighting against extractive companies with a high impact on nature. In the Appendix to this report, we include a table detailing 23 other cases of environmental defenders, including dubious uninvestigated deaths and "suicides," disappearances, and death threats between 2005 and 2025¹¹.

We request the following recommendations to the State:

- a. **Activating all existing mechanisms** until J.Ch.C. is found; appointing a prosecutor dedicated exclusively to investigating the events; and emphasizing the value of Truth and Justice over class bias, racism, or other biases.
- b. **Extending the National Plan for Business and Human Rights to private companies**, especially those subsidized by the State, such as forestry and salmon farming companies, among others. The Plan must address the requirement for binding compliance with standards of full respect for the human rights of their workers. The Plan must integrate the responsibility of companies to repair, restore, and regenerate in all its dimensions the harm caused by their extractive operations to people, health, and common natural and environmental resources. A protocol for immediate action and urgent protection against threats, harassment, and other abuses against human and environmental rights defenders must also be integrated.

⁹ See Annex 2 Timeline of J.Ch.C missing case. (only in Spanish) <https://notascect.wordpress.com/wp-content/uploads/2025/08/anexo-2-cronologia-desaparicion-c-iniciales.docx>

¹⁰ <https://www.escazuahorachile.cl/post/chile-en-deuda-con-sus-defensores-ambientales-violencia-se-triplica-y-mayor%C3%ADa-de-ataques-quedan-imp>

¹¹ Annex 3 Table of Environmental Defenders, prepared by CECT (only in Spanish). See in: <https://notascect.wordpress.com/wp-content/uploads/2025/08/anexo-3-defensores-en-peligro-c-iniciales.docx>

- c. The State must record and make these threats visible and provide protection against this pattern of violence with serious consequences for the life and physical and psychological integrity of the defenders of the territory and indigenous people in Chile.
- d. The State must have a Search Plan for persons who have disappeared during democracy at the hands of State agents / or with their acquiescence, so that their families can access Truth, Justice, and Comprehensive Reparation. At least eight people have disappeared at the hands of police during civilian governments.

II Section

Referring to the previous issues: A.3 and B. 19 on the Water Code. And referring to Ongoing Pact Application

8 socio-environmental cases that violate ESCR

Case 1.1. The amendment to the Water Code does not change its character as a commodity. Due to the privatization of water resources by the 1980 Constitution, communities today continue to face problems of water scarcity and the dispossession of water resources by the mining, forestry, aquaculture, and agribusiness industries, which concentrate ownership of water. The reform to the Water Code, approved in 2022, had been in the works for 11 years, and civil society perceived its final approval to prevent fundamental changes to water resources contemplated in the proposed new constitution.

- The regulatory change **only affects new water rights** (estimated at 10% of total water resources) in the context of over-granting the availability of water sources¹².
- Although it recognizes the human right to water and sanitation, **it does not resolve the main conflicts or prioritize ecosystem uses of water or food sovereignty**¹³.
- Although the Code excludes new water rights in protected areas and glaciers, **the lack of a law protecting all glaciers and the ongoing process of environmental deregulation mean that risks persist**.
- **Water rights continue to be protected by property rights**, dooming any attempt at integrated management by the government to failure¹⁴.

For all the above reasons, the Committee is asked to recommend that Chile:

- a). **Work on constitutional and Water Code amendments that would eliminate water ownership, establishing it as a non-appropriable common good with retroactive effect**, and prohibiting the granting of non-commercial use authorizations.
- b). **Analyze watersheds from an ecosystem approach and redistribute authorizations and uses through the following priority uses incorporated into the Water Code**: (1) Human and ecosystem consumption (human consumption is already in effect), (2) food sovereignty and indigenous uses, (3) industrial use.

¹² Panes Alexander, 2023, capítulo Aguas Neoliberalizadas, página 37, en Informe “Las Otras Heridas, Extractivismo y 50 años de Lucha socioambiental” https://olca.cl/oca/informes/Las-Otras-Heridas_Extractivismo-y-50-años-de-lucha-socioambiental-en-Chile.pdf).

