



Alternative Report for the Review of the Fifth Periodic Report of the State of Chile Before the Committee on Economic, Social and Cultural Rights at its 78th Session

1. This report by the Human Rights Observers Commission seeks to contribute to an assessment of the State of Chile's progress in fulfilling its obligations regarding ESCR, particularly in contexts of social protest. Based on direct observation, on-the-ground documentation, and analysis of legislation and public policies, it addresses violations of the rights to protest, education, health, and heritage. In the field of education, it considers the fragmented incorporation of human rights education in public schools, as well as the regressive implications of Law No. 21.128 "Safe Classrooms," which has resulted in the exclusion and criminalization of mobilized students. In health, it documents the serious health risks faced by people exercising their right to protest, including the lack of timely medical care and the disproportionate use of less-lethal weapons and tactical vehicles. It warns about the failure to uphold the right to cultural heritage in its dimension linked to the right to memory, and the absence of a specific legal framework to protect and guarantee the existence of Memory Sites, undermining their role as guarantors of truth and non-repetition.

2. General recommendation: The State must ratify, no later than 2026, the Optional Protocol to the ICESCR regarding the Committee's competence to receive and examine communications.

Issues of particular relevance, paragraph 3: "Please also describe the measures taken to ensure respect for the right of assembly and peaceful protest and the right to freedom of expression in the context of the social protests, especially with regard to human rights defenders, student leaders and leaders of indigenous peoples".

3. Between October 2019 and March 2020, Chile experienced one of the most significant episodes of social unrest in its recent history, known as the "Estallido Social." Triggered by deep social, economic, and cultural inequalities and systemic abuses, the protests were met with a disproportionate and violent response by the State, resulting in systematic and widespread human rights violations. During this period, more than 13,000 people required emergency care for injuries caused by State agents in the context of protests; at least 641 were hospitalized (Ministerio de Salud de Chile, 2019). The INDH recorded 3,777 victims, of whom 591 were children or adolescents; 27 were LGBTIQ+ persons; 28 were persons with disabilities; and 21 were migrants.

4. There were 460 recorded cases of ocular trauma, 369 of which were documented by the Colegio Médico as of January 2020, with 82 involving loss of vision (Radio Universidad de Chile, 2024; INDH, 2020). Seven people died as a result of actions by State agents. There were 492 reports of political-sexual violence, including rapes and threats of rape. Most incidents took place in public spaces, but also in places of detention and police vehicles (INDH, 2023). As of September 2024, out of a total of 10,142 complaints, only 252 cases had been formally prosecuted and just 44 had resulted in final convictions, consolidating a scenario of institutional impunity five years after the events (Amnistía Internacional, 2024).

5. Between 2022 and 2025, the government of Gabriel Boric has announced various commitments regarding reparations for survivors of the Estallido Social. However, the effective implementation of these measures has been limited and, in numerous cases, lacks budget allocations (**Annex I: Policies, Programs, and Measures Between 2020–2025**). The Comprehensive Agenda for Truth, Justice, and Reparation presented specific actions, such as the preparation of a report with non-binding recommendations in 2023 and a registry of victims in 2024, without resulting in substantive progress, given that it has no allocated budget according to the National Budget Law (Yo te fiscalizo, 2023).

6. On the other hand, the bill to protect human rights defenders, announced in 2022, has made no progress. Resolution Project No. 1.639 (Cámara de Diputados y Diputadas, n.d.) and Bulletin No. 14.694-17 (Diario Constitucional, 2021), which sought their legal recognition and protection, remain stalled in their first constitutional procedure, with no reported developments. Likewise, the process to reform Carabineros, initiated with the creation of a Commission for Police Reform and a Consultative Unit, showed initial progress in 2023 but lost momentum in 2024 and came to a halt in 2025 after the resignation of its coordinator.

