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CONSEJO CONSULTIVO DE LA SOCIEDAD CIVIL
NACIONES UNIDAS CHILE 2025



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PRESENTATIONS



CONSEJO CONSULTIVO DE LA SOCIEDAD CIVIL

NACIONES UNIDAS CHILE 2025



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TOPICS

1. Older Persons, Aging, and Life Course

Chile is undergoing a rapid demographic shift: 20% of its population is aged 60 or older, and by 2050 one in three people will be in this group. Globally, for the first time, people over 65 will outnumber children under five, requiring a move away from a welfare approach and placing aging at the center of human rights. The issue is not aging itself but how it occurs: with inadequate pensions, precarious care, and an excluding society. It is urgent to adopt a geroactivist approach recognizing older persons as active rights holders, integrating them explicitly into the SDGs, transforming public policies to ensure dignified, autonomous, and participatory aging.

1.1 Structural Rights Violations

A consultation with older persons revealed serious violations: lack of mental health access, scarce and precarious care, abandonment in rural areas, and age discrimination. Critical cases include preventable deaths in ELEM, prolonged hospitalizations due to lack of support networks, domestic violence, and barriers to justice access. These reflect deep structural neglect largely unaddressed by the State, with civil society often filling the gaps. Older persons face material deprivation and symbolic-cultural exclusion limiting their agency and social recognition.

1.2 Life Course Approach

Aging begins before 60 and builds across life. A life course approach linking policies from childhood to older adulthood is needed to promote wellbeing, participation, and health for all. We urge the UN and States to integrate this approach globally and evaluate the Madrid Plan participatively, including clear indicators for the Decade of Healthy Aging. A preventive, comprehensive approach anticipates challenges and prevents inequality accumulation over time.

1.3 Intergenerationality as Social Protection

Intergenerationality strengthens social cohesion and combats ageist stereotypes. Shared spaces across generations recognize older persons' contributions, foster collective memory, and build solidarity. It enables fairer care and responsibility distribution. Relationships between generations should be seen as alliances, not burdens. Aging with dignity must be a guaranteed right supported collectively by the State

2. Indigenous Peoples and Chile's Tribal Afrodescendant People: Diversity, Rights, and Resistance

Chile officially recognizes eleven indigenous peoples—Mapuche, Aymara, Quechua, Rapa Nui, Atacameños (Lickanantay), Kawésqar, Yagán, Colla, Chango, Diaguita, Selk'nam (Onas)—and the Tribal Afrodescendant people, all collective rights holders. Yet, severe structural violations persist, limiting effective exercise of cultural, linguistic, educational, spiritual, and territorial rights.

2.1 Invisibilization and Policy Asymmetry

Due to overexposure of the “Mapuche conflict,” other indigenous peoples and the Afrodescendant community remain systematically invisible. This neglect impacts collective rights guarantees, especially cultural, spiritual, territorial, and educational rights. Although the Afrodescendant people were officially recognized in 2019 (Law No. 21,151), this has not translated into robust policies with budgets, representation, or participation mechanisms, lacking regulatory frameworks despite the law's existence.

2.2 Norms Undermining Collective Rights

A major shared violation is the validity of Supreme Decree No. 66 from the Ministry of Social Development, whose Article 66 allows the State to unilaterally decide if a measure directly affects indigenous peoples. This contradicts ILO Convention 169, undermining the right to free, prior, and informed consultation, reducing it to an administrative formality without effective participation or consent. Current procedures ignore indigenous deliberation forms, collective decision-making, and spirituality, causing cumulative impacts on health, education, arts, and cultural heritage.

2.3 Impacts of Invisibilization and Denial of Rights

Participation offered to indigenous and Afrodescendant peoples is mostly informational, lacking binding power or real governance from territorial needs. Intercultural health practices and traditional agents are excluded from formal health systems due to biomedical criteria alien to their worldview. Indigenous language teaching is arbitrarily restricted, harming especially urban indigenous children. Afrodescendant history, identity, and spirituality are absent in curricula, perpetuating structural racism and erasing collective memory. Rights training sessions often exclude Afrodescendant peoples, reproducing exclusion.