¹³ see Annex Zarate Z. Camila, 2025, Analysis on the Water Code (only in Spanish). The author is speaker for MAT, law graduate and former member of 2022 National Convention for a new Constitution. See in <https://aguayterritorios.cl/analisis-de-la-reforma-al-codigo-de-aguas-de-abril-2022-para-el-reporte-desc/>

¹⁴ see Annex Analysis on the Water Code, Ibid.

c) **Protect and promote rural drinking water associations and Indigenous peoples' uses** and implement community-based water management through basin councils with community stakeholders and the participation of public utilities.

2. **Case 2 Impacts on peasant agriculture of water theft and intensive pesticide use: cases in the Maule and Coquimbo regions. Referred to Preliminary Question No. 19 and point A 2. "Participation of different groups and sectors of the population...and legal protection mechanisms."**

- **Case 2a. Water crisis:** On August 4, 2022, ICR a small-scale organic female farmer and M.B. a small-scale farmer from a region in central Chile, filed application VV-0702-885, 2022, with government Agency Irrigation Water Distribution System of Santiago de Chile (DGA)¹⁵, following state inaction in response to complaints (2013) at the regional level. **As of August 2025, the state entity has not used the authority granted by the Water Code (Article 299, letter e) to oversee the legality of the denounced contracts signed by the (private) MRI Waters Distribution (ACM) with hydroelectric company HM¹⁶.**

- **Small-scale irrigators in the region lost their access to the water from the M. River, distributed by the ACM and controlled by the irrigators concentrating ownership of water rights¹⁷.** The A.C.M. led the campaign in that region to reject the Constitutional Convention, opposing the article that sought to declare water a non-marketable good¹⁸. The crisis of small-scale family farming in Chile and the decline in planted area¹⁹, attributed by many solely to climate change, ignore the impacts of the concentration of water rights in the hands of a few.

- **Case 2b: Pesticides. A pilot Pesticide Roundtable launched in 2022 and established by the regional health authority in the Coquimbo region together with the Monte Patria Peasant Communal Council to address the health and environmental impacts of pesticide use in the region was unilaterally terminated by the authority²⁰. This nullified the effect of a 2024 Supreme Court ruling²¹ that, for the first time, upheld a protection appeal for older adults affected by pesticide use there.**

- The report by UN rapporteur David Boyd²² mentions that 102 pesticides authorized in Chile are highly dangerous. It reaffirms that children, agricultural workers, and indigenous and rural communities **suffer from poisoning and illnesses associated with pesticide use, which constitutes a high risk.**

¹⁵ <https://www.ciperchile.cl/2024/10/23/cartas-derechos-de-aguas-que-gane-el-mas-fuerte>

¹⁶ Voice communication of female farmer ICR to MAT on August 1.

¹⁷ <https://aguayterritorios.cl/pequenos-regantes-del-maule-exigen-a-dga-detener-abusos-de-canal-maule-e-hidromaule/>.

¹⁸ <https://www.instagram.com/p/CgiXGRPMm-O/?igsh=MXdvdWJ6a3B5b2R5Zw==> 27/07/2022 interview of José Manuel Silva ACM head. Since July 2022 to Plebiscit, ACM social network diffused fake news on Water Proposal for the new constitution acting as active campaigners of the Rejection Option.

¹⁹ <https://www.ine.gob.cl/sala-de-prensa/prensa/general/noticia/2020/09/09/d%C3%ADa-mundial-de-la-agricultura-superficie-sembrada-de-cultivos>

²⁰ <https://radio.uchile.cl/2025/07/12/organizaciones-acusan-al-gobierno-de-dejar-caer-mesa-de-plaguicidas-en-monte-patria/>

²¹ <https://rap-al.org/chile-corte-suprema-acoge-recurso-de-proteccion-presentado-por-adultos-mayores-intoxicados-por-plaguicidas-aplicados-en-predio-colindante-a-su-casa-en-chañaral-de-caren-y-entrega-facultades-a-la-aut/>

²² <https://docs.un.org/es/A/HRC/55/43/Add.1> see 61 to 65 paragraphs, UN Special Rapporteur on Human Rights and the Environment David Boyd's report on his visit to Chile, issued in 2024.