7. Access to justice for violations of the right to assembly and association remains a structural problem in Chile. Despite the standards set by the Inter-American Human Rights System, which require investigations to be ex officio, thorough, timely, independent, and effective (Amnistía Internacional, 2022), by 2024 less than 1% of the more than 10,000 complaints of state violence during the social uprising had resulted in justice (Amnistía Internacional, 2024).

8. State reparation measures for victims of violations of the right to assembly and association have been fragmented, assistance-based, and lacking a human rights approach. Programs such as the Comprehensive Ocular Reparation Plan (PIRO), the Support and Care Plan for Victims of Eye Trauma (PACTO), the Medical and Social Assistance Plan for Seriously Injured Persons, and the ex-gratia pensions do not comprehensively address victims' needs (**Annex II: Comprehensive Reparation Measures for Human Rights Violations in the Context of Demonstrations**). The pensions, in particular, operate under opaque and discretionary criteria, excluding a significant number of affected individuals. According to a study by the Council for Transparency, between 2021 and 2024, only 11% of pensions were granted to "victims of the social uprising," while 44% did not specify any criteria. This demonstrates a lack of transparency in their allocation and confirms the weak implementation of the mechanism (Consejo para la Transparencia, 2024).

9. In the absence of effective reparation, social protest continues to be criminalized in Chile. The Human Rights Observers Commission of Casa Memoria José Domingo Cañas considers it pertinent to highlight that the regulations governing the right of assembly in Chile maintain restrictions incompatible with international obligations. Supreme Decree No. 1086 of 1983 subjects the exercise of this right to prior authorization by the authorities, which contradicts its constitutional recognition and violates the principles of legality and proportionality. Furthermore, this legal framework also includes Law No. 21.560 ("Naín-Retamal"), which grants undue privileges to security forces and has been applied retroactively to protect those responsible for human rights violations; Law No. 21.208 ("Ley Antibarricadas") and Law No. 21.633 ("Anti Tomas") criminalize legitimate forms of protest and collective organization, in contravention of the standards set forth in the International Covenant on Civil and Political Rights. These laws consolidate a punitive control policy instead of guaranteeing rights.

10. In this regard, our Commission has documented repeated violations of the right to protest in student contexts. These interventions, framed within a logic of public order control, have disregarded the principles of proportionality and special protection that govern matters related to children and human rights. Furthermore, we have identified severely discriminatory practices, such as the disproportionate use of identity checks on children and adolescents, which exceeded 107,000 between 2019 and 2022 (**Annex III: Material Requested via the Transparency Law on Identity Checks**).

11. The criminalization of social protest is shaped through the interplay of the three branches of the State. The Judiciary has contributed to this dynamic by closing a large number of cases related to the Social Uprising (Nash, 2025), leaving serious human rights violations unpunished. The Legislative Branch has passed criminalizing laws that reinforce punitive control over public order and restrict the right to demonstrate. For its part, the Executive Branch has implemented administrative measures that limit citizen participation and strengthen the repressive actions of law enforcement, consolidating a scenario of lack of protection for those exercising their right to protest.

12. Human rights defenders have been targeted with assaults, arrests, and criminalization. In particular, those carrying out observation duties during demonstrations have been victims of direct violence by State agents. The team of the Casa Memoria Human Rights Observers' Commission has been attacked while performing its work, including a documented case in which a water cannon truck injured two clearly identified observers. In response, three criminal complaints with audiovisual evidence were filed—one was dismissed, and the others remain without progress—demonstrating the absence of effective guarantees for those protecting the right to peaceful protest (**Annex IV: Material on attacks against the Observers' Commission**).