3. Persons in Human Mobility, Migration, and Refuge

3.1 The New Migration Law

Persons in human mobility, including migrants and asylum seekers, face a hostile environment marked by structural discrimination. The new Migration Law, aimed at “Orderly, Safe, and Regular” migration, has led to practices criminalizing irregular migration, persecuting undocumented persons, and allowing collective expulsions violating due process and legal defense. Migrant human rights defenders are particularly unprotected, exposed to institutional and social violence.

3.2 Visas and Residence Permits

Structural discrimination affects visa and residence permit processes, especially for trans migrant women. Formal contracts are required for visas, ignoring many trans women’s exclusion from formal labor due to prejudice and barriers. The invisibilization of sex work as legitimate labor prevents regularization, perpetuating exclusion, precariousness, and violence exposure.

3.3 Trans Women’s Inequality under Migration Law

Trans migrant women are among the most excluded in Chile’s migration system. Despite international calls recognizing their special protection needs, Chile’s law omits them explicitly, e.g., in Policy Axis 4 on Special Protection Subjects. This reflects institutional unwillingness to meet their needs, perpetuating inequality and human rights violations. Urgent gender- and diversity-focused migration policies are needed to ensure trans women’s access to regularization, protection, and dignity.

4. Childhood, Adolescence, and Youth

2024 reports from the Children's Ombudsman and Childhood Observatory confirm worsening child rights conditions in Chile, challenging the State's previous responses significantly.

4.1 Situation of Children and Adolescents in Chile

In 2017, 7.7% of newborns weighed under 2,500 grams; in 2023, 9.2%. Premature births reached 12.7% in 2023. Childhood obesity in grades 1 and 5 hit 28%, adolescent obesity 18%. Depressive symptoms in adolescents rose from 14% in 2017 to 23% in 2023.

4.2 Mental Health and Poverty

Between 2014 and 2023, public mental health visits for females aged 15–19 rose from 96 to 174 per 1,000; for males, from 35 to 49. Suicidal risk adolescent controls increased 117%. Alcohol use in last month reported by 24%. Thirty-nine percent report abuse experiences. Poverty affects 11% of children 0–12 and 9% of 13–17 years old. Twenty percent live in food-insecure households; 47% live in violent neighborhoods.

4.3 Closure of Street Children Program

The closure of Red Calle Niños, Chile's sole program for street children, compromises the safety and development of vulnerable children and adolescents, violating State obligations under the International Covenant on Economic, Social, and Cultural Rights.

5. Persons with Disabilities, Inclusion, and Accessibility

Most rights violations of persons with disabilities in Chile stem from the State's lack of recognition of their significant presence in society. Representing 17.6% of adults, disability is more common among older adults, low-income groups, and women. Approximately 14.7% of children and adolescents have disabilities, per the 2022 National Disability and Dependency Survey (ENDIDE).

5.1 Dependency Situation

Around 45.5% of adults with disabilities experience dependency, with 64.6% having severe disabilities requiring daily assistance. This demands comprehensive support systems and independent living programs. Employment access is key; only 40% of persons with disabilities are employed versus 58.4% without disabilities. Job dissatisfaction affects 23.3%, and 65.5% report income dissatisfaction.

Twenty percent reported workplace mistreatment in the past year, with 32.7% occurring primarily at work.

5.2 Rights Exercise Gaps

Significant gaps hinder persons with disabilities' rights and autonomy in Chile. The elimination of individual independent living projects from the National Disability Service contradicts international commitments. Inclusion requires broad public policies to overcome discrimination.

5.3 Mental Health Bill

Civil society groups express concern about the mental health bill before Parliament. It must have a rights-based approach to meet the needs of persons with psychosocial disabilities, who face discrimination and violence.