The Committee is requested to recommend to the Chilean State

- a) Oversight of the agency for M River Irrigation Waters Distribution to restore the necessary flow for the crops of small irrigators in the region and repair the damage caused, as well as oversight of these associations in other regions of the country.
- c) Deregistration of highly hazardous pesticides; and consideration of the chronic effects of pesticides in labeling.
- d) Establishment of primary and secondary water quality standards that include pesticides in the Highly Hazardous Pesticides category registered in the country.

3. Case 3 Energy Transition and Extractivism

Referring to: Point B, paragraphs 7 (Climate Change Law), 9 (Indigenous consultation), 19 and 21 (energy and water projects).

Extractivism is expanding in the name of the energy transition. Chile has promoted a corporate energy transition that has intensified pressure on fragile northern territories, especially the salt flats, without altering the logic of the extractivist model. Lithium, copper, and now green hydrogen are being exploited under sustainability discourses that, in practice, legitimize the commodification of natural commons. "What we are seeing is an expansion of this model, imposing a model based on energy megaprojects, without binding citizen participation and primarily oriented toward sustaining and expanding extractivism in the country²³."

- Although the Framework Law on Climate Change (Law No. 21,455) establishes carbon neutrality goals by 2050 and recognizes areas vulnerable to climate change, **its concrete implementation in territories affected by mining, such as the high Andean salt flats, has been limited and has not yet translated into substantive guarantees for communities or the environment**. Chile is home to just over 80% of South America's glaciers, but this law does not consider any special measures for their protection against mining expansion. The law allows for the certification of emissions credits and therefore creates carbon trading and offsets at the national level. "The Climate Change Framework Law... has been insufficient to address the real impacts of energy and extractive megaprojects on the territories²⁴."
- **The announced Amendment to the Environmental Impact Assessment System (SEIA) is worrying**, as it does not ensure free, prior, and informed consultation with indigenous communities, as required by ILO Convention 169. It also lowers the requirements for projects to be submitted for Environmental Assessment, so many economic initiatives with an environmental impact will not be required to have an Environmental Permit. (Paradoxes of the energy transition in Chile²⁵).
- Although the National Lithium Strategy (ENL), launched in April 2023, includes mechanisms such as the creation of **the Protected Salt Flats Network, the Strategic Lithium Committee, and the Lithium and Salt Flats Technology Institute, these elements have not prevented more than half of the salt flats and salt lakes in the north of the country from being declared exploitable, perpetuating the expansion of extractivism**. The strategy states that at least 30% will be protected, declaring 70% exploitable. On March 26, 2024, the government declared more than half of these ecosystems exploitable, highlights OLCA in the study "Salinas en riesgo. La Estrategia Nacional del Litio" (Salt Flats at Risk. The Deceptive National Lithium Strategy²⁶).

²³ "Transición energética corporativa: la profundización del extractivismo en Chile" OLCA, 2025, pages. 2-9). Only in Spanish. (A research paper prepared by OLCA for the collection "Urgent Notes" to be released soon by the Platform Latin American and Caribe Better Without, págs. 2-9. pág. 2. Only in Spanish.

²⁴ Transición energética corporativa: la profundización del extractivismo en Chile" ibid..

²⁵ "Paradojas de la transición energética en Chile", OLCA (2025), págs. 5-10. See in <https://olca.cl/articulo/nota.php?id=111143>

²⁶ "Salares en riesgo. La tramposa Estrategia Nacional del Litio", OLCA (2024), page 13. <https://olca.cl/articulo/nota.php?id=111127>

- **Territorial impacts and water crisis. Lithium mining, particularly in the Salar de Atacama and Salar de Maricunga, has generated intensive use of brine and freshwater, contributing to the loss of biodiversity, decreased flow rates, and the displacement of communities.** "SQM extracts 1,700 liters of brine per second in the Salar de Atacama every day, 7 days a week, 24 hours a day.²⁷ " This evaporation process to obtain lithium entails a water loss of 85 to 95%, that is, more than 1,400 m³ of water per ton of lithium extracted, in one of the driest areas on the planet. "The process takes between twelve and eighteen months... reports speak of between 85% and 95%, that is, about 1,400 m³ of water per ton of lithium²⁸."
- **Institutional weakness and inadequate legal framework. Chilean legislation continues to consider salt flats as "mines" and not ecosystems, which obscures their ecological value and prevents sustainable management.** This legal perspective clashes with scientific evidence and the views of communities²⁹. Although the ESCR Committee consulted the State on mechanisms to guarantee the free, prior, and informed consent of Indigenous peoples, communities continue to be excluded from decision-making processes. In the case of new lithium projects, Indigenous Consultations are being carried out without considering all communities, and in fast-track processes that do not consider the analysis and decision-making rhythms of local cultures. "Communities suffer from territorial and cultural devastation... without being able to grasp, in many cases, the fundamental role they play in denouncing the false transition."³⁰

