



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the seventh periodic report of Chile*

1. The Committee considered the seventh periodic report of Chile¹ at its 4079th and 4080th meetings,² held on 5 and 6 March 2024. At its 4104th meeting, held on 22 March 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its seventh periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The adoption of Act No. 21.645, which amends title II of book II of the Labour Code, on the protection of maternity, paternity and family life, and regulates telecommuting and teleworking arrangements, in 2023;

(b) The adoption of the Second National Human Rights Plan (2022–2025);

(c) The adoption of Act No. 21.400, which amends various legal texts to permit the marriage of same-sex couples in conditions of equality, in 2021;

(d) The adoption of Act No. 21.212, which amends the Criminal Code, the Code of Criminal Procedure and Act No. 18.216 to criminalize femicide, in 2020;

(e) The adoption of Act No. 21.154, which designates the National Institute of Human Rights as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, in 2019;

(f) The adoption of Act No. 21.151, which grants legal recognition to Chilean tribal peoples of African descent, in 2019;

* Adopted by the Committee at its 140th session (4–28 March 2024).

¹ [CCPR/C/CHL/7](#).

² See [CCPR/C/SR.4079](#) and [CCPR/C/SR.4080](#).

³ [CCPR/C/CHL/QPR/7](#).



- (g) The adoption of Act No. 21.120, which recognizes and protects the right to gender identity, in 2018;
 - (h) The creation of the Office of the Ombudsman for Children's Rights by Act No. 21.067, in 2018;
 - (i) The creation of the Office of the Undersecretary for Human Rights by Act No. 20.885, in 2016;
 - (j) The creation of the Ministry for Women and Gender Equity by Act No. 20.820, in 2015.
4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:
- (a) The International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190), on 12 June 2023, which is due to enter into force on 12 June 2024;
 - (b) The ILO Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), on 19 January 2021;
 - (c) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 12 March 2020;
 - (d) The ILO Domestic Workers Convention, 2011 (No. 189), on 10 June 2015;
 - (e) The Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, on 11 April 2018.

C. Principal matters of concern and recommendations

Implementation of the Covenant and the Optional Protocols thereto

5. The Committee reiterates its concern about the State party's maintaining the declaration made at the time of accession to the Optional Protocol on an individual communications procedure, as well as the reservation entered upon ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The Committee also welcomes the information received on the steps taken to establish a system for following up on international human rights recommendations. However, it regrets the delay in the implementation of this platform (art. 2).

6. The State party should consider withdrawing its declaration with regard to the Optional Protocol on an individual communications procedure, as well as its reservation in respect of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The State party should also accelerate its efforts to ensure the prompt implementation of a system for following up on international human rights recommendations.

Fight against impunity and human rights violations committed during the military dictatorship

7. The Committee takes note of the recent National Plan for Truth and Justice concerning victims of enforced disappearance during the dictatorship. The Committee reiterates its satisfaction at the State party's efforts to continue investigating, prosecuting and punishing cases of serious human rights violations committed during the dictatorship. However, the Committee is concerned that the considerable number of cases of serious human rights violations in which a judgment has not been issued – including acts of torture, enforced disappearances, extrajudicial executions and arbitrary detentions, among others – together with the passage of time, may jeopardize the right to justice and reparation of the victims and their descendants, and enable impunity for the perpetrators owing to their advanced age. The Committee is also concerned about the fact that convicted persons have escaped after final sentencing. The Committee remains concerned about the prohibition on access to documents,

testimonies and background information provided by the victims before the National Commission on Political Imprisonment and Torture and about the fact that other documents related to human rights violations committed during the dictatorship remain classified. The Committee again reiterates⁴ its concern about the fact that Decree Law No. 2.191, on amnesty, and article 103 of the Criminal Code, on the partial statute of limitations rule for crimes considered crimes against humanity and/or human rights violations, remain in force, even if they are not being applied (arts. 2, 6 and 7).

8. The State party should redouble its efforts, including by allocating the necessary financial, technical and human resources, to investigate, prosecute and punish all human rights violations committed during the dictatorship with penalties commensurate with the gravity of the crimes, and ensure full reparation for the victims or their families, the effective implementation of the National Plan for Truth and Justice and the effective enforcement of sentences. The Committee reiterates that the State party should:

(a) **Guarantee the right to information and truth and allow access to and make public the documents of the National Commission on Political Prisoners and Torture;**

(b) **Repeal Decree Law No. 2.191 and article 103 of the Criminal Code, the latter with respect to crimes considered crimes against humanity and/or human rights violations.**

Counter-terrorism

9. The Committee once again expresses its concern about the Counter-Terrorism Act (No. 18.314), which defines terrorist conduct and prescribes penalties for terrorist offences, since the Act, which has not been replaced and contains an overly broad definition of terrorism, may give rise to arbitrariness and does not meet the due process requirements laid down in article 14 of the Covenant. The Committee notes that, in practice, the implementation of Act No. 21.577, on organized crime, could give rise to violations of due process (arts. 2 and 14).