6. Social Security and Structural Guarantees

Unlike countries lacking social security tools, Chile's issue is access. A robust institutional network is controlled by private profit-driven interests. The system operates by restricting rights and maximizing profits, turning a human right into a structurally perverse business.

6.1 SIS: Mandatory Insurance with Low Actual Coverage

The Disability and Survivorship Insurance (SIS), mandatory for over 10 million people, promises coverage but Chile has the lowest disability pension granting rate in the OECD (0.8% vs. 5.4%). This reflects institutional design limiting access to reduce costs.

6.2 Delegation and Conflicts of Interest

Since 2008 and especially 2016, AFPs delegated disability evaluations to their own Foundation FACM, responsible for Medical Commissions. The Pension Superintendent cannot supervise foundations, perpetuating artificially low approval rates, backed by court rulings from 2016–2024 showing systematic rejections despite sufficient medical evidence.

6.3 Systematic Exclusion and Official Registry Failures

Orphans, widows, and people with preexisting conditions face SIS exclusion. Official disability registries recognized only 522,398 people in 2023, based on voluntary declarations, hampering policy design. Meanwhile, over 25,000 public officials have abused medical leave systems, gaining benefits denied to the general population under harsher regimes.

6.4 Public Health Crisis and Lack of State Oversight

Medical absenteeism and multitasking, unmonitored by the contracting State, have caused avoidable deaths on waiting lists. Between 1981 and 2023, the Pension Superintendent never supervised medical evaluators; biometric controls face active resistance, worsening inefficient public resource use.

7. Territorial Inequalities and Rurality

Territorial inequalities in Chile severely affect regions, rural and border zones, revealing major gaps in access to fundamental rights.

7.1 Educational Gaps in Rural Areas

Low coverage, poor infrastructure, and social vulnerability characterize rural education, reflected in low enrollment and multigrade schools. Challenges include attracting qualified teachers, long travel distances, lack of basic services, and unsafe roads, making education a privilege. Educational outcomes lag in national tests; technical education offerings decline, forcing students to migrate, impacting families emotionally, socially, and economically, perpetuating poverty and exclusion.

7.2 Digital Connectivity Inequality

Internet access is an opportunity gateway, yet rural Chile faces persistent digital divides. Urban connection is 76.1%, rural 49.6%. Fifty-five communes have under 1% connectivity. Chile ranks fourth worst in fixed connections per 100 inhabitants in the OECD. Education level correlates with access: 41% without formal education have internet; this rises to 87.6% with complete secondary education and 95% among professionals.

7.3 Institutional Inequality Locally and Regionally, and Halfway Decentralization

OECD (2017) reports 88% of Chile's public investment is centrally decided, limiting local responsiveness. Fundación Chile Descentralizado (2019) documented up to eightfold per capita budget differences between communes. In 2023, only 17.4% of tax revenue was raised subnationally, with subnational spending at 14.9%, 14 points below OECD unitary country averages. Centralization fails to capture territorial specificities, perpetuating inequity by concentrating resources in better-managed areas.

8. Sexual and Reproductive Rights and Sexual Diversities

8.1 Compliance with National and International Legal Framework

Chile faces significant challenges implementing the IVE and Zamudio Laws. Access to abortion under three grounds remains limited due to conscientious objection, lack of support, and judicialization. Only a minority access procedures. Zamudio Law has low application and effectiveness despite rising hate crimes. Structural measures, strong institutions, and preventive policies are needed to strengthen both laws.

8.2 Concrete Measures for LGBT+ Community Well-being

To protect LGBT+ rights in 2024–2025, public policies must include mandatory diversity training for officials, psychological, legal, and social support programs, and mass awareness campaigns. Safe spaces in education and work, effective complaint and sanction mechanisms against discrimination, and continuous monitoring of law compliance are essential to foster inclusion and respect.

8.3 Support to LGBT+ Organizations, Frontline Workers

Public budgets should include support for LGBT+ community organizations and networks, recognizing their crucial role in rights protection and support networks. Collecting and sharing data on the community's situation enables evidence-based policies addressing real needs and promoting comprehensive well-being for all without discrimination.