We demand that the Committee recommend to the Chilean State:

- a) **The suspension of new extractive projects in salt flats until regulations and independent studies are in place to ensure ecosystem protection and human rights.** "The massive installation of these megaprojects is far from being a solution to the ecological crisis... it is generating a series of impacts on the territories³¹."
- b) **The legal recognition of salt flats as ecosystems, not as mining sites,** by reforming the constitutional and environmental framework³².
- c) **Guarantee the free, prior, and informed consent of communities,** in accordance with ILO Convention 169, with binding mechanisms.
- d) **Promote a territorial-based, post-extractivist energy transition based on environmental justice,** not on the demands of the Global North. "Today, rather than a structural change in the energy model, what we are seeing is its expansion³³ ..."

Case 4 The Forest Model and its Impacts.

Refers to Previous Question B, Section 19, on water: pollution and access to disadvantaged groups.

4.1 Case 4 of Indigenous rights violations. Pewenche indigenous communities in Alto Biobío are suffering from drought or acute water shortages, and contamination of water sources, all exacerbated by megafires originating in monoculture forest plantations (the most recent in 2023) that devastated biodiversity. That year, the fires devastated more than 479,000 hectares, representing 9.4% of the region's total land area.

- **In 2023, more than 7,000 people were affected by the fires, 26 were fatal, and 33,000 domestic animals were lost, in addition to cultural impacts on their roots and spirituality. The intervention of mountains and mountain ranges has seriously affected access to water.** The population must be supplied by water

²⁷ "Salares en riesgo", ibid., pág. 14

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid. Page 5

³¹ Transición Energética Corporativa. (See foot note 15 in this report)

³² Salares en Riesgo. (See foot note 18 in this report)

³³ Ibid

trucks under the conditions established by Decree 41 (2016)³⁴. On July 28, 2010, the United Nations General Assembly recognized "the right to safe drinking water and sanitation as an essential human right for the full enjoyment of life and all human rights" (A/RES/64/292), which is not being respected in that territory. The International Tribunal on the Rights of Nature held on-site sessions in Alto Bío Bío in 2024³⁵.

3.3 The State fails to enforce existing regulations regarding the installation and operation of the forestry system in this and other territories, affecting health and causing critical loss of important flora and fauna species. The community attributes this harm to region forestry and pulp manufacturing companies, which violate the rights of nature and their Indigenous rights.

We ask the Committee to recommend to the State of Chile:

- a) Promote a **plan to overcome the forestry model**.
- b) **Monitor compliance with existing regulations in this and other territories. Recognize the rights of nature** within them.
- c) Adopt a comprehensive regeneration plan emanating from the territories.
- d) Establish a **moratorium on the planting of invasive and highly combustible species** in the territory³⁶.

Case 5

Refers to Point B: Ongoing Application of the Covenant, sections 7 and 8 regarding indigenous peoples.

5.1 Case 5 of Rights Violation:

The Rucalhue Hydroelectric Plant and the Rights of the Pewenche People related to Rucalhue, Alto Biobío. The approval and construction (currently underway) of the Rucalhue hydroelectric plant on the Bio Bio River (China foreign investment project), located in Pewenche territory, violated the Friendly Settlement Agreement signed between the Chilean State and Mapuche Pewenche communities before the Inter-American Commission on Human Rights in 2004, in the context of the conflict over the construction of the Ralco Hydroelectric Plant on the Bio Bio River³⁷.