Recommendations:

13. *Immediately repeal Supreme Decree No. 1086, Law No. 21.128 ("Safe Classrooms"), and Law No. 21.560 ("Naín-Retamal"), as they are incompatible with international human rights standards. These laws restrict the right to protest and peaceful assembly; Law No. 21.128 criminalizes student participation, and Law No. 21.560 grants impunity to State agents in the context of demonstrations.*

14. *Incorporate, starting in 2025, international human rights standards into the proposal and discussion of the Rules on the Use of Force, which currently exclude accountability and priority groups.*

15. *Develop, within the next 12 months, a protocol between the Ministry of Justice and the Ministry of Foreign Affairs that addresses the guarantee, application, and monitoring of conventionality control in the exercise of public functions, in all administrative, legislative, and judicial instances, strengthening protection mechanisms against abuse and arbitrariness.*

16. *Introduce, for the 2026 legislative period, a bill on comprehensive reparation that includes truth, justice, reparation, and guarantees of non-repetition for victims of human rights violations, including victims of human rights violations in the context of demonstrations.*

17. *Implement during 2025 and 2026 effective mechanisms of oversight, transparency, and accountability regarding the use and abuse of force by State agents in contexts of peaceful assembly, ensuring that their actions comply with international human rights standards, are proportional, lawful, and subject to sanction in cases of violations.*

18. *During the years 2025 and 2026, create a specialized prosecutor's office for the protection of human rights defenders.*

19. *Submit a bill, within the next six months, for comprehensive protection of human rights defenders in accordance with international standards.*

20. *Create, during 2026, a Truth Commission of a technical, independent nature with a public mandate, aimed at clarifying the circumstances, responsibilities, and consequences of human rights violations that occurred in contexts of social protest and in the exercise of economic, social, and cultural rights. It must be composed of individuals of recognized ethical integrity and trajectory in human rights, academia, and public service, ensuring pluralism, legitimacy, and autonomy. Its mandate must include the preparation of a public report with recommendations aimed at comprehensive reparation and guarantees of non-repetition, within a period not exceeding 24 months from its establishment.*

21. The Chilean regulatory framework establishes that Carabineros must guarantee the right to peaceful assembly through an observant and differentiated attitude, without criminalizing its exercise. However, these guarantees only apply to previously authorized demonstrations, excluding spontaneous ones. This limitation prevents the State from fulfilling its obligation to anticipate and adopt concrete measures to safeguard the right to health in contexts of protest. Despite the evident risks, such as falls, dehydration, panic attacks, serious injuries, or even deaths—often linked to the excessive use of police force—there are no specific protocols nor effective coordination between Carabineros and health services, nor a national policy for health prevention in demonstrations.

22. This omission is particularly serious considering that demonstrations have taken place in an environment historically marked by systematic rights violations, which demands a heightened standard of prevention from the State. The case of G.A., a 15-year-old girl injured in the head by a tear gas canister on December 10, 2019, illustrates the absence of State preventive protocols in protest contexts. Without official medical care or assistance from Carabineros, it was self-organized civilian brigades who provided her with first aid (Toro, 2019).

23. International human rights standards establish that the use of force in the context of demonstrations must be exceptional and comply with the principles of legality, necessity, proportionality, and accountability. However, during the Estallido Social and in other protest contexts, Carabineros has seriously violated these principles. Just two weeks after the protests began in 2019, there was already a massive use of anti-riot shotguns: between October 18 and the end of December 2019, 151,288 twelve-gauge cartridges were fired, equivalent to more than 1.8 million pellets. In comparison, before the start of the protests, only 957 cartridges had been used throughout the entire year (Weibel & Jara, 2020). This indiscriminate use of harmful ammunition constitutes a disproportionate response that exposed thousands of people to serious and permanent injuries.

24. In addition to the above, there are alarming figures regarding State violence. According to the Ministerio Público (Fiscalía de Chile, n.d.) (**Annex V: Compliance of the Chilean State in the protection and reparation of the right to health of demonstrators, p. 49**), victims of crimes such as torture and cruel treatment increased by 1,030% between 2015 and 2024, and their proportion within the total number of crimes grew tenfold. These data reveal a structural repressive policy that has put at risk the physical and psychological integrity of both adults and children/adolescents (NNA). The arbitrary use of force, the absence of adequate protocols, the lack of control over police units, vague operational orders, and the absence of sanctions reflect a serious breach of the State's duty to prevent abuses. This situation not only violates the right to peaceful protest but also directly undermines the right to health by exposing the population to physical assaults, psychological trauma, and the absence of health protection in a context of institutional violence.