10. In the light of the Committee's previous recommendations,⁵ the State party should ensure that the definition of terrorist offences is clear and precise and that it complies with the principles of legal certainty and predictability and international standards on terrorism. The State party should also ensure that its legislation to counter terrorism and organized crime is in conformity with article 14 of the Covenant.

11. The Committee is concerned about reports of counter-terrorism legislation being applied against members of the Mapuche people and reports of criminal law being applied in a discriminatory manner against Mapuche defendants, specifically against a backdrop of historical and structural discrimination and under a constitutional state of exception in the Araucanía and Biobío regions, which is reportedly exacerbating their situation (arts. 2, 14, 26 and 27).

12. The Committee reiterates that the State party's legislation to combat terrorism and other criminal activities should be applied in accordance with the Covenant and international human rights standards, and without discrimination of any kind, including on the basis of ethnic origin.

Non-discrimination

13. The Committee notes with concern the insufficient enforcement of the Anti-Discrimination Act (No. 20.609), the fact that its scope is limited to "arbitrary discrimination", the low number of prosecutions secured in response to complaints filed under the law, the difficulty of providing sufficient evidence to prove conclusively that such discrimination has taken place, and the lack of reparation and preventive measures provided for in the law. The Committee is concerned about the multiple forms of discrimination,

⁴ CCPR/C/CHL/CO/6, paras. 8 and 9.

⁵ Ibid., para. 7.

including racial discrimination, targeting persons of African descent. The Committee regrets the absence of a national anti-discrimination institution in the State party (arts. 2, 3 and 25–27).

14. The State party should intensify its efforts to ensure full protection against discrimination. The State should, inter alia:

(a) **Bring its legislation into line with international human rights standards, including by broadening the definition of discrimination to include indirect, multiple and structural discrimination, and ensure its effective implementation;**

(b) **Strengthen preventive measures and ensure effective access to justice and reparation measures;**

(c) **Step up awareness-raising campaigns and training and consider establishing a national anti-discrimination institution.**

Gender equality

15. The Committee welcomes the measures adopted in the area of gender equality, including the quotas established in Act No. 20.840, to increase the representation of women in the electoral system at the national, regional and local levels and on the boards of directors of publicly owned enterprises. However, the Committee reiterates its concern⁶ about the absence of legislation expressly guaranteeing the principle of equality between men and women, and about the maintenance of the marital community property regime. Moreover, the Committee regrets that gender parity has not yet been achieved in the electoral system or on the boards of directors of private companies and that other inequalities, such as the gender wage gap, persist. With regard to Act No. 21.645, which regulates telecommuting and teleworking arrangements, the Committee is concerned about reports that its scope does not extend to some public sector workers, which results in its being applied in a discriminatory fashion (arts. 2, 3, 25 and 26).

16. The State party should intensify its efforts to ensure effective equality between men and women in all spheres. In particular, the State party should:

(a) **Finalize draft legislation aimed at expressly guaranteeing in law the principle of equality between men and women and equal rights for spouses, including in the matrimonial property regime;**

(b) **Continue its efforts to increase the participation of women in political and public life and their representation in the public and private sectors, particularly in decision-making positions, ensuring that such representation includes Indigenous women;**

(c) **Step up efforts to close the wage gap between men and women;**

(d) **Strengthen measures to combat gender stereotypes and biases about the roles and responsibilities of men and women in the family and society.**

Discrimination and violence based on sexual orientation and gender identity

17. The Committee welcomes the adoption of Act No. 21.400, which permits same-sex marriage, and the repeal of article 365 of the Criminal Code. However, it regrets that article 373 of the Criminal Code has not yet been repealed. The Committee is concerned about the increase in the number of cases of discrimination, intimidation and violence against LGBTQ+ persons, including the high suicide rate among those persons. The Committee is also concerned about the high level of impunity for hate crimes against LGBTQ+ persons owing to, inter alia, a lack of reporting to avoid revictimization (arts. 2, 3, 6, 7, 17, 23 and 26).

⁶ Ibid., paras. 11 and 12.