8.4 Recognition and Compliance

Chile's adherence to international treaties commits it to guarantee fundamental rights without discrimination, extending protection to the LGBT+ community. Proper implementation reduces discrimination, ensures equal access to services, and strengthens democracy and human dignity.

8.5 Ethno-intercultural Context

Recognizing ancestral genders in Chile's indigenous peoples enriches understanding of sexual and gender diversity. Integrating memory and territorial ancestry promotes broader, respectful inclusion. LGBT+ rights protection requires State and societal commitment to guarantee equality and effective rights access. Current legislation must be complemented with inclusive public policies. Cultural diversity recognition is key to a fairer society. Concrete action is needed to combat discrimination and strengthen democracy.

9. Environment, Sustainability, and Environmental Defenders

9.1 Escazú Agreement

While the Escazú Agreement represents normative progress, it lacks effective territorial protection mechanisms for environmental defenders, especially youth, who face intimidation and criminalization for opposing extractive projects or denouncing damage. The 2025 Implementation Analysis Report states Chile has advanced only 15% in protecting defenders three years after joining, showing a critical deficit in international commitment compliance.

9.2 Comprehensive Climate Action

Chile's climate action has been insufficient and fragmented, severely affecting rural communities facing megadrought and water scarcity. Environmental assessments permit mega-projects without effective participation, weakening institutions. "Sacrifice zones" with serious health and environmental impacts arise. Protecting environmental defenders and strengthening state response is urgent.

9.3 Biodiversity and Climate Change

Biodiversity loss and ecosystem protection failures are critical in Chile's environmental crisis. Cases like Concón dunes and Dominga project show territorial development lacking ecosystem focus and weak environmental impact assessments. Key ecosystems continue to degrade from poorly evaluated productive activities, threatening essential services like water, food, and climate change protection.

9.4 Textile Crisis in Atacama Desert

In northern Chile, Alto Hospicio's imported textile waste crisis exemplifies how lacking circular economy policies cause socio-environmental impacts harming vulnerable communities. The Circular Economy Strategy for Textiles notes Chile imported 131,574 tons of used textiles in 2022; about 70% (92,102 tons) went to landfills, microdumps, or illegal dumps, creating a specific territorial environmental crisis requiring differentiated youth-inclusive approaches.

10. Cultural Rights

10.1 Challenges for a National Plan of Memory Sites

During the dictatorship, over 1,100 sites of severe human rights violations were identified. Recognition and protection have been slow and fragmented: only 60 declared Historical Monuments, with just 20 under the current government. The Heritage Law lacks specific figures for memory sites or sustainability guarantees.

In denialism and dictatorship apology contexts, many sites have suffered attacks. Between 2018–2024, over 140 vandalism acts occurred, including three recent attacks on Casa Memoria José Domingo Cañas. Only 15 sites have competitive funding; merely 9 have fixed state financing with very uneven amounts. This precarity has led to site destruction, harming collective memory and erasing potential judicial evidence.

11. Right to Education

11.1 Effects of the “Safe Classroom” Exclusion Law and Criminalization of Student Protest

Law No. 21,128 “Safe Classroom” was enacted in 2018 to address school violence by expelling students in severe cases. However, it has resulted in fundamental rights violations, especially of children and adolescents. Studies show it does not prevent violence but interrupts education paths and deepens exclusion, harming students’ mental health.

Within a year, serious irregularities in administrative and judicial procedures were detected, including sanctions without due process and retaliation against student spokespersons for protest participation, especially after the 2019 social outbreak. Courts mostly failed to apply international human rights standards or conventionality control.

Though limited in use, “Safe Classroom” has functioned as a tool to criminalize student protest amid increased police presence in emblematic schools and intrusive technologies like biometric cameras. These practices violate the right to education and peaceful assembly, creating a punitive and repressive logic.