25. The Human Rights Observers Commission has received information regarding the arbitrary practice by Carabineros of transferring detainees to verify injuries at health centers that are not necessarily the closest to the location of the events. Reports indicate that detainees have been subjected to pressure and criminalizing attitudes by some health professionals to whom they are referred by the police. It has also been noted that injury verifications are often carried out in the presence of the police and are limited to physical harm, without considering the psychosocial consequences resulting from repression and exposure to violence in the context of social demonstrations. The use of chemical agents such as tear gas and pepper spray has been widely questioned due to their indiscriminate application and the lack of effective regulation in contexts of social protest. Between October 2019 and March 2020 alone, Carabineros fired more than 193,000 tear gas cartridges and launched 45,000 hand grenades, averaging 1,300 uses per day during that period. This massive deployment is not only disproportionate but has also been carried out without a rigorous regulatory framework or protocols for assessing health risks.

26. Studies conducted by Fundación Chile 21 and Forensic Architecture (El Mostrador, 2021) showed that, during demonstrations, CS gas concentrations reached levels up to 40 times higher than the limit established in Carabineros' own Operations Manual. This extreme exposure causes harmful short-, medium-, and long-term effects on physical and mental health and is compounded by the absence of regulations controlling the storage, composition, expiration, and proper use of these compounds. The lack of oversight and independent studies on their impacts reveals a serious omission by the State in its duty to prevent harm and protect the population from crowd-control technologies that, when misused, constitute a form of institutional violence and a violation of the right to health. According to a report by the Colegio Médico de Chile (2020), exposure to CS tear gas can cause severe physiological effects, including eye damage, respiratory problems, mucosal irritation, skin burns of up to second degree, and neurosensory alterations such as paresthesia and disorientation. While some symptoms are temporary, their intensity and duration depend on the level and duration of exposure and may worsen in individuals with pre-existing conditions—and can even be potentially lethal.

27. The massive use of chemical deterrents in protest contexts also constitutes a form of environmental pollution under Law No. 19.300 on General Environmental Framework (Ministerio del Medio Ambiente de Chile, 1994). These compounds can remain in the environment for several days, especially when deployed in high concentrations, generating toxic residues that are reactivated by air movement or foot traffic, thus affecting for prolonged periods those who live in or pass through affected areas (Encalada et al., 2019). This is particularly serious in enclosed spaces or areas of high urban density, where the effects are intensified, and their impact is prolonged.

28. The absence of official studies on the acute and chronic effects of tear gas exposure—both on demonstrators, police personnel, and municipal cleaning staff—combined with the lack of epidemiological monitoring of exposed populations, reveals a serious omission by the State. In this context, it is urgent to prohibit the use of tear gas compounds in protest control, given the absence of regulations ensuring their safe and controlled use.

29. The right to health obliges the State to guarantee immediate medical care to any person injured during a protest, without discrimination, and to provide information on the consequences of exposure to the weapons used. However, significant gaps persist in the recording, reporting, and assessment of such exposures. Furthermore, Carabineros de Chile lacks effective protocols and its own pre-hospital care networks, relying solely on the Emergency Medical Care Service (SAMU). In the absence of such structures, volunteer health brigades—grassroots organizations emerging from civil society—have taken on this role (CNN Chile, 2019). Despite their humanitarian mission, these brigades became targets of repression by Carabineros. Multiple attacks were documented against volunteer health personnel, improvised care centers, and even individuals identified as first aid providers. According to the IACHR (2022), pellet shots and tear gas were fired at these teams, including while they were assisting the wounded in public spaces. This conduct constitutes a flagrant violation of the right to health, the principle of humanity in contexts of internal unrest, and international standards protecting those who provide aid during demonstrations.