- The Rucalhue Hydroelectric Plant project **was critically mentioned in the report of the UN Special Rapporteur on Human Rights and the Environment** following his visit to Chile³⁸.
- The Rucalhue project, operated by Energía SPA (a subsidiary of the Chinese state-owned company CWE), **did not comply with international obligations regarding the rights of Indigenous peoples and environmental protection**.
- The Ministry of Social Development failed to consider the Indigenous consultation process, and the State endorsed the project as being in the "national interest." **The National Forestry Corporation (CONAF) and the Supreme Court allowed the logging of protected species without conducting free, prior, and informed consultations, in accordance with ILO Convention 169**³⁹.

³⁴ <https://www.bcn.cl/leychile/navegar?idNorma=1114794>

³⁵ 11vo Tribunal Local de los Derechos de la Naturaleza. 11th Rights of Nature Tribunal. (press release dated on January 2025) <https://www.rightsofnaturetribunal.org/prensa-biobio/>

³⁶ Ibid

³⁷ <https://cidh.oas.org/annualrep/2004sp/Chile.4617.02.htm>

³⁸ <https://resumen.cl/articulos/relator-de-la-onu-alerta-que-central-rucalhue-contraviene-acuerdo-que-aseguraba-la-no-intervencion-de-hidroelectricas-en-territorio-mapuche> y <https://www.saladeprensa.cl/central-rucalhue-investigacion-del-centro-iclauc-detecta-problemas-de-ddhh-en-la-adjudicacion-del-proyecto>

³⁹ <https://www.ongdefensaambiental.cl/presentan-recurso-de-proteccion-en-contra-de-conaf-por-proyecto-hidroelectrico-rucalhue/> y <https://resumen.cl/articulos/relator-de-la-onu-alerta-que-central-rucalhue-contraviene-acuerdo-que-aseguraba-la-no-intervencion-de-hidroelectricas-en-territorio-mapuche> y

- The company Rucalhue Energía SPA filed a legal complaint against twelve young land defenders. This all occurs amid the state of emergency, with military presence currently in effect in the area⁴⁰.

We ask the Committee to recommend to the Chilean State:

The State should require the company and CONAF to take actions aimed at restoring and regenerating environmental damage in this territory, based on a regeneration plan with the active participation of the community and young defenders. Chilean State must guarantee that projects that violate the rights of the Pewenche people and natural commons, such as the BioBío River and its ecosystem, will not be repeated.

Case 6.

Refers to point B21 of the Pact's Application, on preventing and counteracting the effects of air, water, and soil pollution in the regions: Valparaíso, Quintero-Puchuncaví zone

Pollution continues in the Quintero-Puchuncaví Sacrifice Zone

- **Case 6 of Rights Violation: Quintero-Puchuncaví, Sacrifice Zone.** In this Sacrifice Zone, despite the closure of the Ventana Smelter, the situation has not significantly improved regarding air pollution, with peak episodes affecting children in schools and kindergartens, with more than 500 affected by 2023, and a new industry with potential polluting effects on the sea, in addition to more than 100 coal strandings annually.
- **Impact of brine in sea biodiversity.** Since late 2023, a desalination plant belonging to the Aguas Pacífico company began operating there, delivering fresh water not intended for the community but for industrial mining processes outside the area. The continued opposition to this project by the Bahía Narau Artisanal Fishermen's Federation, due to the potential impact of the brine on marine biodiversity and its impact on their livelihoods, was neutralized by Aguas Pacifico company with an environmental damage control monitoring agreement with the Federation⁴¹ under the effects of their long strike.
- In July 2022, **the National Human Rights Institute INDH (NHRI) filed a protection appeal requesting 17 measures from the State and the companies to address the pollution in Quintero and Puchuncaví**, in response to the authorities' failures to act, which "disturb and threaten the rights to physical and psychological integrity of the people who live there, as well as the right to an environment free from pollution"⁴².
- A year later, in 2023, **the Chilean NGO Children's Network (Red Infancia Chile NGO) filed a new protection appeal due to the violation of the right to education due to frequent peak pollution episodes**⁴³.
- For its part, the NGO Terram questions the limited progress in updating the applicable environmental quality and emission standards, which do not comply with WHO standards. **It denounces the non-**

<https://www.saladeprensa.cl/central-rucalhue-investigacion-del-centro-iclac-uc-detecta-problemas-de-ddhh-en-la-adjudicacion-del-proyecto>