RECOMMENDATIONS

1. Older Persons, Aging, and Life Course

Older persons in Chile face structural violations limiting their full exercise of economic, social, and cultural rights. This report urges the State to adopt a comprehensive response with a human rights and intergenerational approach. In the short term, guarantee preferential care with mandatory supervision; in the medium term, create a Ministry-level Undersecretariat and an Autonomous Ombudsman. Strengthen geriatric mental health and professional training with an aging perspective. Promote community workshops, a national registry of older persons at risk, and binding participation in public policies.

2. Indigenous Peoples and Afrodescendant Tribal People

Modify Supreme Decree No. 66 through a participatory and intercultural process. Legally recognize traditional authorities in health, education, and spirituality. Remove restrictions on teaching indigenous languages. Promote public policies with an ethnic-racial approach and binding participation. Legally protect indigenous and Afrodescendant art as collective heritage against cultural appropriation.

3. People in Human Mobility, Migration, and Refuge

Update the Migration Law to recognize migrants and refugees as full rights holders and include extraordinary regularization. Formally recognize human rights defenders from mobility contexts. Promote policies that specially protect migrant women and trans people, ensuring their effective inclusion in visas, residence permits, and migration policy, overcoming current legal inequalities.

4. Childhood, Adolescence, and Youth

Create an intersectoral body addressing the multiple needs of the most vulnerable groups, including street youth, persons with disabilities, sexual diversities, and indigenous children and adolescents. Coordinate education, health, housing, food, and security with a human rights, intercultural, gender, and intersectional approach. Guarantee direct participation, adequate funding, and ongoing monitoring for inclusive, equitable, and sustainable public policies.

5. Persons with Disabilities, Inclusion, and Accessibility

Adopt a comprehensive, rights-based approach that goes beyond traditional assistance. Ensure universal accessibility, real inclusive education, and interpretation services in health, security, and media. Reduce the digital and technological divide as a structural barrier. Implement effective monitoring mechanisms and promote active and binding participation of persons with disabilities in decision-making affecting their lives.

6. Social Security and Structural Guarantees

Create a harmonized legal framework facilitating access and effective supervision of social security. Avoid conflicts of interest in regulators, especially in the Pension Superintendency. Guarantee full exercise of rights regardless of public or private administration, ensuring transparency, justice, and universal access.

7. Territorial Inequalities and Rurality

Strengthen rural education with local plans and teacher incentives; expand decentralized technical and higher education. Increase public investment in digital connectivity with clear targets for rural areas. Strengthen regional and municipal governments with equitable funding and consolidate decentralization with Regional Financing Law. Establish binding participation mechanisms and local participatory budgets.

8. Sexual and Reproductive Rights and Sexual Diversities

Strengthen the Voluntary Termination of Pregnancy Law with clear protocols, accompaniment, and dignified treatment; ensure effective access and regulate conscientious objection. Integrate sexual rights education with a gender perspective in professional training. Implement informational campaigns and comprehensive support for pregnancies in violence contexts. Reform the Zamudio Law to include hate crimes and create an autonomous anti-discrimination institution with effective monitoring.

9. Environment, Sustainability, and Environmental Defenders

Promote decarbonization with energy planning ensuring gradual closure of coal plants. Deepen Chile's participation in international agreements like Escazú, strengthening environmental regulations and human rights. Protect biodiversity through a no-regression ecological policy that prevents extractive projects in critical habitats. Implement Escazú to protect young environmental defenders with protocols and early warning systems. Urge a circular textile economy program and promote intergenerational dialogue and youth decentralization.

10. Cultural Rights

Approve a Sites of Memory Law ensuring resources and protection with participation from universities, justice institutions, and civil society. Develop a national plan to safeguard all sites, integrating them obligatorily in educational and training programs, including armed forces and security, to strengthen collective memory and justice.

11. Right to Education

Repeal the "Safe Classroom" Law and design a new school coexistence framework based on rights. Eliminate police surveillance in schools, guarantee due process, and establish reparation programs for affected students. Recognize students as rights holders and ensure their binding participation in school life, fostering inclusive and repression-free educational environments.