30. Regarding mental health, following the Social Uprising, victims of state repression have faced systematic neglect that has profoundly hindered their processes of physical, mental, and social recovery. Without medical or psychological follow-up from the State, many have been forced to resort to private care and solidarity networks to cover the high costs resulting from their injuries (Cooperativa, 2020). The absence of a structured state response has intensified the sense of impunity and vulnerability, directly affecting their quality of life and deepening the harm caused by institutional violence (Araneda, 2024). Testimonies from people with ocular trauma reveal the severe psychological impact of the mutilations suffered. Uncertainty, fear, anxiety, and sadness have been recurrent among victims, many of whom also face work- and family-related difficulties stemming from their injuries. In the case of fatal victims, such as C.V. (Araneda, 2024), the loss has had devastating effects on their families, who call for justice, truth, and reparation from a State that has neither acknowledged nor adequately addressed its responsibility.

31. Furthermore, the deterioration of mental health among victims has been such that, according to the Coordinadora de Víctimas de Trauma Ocular, at least five people have died by suicide as a direct consequence of state abandonment (Padilla, 2024), impunity, and the lack of reparation. These cases reflect an unaddressed humanitarian crisis, where institutional denialism and the absence of effective mechanisms for justice and comprehensive reparation perpetuate the harm, generating a climate of hopelessness, social withdrawal, and sustained psychological suffering.

Recommendations:

32. *Immediately prohibit the use of tear gas and other chemical compounds, as well as kinetic impact weapons, both lethal and less-lethal, in the context of protests, given the absence of effective regulation, the documented harm to health, and their harmful environmental effects. This measure must be adopted in compliance with the State's duty to protect the right to health and in accordance with the principles of legality, necessity, proportionality, and precaution.*

33. *Develop and implement, within a maximum period of 12 months, a national policy that includes specific health protocols for protest contexts, ensuring prevention, immediate medical care, transparency, and accountability regarding the care provided, as well as intersectoral coordination with health services and the protection of civilian brigades. This policy must apply to both authorized and spontaneous demonstrations, in accordance with the principle of non-discrimination, and must be developed with the participation of human rights organizations and civil society.*

34. *Implement during 2026 a state system for medical, psychological, and social follow-up for victims of repression, including specialized mental health care and mechanisms for comprehensive reparation. This system must explicitly acknowledge the State's responsibility for the harm caused and comply with the principle of restitution, rehabilitation, and guarantees of non-repetition, in accordance with the framework of international human rights law.*

35. *Immediately prohibit the use of lethal and less-lethal weapons in contexts where children and adolescents are present, in order to safeguard their right to life, physical and mental integrity, and the right to health, in accordance with the principle of the best interests of the child.*

36. *Ensure, within 12 months, that the Committee for the Prevention of Torture actively intervenes in specific contexts of protest, prioritizing the prevention of cruel, inhuman, and degrading treatment, the protection of the right to health, and groups requiring special protection.*

Ongoing implementation of the Covenant, paragraph 26: *"Please also describe the impact of the implementation of Act No. 21128, known as the "Safe Classrooms" Act. Please report on the results of the measures taken to ensure access to education, including intercultural education"*

A. Human Rights Education in the Public Education System

37. In accordance with Article 13(1) of the ICESCR, as well as paragraphs 4, 49, and 56 of the Committee on Economic, Social and Cultural Rights' General Comment No. 13, States have the obligation to include human rights content in education and ensure its effectiveness, given that human rights education (HRE) is essential for the development of an informed population that can understand the importance and impact of these rights in their lives, and be able to live in a tolerant and safe society.