<https://www.ongdefensaambiental.cl/presentan-recurso-de-proteccion-en-contra-de-conaf-por-proyecto-hidroelectrico-rucalhue/>
⁴⁰ <https://resumen.cl/articulos/no-somos-delincuentes-continuara-proceso-judicial-contra-jovenes-imputados-en-conflicto-por-central-rucalhue>

⁴¹ <https://radio.uchile.cl/2023/08/13/pescadores-reactivan-protestas-contra-futura-desalinizadora-en-quintero/>

⁴² <https://www.indh.cl/indh-presento-recurso-de-proteccion-y-solicita-17-medidas-al-estado-y-a-las-empresas-para-abordar-la-contaminacion-que-afecta-a-quintero-y-puchuncavi/>

⁴³ <https://olca.cl/articulo/nota.php?id=110332>, y <https://olca.cl/articulo/nota.php?id=110405>

implementation of the Air Quality Monitoring Network and the epidemiological surveillance standards included in the Decontamination Plan⁴⁴.

We ask the Committee to recommend to the Chilean State:

a) Build a high-complexity hospital for Quintero and Puchuncaví; install a new monitoring network that includes the origin, type, and measurement of all pollutants, and order the immediate closure of the industrial belt when peak pollution occurs⁴⁵.

b) Implement the Decontamination Plan and the Environmental and Social Recovery Program (PRAS) for Quintero Puchuncaví (approved by Environment Secretary Resolution No. 654/2017).

Case 7. The endless pollution in Calama, the Sacrifice Zone. In reference to point B 21 of the Pact's Application, related to preventing and counteracting the effects of air, water, and soil pollution in the northern mining area of Calama.

Case 7 of Rights Violation in Calama, the Sacrifice Zone in the Antofagasta Region. The Calama Decontamination Plan (PDA) prepared by the State was considered irrelevant by Calama organizations, who requested its annulment from the Environmental Court, which declared it null and void in June 2023, ordering the State to generate a new PDA⁴⁶. In 2025, the community filed a lawsuit against the State for environmental damage, stating that the state mining company CODELCO is primarily responsible for such damage.

The Group for the Defense of the Loa River and Mother Earth Pat'A Hara, along with nine other organizations, filed lawsuit D35-2025 for environmental damage against the State of Chile before the First Environmental Tribunal. They claim that since 2009, Calama has been declared a saturated zone due to contamination with Contaminated Particulate Matter (PM10), without any active and efficient response from the State. The Tribunal admitted the lawsuit⁴⁷. The lawsuit alleges systematic neglect by the State regarding the health of people and the ecosystem that makes up the Loa River oasis and the Atacama indigenous communities displaced and harmed by water scarcity and contamination.

During the last three-year period, 2022-2024, the city has maintained its status as a saturated zone, according to measurements taken at monitoring stations. Furthermore, they state that in the first months of 2025, the city of Calama will also be in a latency state for arsenic in MP10.

We ask to Recommend to the State of Chile

Effectively repair the damage to health and the environment.

Stop promoting the installation of new polluting industries in the slaughter area.

Case 8. The salmonid monoculture industry

Case 8 Refers to Article 7 of the Covenant (Right to Work) and Prior Question B21, "Please report on air, water, and soil pollution in regions of the State."

8.1 Industrial salmonid monoculture with forced labor, critical marine pollution, and impacts on biodiversity.

The Ecoceanos Center has recorded the deaths of 81 workers, especially divers, working in farms, processing

⁴⁴ <https://www.terram.cl/wp-content/uploads/2024/07/NEGLIGENTE-REALIDAD-04032024.pdf>

⁴⁵ <https://www.1ta.cl/sentencia-de-corte-suprema-ratifica-el-fallo-del-primer-tribunal-ambiental-sobre-la-anulacion-del-pda-de-calama/>

⁴⁶ <https://www.1ta.cl/acogen-a-tramite-demanda-por-dano-ambiental-interpuesta-por-agrupaciones-sociales-de-calama-contra-el-estado/>

⁴⁷ <https://www.ecoceanos.cl/2025/07/un-sabor-que-mata-tercera-muerte-de-buzo-del-salmon-durante-el-2025-en-la-patagonia-chilena/>

plants, and maritime transport activities of this transnational aquaculture industry between 2013 and July 2025⁴⁸. David Boyd, UN Special Rapporteur on Human Rights and the Environment for the United Nations, states in the Annex to his January 2024 General Report, referring to his visit to Chile, that "salmon farming is one of the main environmental threats facing Chilean Patagonia, especially the Kawésqar National Park, which is important for the conservation of various species and ecosystems⁴⁹."