38. In this context, the Human Rights Observers Commission of Casa Memoria José Domingo Cañas has conducted systematic monitoring of the incorporation of human rights education (HRE) into the curricular bases of the Chilean educational system. As of 2025, a total of 169 references to HRE content have been identified (**Annex VI: Report on Human Rights Education at all levels of education, p. 9**). While there has been a progressive inclusion of these contents in curricular frameworks, this incorporation has been uneven and fragmented. The greatest concentration is found in Secondary Education (7th grade to 10th grade, with 68

mentions), whereas key formative levels such as Early Childhood Education record only 8 mentions. This asymmetrical distribution limits the development of a progressive and sustained human rights education from early childhood.

39. It was identified that the most frequently addressed dimensions are respect for human rights (70 mentions) and tolerance among diverse groups (37), while fundamental aspects such as State responsibility (11), peace and justice (8), and rights protection mechanisms (8) show an alarming underrepresentation. This trend reflects a HRE with limited content that fosters the enforceability of rights and an understanding of the State as guarantor, thereby weakening the development of a critical and fully informed citizenry.

Recommendations:

40. *Develop and implement, within the next 12 months, a National Human Rights Education Plan with a human rights and memory approach, of a binding nature, ensuring its progressive and mandatory inclusion at all levels of the educational system. This plan must include curriculum updates, international standards, teacher training, and evaluation mechanisms.*

41. *Strengthen, within the next 12 months, the implementation of existing programs such as the Memory Month and the National Human Rights Plan, by providing greater institutional support, resources for their execution, and making their application mandatory.*

B. Effects of Exclusion under the “Safe Classrooms” Law and the Criminalization of Student Protest

42. Law No. 21.128 (“Safe Classrooms”), enacted in late 2018, separated the grounds for expulsion derived from the school’s internal regulations from those that seriously affect school coexistence. It also redefined the coexistence regulations, specifying which behaviors constitute a serious infraction—such as physical or sexual assaults, the use of weapons, or damage to infrastructure—and established sanctions, timelines, procedures, and new powers for school principals. According to the Executive Branch and the Ministry of Education, the initiative sought to expand the powers of school management teams, particularly in contexts of school violence. Its purpose was to respond to incidents of conflict in emblematic high schools in Santiago and to address what was described as a regulatory weakness (Díaz & Spencer, 2021), namely, the slow pace of administrative procedures for applying disciplinary measures such as expulsion or cancellation of enrollment (Ministry of Education, 2018). This law was drafted in response to incidents that occurred in a small number of high schools and, despite its stated aim of strengthening school coexistence, its implementation has resulted in multiple violations of students’ rights, including prolonged preventive suspensions without effective procedural safeguards.

43. The approach to the *Safe Classrooms* Law requires a human rights perspective, particularly regarding the use of disciplinary or criminal mechanisms against students. Given their universal and inalienable nature, these rights impose on the State the duty to protect children and adolescents, avoiding any harm to their integrity and ensuring conditions of care, protection, and access to safe education (Defensoría de la Niñez, 2019).

44. Studies conducted by Universidad Diego Portales in 2023 have shown that the *Safe Classrooms* Law does not ensure the prevention of school violence (Ayala Oyarzun et al., 2023). On the contrary, expulsion without appropriate psychoeducational interventions tends to deepen the conditions that gave rise to the sanctioned conduct. The application of this law has disrupted educational trajectories, led to school dropout, and negatively affected students’ mental health, particularly in contexts of institutional violence. On the other hand, despite its high public visibility, during its first year in force, the *Safe Classrooms* Law was applied in only 50 of the 722 expulsion cases recorded in 2019. Of those 50, only 24 were based on the most serious grounds (use, possession, or carrying of weapons or incendiary devices), which demonstrates the limited use of this legal instrument (Díaz & Spencer, 2021).

45. One year after the law was enacted, an analysis was conducted of 13 cases that went to court (Díaz & Spencer, 2021) (see Annex VII: Case files of 13 *Safe Classrooms* Law cases). The review revealed serious irregularities in both the administrative and judicial phases: sanctions without prior proceedings, lack of formal notification, denial of the right to defense, absence of reasoning in decisions, automatic application of precautionary suspensions, and failure to consider mitigating factors such as good conduct or student leadership. Moreover, most sanctions were applied in response to students' political expressions, disproportionately affecting spokespersons and student leaders in the context of mobilizations following October 18, 2019. In their application, the courts failed to consider international human rights standards or the State's heightened duty of protection towards children and adolescents. It was found that judicial decisions did not conduct a control of conventionality nor assess substantive criteria such as proportionality, culpability, or causal link. In most cases, they merely validated procedural aspects, perpetuating a punitive and stigmatizing approach. Key bodies such as the Children's Ombudsperson (Defensoría de la Niñez) were absent from these proceedings, leaving students without effective institutional protection.

46. In practice, the judicial application of the *Safe Classrooms Law* has operated more as a mechanism of educational exclusion than as a tool to safeguard school coexistence. The criminalization of student protest—through expulsion as punishment—undermines fundamental rights such as freedom of expression, assembly, and association, and constitutes a harassment strategy specifically targeting politically active students.

47. According to the report by the Monitoring Committee on Violations of the Right to Education and the Forum for the Right to Public Education, the use of expulsion has increased since 2016, with 50% of cases concentrated in just 2% of schools, mainly emblematic ones (Mesa de Seguimiento & Foro por el Derecho a la Educación Pública, 2025). This phenomenon is part of a structural crisis in public education, where discourse on violence has been instrumentalized to justify exceptional measures that violate the right to education and the right to protest.

48. These practices have continued through 2025. The Human Rights Observers' Commission has received recent complaints showing ongoing patterns of violations of the right of children and adolescents to peaceful assembly, particularly in emblematic high schools. Photojournalists and observers have documented the habitual presence of militarized police personnel and vehicles outside these schools, as well as intrusive inspections in private spaces, such as bathrooms. In the same vein, bill No. 17.424-25 seeks to authorize the use of technologies such as metal detection gates and biometric recording cameras (Congreso Nacional, 2025).

49. This is compounded by direct observations from the Commission (**Annex VIII: repression and police presence outside educational facilities**), which has recorded the use of chemical weapons in and around educational institutions during protests. This practice contradicts the principles of participation and non-discrimination set forth in General Comment No. 13 of the CESCR and constitutes an institutional reprisal incompatible with the State's obligations under the ICESCR.

50. For all the above reasons, the implementation of Law No. 21.128 is of particular relevance to the CESCR, as it has had regressive impacts on the exercise of the right to education (Art. 13 ICESCR), undermining the principles of accessibility, inclusion, and non-discrimination (Art. 2.2 ICESCR). The application of this regulation has operated as a mechanism for exclusion and criminalization of student protest, disproportionately affecting student spokespersons and leaders, without due process guarantees. The absence of conventionality control by the courts, the omission of the State's heightened duty of protection toward children and adolescents, and the use of surveillance devices and force in school environments reinforce a repressive logic incompatible with Chile's international obligations.

Recommendations:

51. *Immediately repeal Law No. 21.128 “Safe Classrooms” and, within a maximum period of six months, design and implement a new non-punitive school coexistence framework with the effective participation of school communities and a human rights-based approach.*

52. *Immediately prohibit the use of intrusive surveillance and the permanent presence of police in educational establishments, as they violate the rights of children and adolescents. Instead, it is proposed to create a national mechanism for school coexistence and conflict de-escalation, with a human rights-based approach and the participation of public and civil society human rights entities, to promote dialogue, active listening, and the peaceful resolution of conflicts that hinder the exercise of the right to education with dignity.*

53. *Amend, before December 2025, the education legislation to ensure the mandatory respect of due process in all school disciplinary sanctions, including the right to defense, the presumption of innocence, the proportionality of measures, and the best interests of the child. Likewise, establish an independent oversight mechanism with a human rights-based approach, with special emphasis on the implementation of the Convention on the Rights of the Child.*