The massive use of antibiotics increased by 10.8% in 2024. See details on scale and impact, state subsidies and threats in the Report to the Ecoceanos ESCR Committee in the Annex 6⁵⁰ to this report.

⁴⁸ <https://docs.un.org/es/A/HRC/55/43/Add.1> in 65 paragraph, see too Annex Salmonicultura, pág. 15 of Annex to UN Report

⁴⁹ <https://www.sernapesca.cl/noticias/sernapesca-publica-el-informe-de-uso-de-antimicrobianos-y-antiparasitarios-en-la-salmonicultura-del-primer-semester-del-2024/>

⁵⁰ See Annex 6, Centro Ecoceanos Report to Committee for SECR, August 2025 in <https://www.ecoceanos.cl/wp-content/uploads/2025/08/REPORTE-CENTRO-ECOCEANOS-Agosto-2025.pdf>

BY WAY OF CONCLUSION

The organizations gathered in the "Day by Day for Julia Chuñil" space, which have worked collaboratively to prepare this Report, are making available to the ESCR Committee and other entities and communities of organized civil society this product meaning to provide a tool that allows for a well-founded understanding of some of the following issues:

Chile has entered a growing process of regressive human rights policies and laws, with latent violations of economic, social, cultural, and environmental rights that endanger human life and all the biodiversity found in this territory. There is a permanent and increasingly accentuated prevalence of impunity. There is no truth, justice, or reparation, and there are no measures to prevent the violations of rights experienced by human and environmental rights defenders and citizens in general when they attempt to exercise the human right to protest, assemble, and petition the authorities. Environmental laws are being enacted that respond only to pressure from large transnational and national corporations and are promoted while ignoring the water crisis and the destruction of territories following decades of extractivism.

The corporate practices, both national and foreign, endorsed, financed, and permitted through these types of laws promoted by the Chilean state, increase inequality among the general population, destroy protected natural and biodiversity systems, undermine water sources and reservoirs, fracture communities, and deepen the establishment of predatory species in waterways and oceans. In the name of an energy transition that serves the decarbonization of countries in the Global North, more territories in Chile will become sacrifice zones. In addition to all this, environmental defenders who oppose and resist these extractive and destructive projects are criminalized and discredited. Death, disappearances, and serious attacks on human integrity have singled out large private businesses as the protagonists of thuggish and unpunished practices that are met with silence from governments and the apparent ineffectiveness of the justice system, which either closes cases without any guilty parties or fabricates plots to protect those responsible. This occurs most frequently in territories inhabited by Indigenous peoples in southern Chile and also in the north, where communities still maintain ways of life and subsistence that respect nature.

The documentation and information gathered by organized communities reveal a Chile that operates at different speeds. On the one hand, there is a ruling class that is deepening, perfecting, and sustaining with state resources the extractive model left by the dictatorship. This, along with destroying nature, destroys human beings who are part of it, deepens social fractures, and creates new pockets of inequality. But there is also a Chile that resists this neocolonial model and its barbarism in an organized manner, in which the leadership of women from popular and Indigenous sectors stands out on the path to building good living. Communities are building solidarity networks and self-sufficient supply organizations and are considering strengthening grassroots economies and self-managed media. They are developing community-based forms of commons management, alongside cultural and artistic practices and traditional crafts, safeguarding ancestral knowledge and wisdom. This seeks to find ways to protect and regenerate damaged territories, advance the practice of agroecology in order to get pesticide- and GMO-free food production, conserve medicinal plants, and recover ancient seeds, along with actions to defend the rights of nature and, therefore, forests, rivers, wetlands, and coastal and marine territories, among others.

Sending all this information to the Committee adds new, differentiated approaches or delves deeper into situations possibly already identified by Rapporteurs and Commissioners who have visited Chile from different areas of work. We realize there are undoubtedly still areas of violations that remain unexplored. However, our participation allows us to monitor and update the information available in your departments, and we therefore thank you in advance for your consideration.