54. *Establish, within a maximum of 12 months, a mental health support program with a reparative approach for students affected by expulsions, harassment, or other forms of school exclusion, taking into account the role of the schools’ psychosocial teams.*

55. *Recognize students as rights-holders, ensuring their effective and binding participation in decision-making within educational institutions. To this end, reform, within 12 months, the School Coexistence Regulations to establish student bodies with deliberative capacity in matters of institutional management, coexistence, and educational projects, in accordance with the Convention on the Rights of the Child and the human rights framework.*

Ongoing implementation of the Covenant, paragraph 27: *“Please provide information on the consideration and adoption of the draft Heritage Act”*

A. Challenges for a National Plan for Memory Sites

56. During the civil-military dictatorship, the various Truth Commissions identified more than 1,100 places where serious human rights violations were committed. However, the process of recognizing and protecting these sites as heritage assets has been slow and inconsistent. In the first decade of the transition, only one site was declared a Historic Site (Hornos de Lonquén, 1996). In the second decade, this figure increased to just ten. Currently, 60 sites hold this category, 20 of which have been recognized during the current administration.

57. While the increase in the number of formally protected places is valued, the mere declaration as a historic monument is insufficient to ensure their adequate protection, preservation, and safeguarding of historical memory. Current legislation does not include a specific category for memory sites within the Heritage Law, nor is there any specific regulation to guarantee the sustainability of their management.

58. In a context of increasing visibility of denialist positions and open support for the dictatorship, memory sites have been affected by acts of vandalism and destruction. According to a report prepared by the Culture, Memory and Human Rights Unit, between 2018 and 2024 more than 140 attacks against memory sites have been recorded. In the last 12 months alone, the Casa Memoria José Domingo Cañas memory site has suffered three acts of vandalism, including the destruction of artistic installations and the tearing of photographs of people who were forcibly disappeared.

59. In terms of funding, only 15 sites have access to resources through competitive grants, and just 9 receive fixed annual funding from the national budget. These funds show a marked disparity, ranging from 27 to 381 million pesos. Delays in implementing protection measures, combined with difficulties and inequalities in accessing resources, have led to the partial or total destruction of several of these sites, eliminating potential legal evidence and severely impacting collective memory. This situation reflects a worrying lack of institutional empathy and an absence of comprehensive reparation for the victims of State terrorism.

Recommendations:

60. *Urgently submit, within a maximum period of two months, a Law on Sites of Memory that allocates sufficient resources to ensure the sustainability of heritage management for all memory sites, allows for the provision of resources according to the specific relevance of each site, and integrates a protection and safeguarding system with universities, justice institutions, conservation bodies, and civil society organizations, in line with the protection, conservation, and heritage management guidelines established by the Regional and Universal Human Rights Systems.*

61. *Develop, within 12 months, a plan for the protection and safeguarding of all sites where serious human rights violations were committed.*

62. *Develop, within two years, a plan to incorporate visits to memory sites into curricula and professional training programs at the primary, secondary, technical-university levels, as well as for the armed forces and security forces, including memory pedagogy programs with a human rights approach and human rights education.*

B. Heritage Law

63. In 2019, a Cultural Heritage Bill (Bulletin 12712-24) was introduced, which incorporates a definition of memorial site, establishes measures for the conservation, preservation, and sustainability of the sites, and some financing measures through subsidies, tax benefits, and competitive funds. This bill is currently in its second constitutional procedure in the Senate under urgent status. However, it does not impose an obligation on the State to acquire memorial sites that are privately owned and at risk of destruction. Nor does it provide sufficient and permanent funds for heritage management or for safeguarding plans for memorial sites.

Recommendation:

64. *Introduce in 2025 amendments to Bill Bulletin 12712-24 to incorporate fixed percentages of the national budget for the acquisition of memorial sites through the National Assets Ministry, as well as percentages allocated to financing heritage management.*

References ([Link](#))

Annexes ([Link](#))