18. **The State party should redouble its efforts to prevent, combat and eradicate discrimination and violence based on sexual orientation and gender identity. The State should, inter alia:**

(a) **Ensure that offences motivated by the victim's sexual orientation or gender identity are thoroughly investigated, that those responsible are brought to justice and, if convicted, appropriately punished, and that the victims have access to comprehensive reparation;**

(b) **Establish mechanisms to make it easier for victims to file complaints of discrimination based on sexual orientation and gender identity, and adopt measures to avoid revictimization;**

(c) **Step up public education and awareness-raising campaigns and training for the public, justice, private and teaching sectors to promote tolerance and respect for diversity, including LGBTQ+ persons.**

Violence against women, including domestic violence

19. The Committee again welcomes the legislative and institutional initiatives undertaken to prevent and combat violence against women, including domestic violence, but at the same time reiterates its concern about the persistence of violence against women, adolescents and children in its various forms, and about the increase in femicide attempts and reports of violence. The Committee notes with concern reports that women victims of domestic violence face barriers in gaining access to justice, including secondary victimization, inadequate follow-up of protection measures and a legal framework that does not yet provide a comprehensive response to that issue. The Committee is also concerned about reports of sexual violence and harassment by police officers during the period under review. The Committee is further concerned about reports of obstetric violence and the forced sterilization of women with disabilities (arts. 2, 3, 6, 7 and 26).

20. **The State party should continue its efforts to prevent, combat and eradicate all forms of violence against women and children. In particular, the State party should:**

(a) **Ensure that all cases of sexual violence are investigated, that perpetrators are prosecuted and, if convicted, punished with commensurate sanctions, and that victims are provided with effective remedies, comprehensive reparation and access to appropriate protection and assistance, including legal, medical, financial and psychological assistance;**

(b) **Conduct an in-depth review of how care services and courts respond to violence against women in order to identify the biases and omissions that allow attacks and femicide to recur;**

(c) **Guarantee effective access to justice and information for all victims of sexual violence, especially children and adolescents, ensuring that women in rural areas, Indigenous women and migrant women are taken into account;**

(d) **Strengthen ordinary and specialized training for judicial officials and members of law enforcement agencies, placing special emphasis on combating gender biases and stereotypes and revictimization, and on ensuring respect for the privacy of victims;**

(e) **Step up education and awareness-raising campaigns that promote a zero-tolerance approach to violence against women and include the topic of gender-based violence in the school curriculum.**

Voluntary termination of pregnancy and reproductive rights

21. The Committee takes note of Act No. 21.030, which regulates the decriminalization of voluntary termination of pregnancy on three grounds. However, the Committee is concerned that incest is not expressly included, that publicizing abortion is prohibited and that other practical obstacles conspire to impede effective access to abortion. The Committee is also concerned that high levels of conscientious objection by individuals and so-called "institutional conscientious objection" may be hindering the realization of the right to safe

and legal abortion. The Committee is also concerned about the reported distribution of defective contraceptive drugs by the public health system, which has resulted in unwanted pregnancies, and about the fact that the persons affected experienced difficulties in gaining access to abortion (arts. 6 and 7).

22. Bearing in mind the Committee's general comment No. 36 (2018) on the right to life, the State party should:

(a) **Redouble its efforts to ensure safe, legal and effective access for women and girls to voluntary termination of pregnancy when their lives and health are at risk, or when carrying a pregnancy to term would cause them considerable physical or mental pain or suffering, especially when the pregnancy is the result of rape or incest or when the pregnancy is not viable;**

(b) **Review the impact of the regulatory framework in force to prevent women from resorting to clandestine abortions that put their lives and health at risk;**

(c) **Ensure that, in practice, conscientious objection is not a barrier to safe, legal and effective abortion;**

(d) **Ensure effective access to sexual and reproductive health services throughout the country, with a view to, inter alia, preventing unwanted pregnancies, especially among adolescent girls, and guaranteeing full access to adequate services of this kind and to appropriate, quality and affordable methods of contraception, and provide an effective remedy to all persons affected by defective contraceptive drugs;**

(e) **Strengthen its awareness-raising, information and education campaigns on sexual and reproductive health, and step up its efforts to prevent unwanted pregnancies, especially among girls and adolescents.**

Children with variations of sex characteristics (intersex)

23. The Committee welcomes the adoption of Ministry of Health circular No. 15 of 7 November 2023, which instructs health teams to take all measures necessary to ensure respect for the best interests of children and adolescents with variations of sex characteristics. However, the Committee is concerned about reports that the circular is not yet being effectively and fully implemented (arts. 7, 17, 24 and 26).

24. The State party should ensure the effective and immediate implementation of circular No. 15 and take steps to end the administration of irreversible medical treatment, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. The State party should consider enacting a law to that effect, and:

(a) **Provide victims of the above practices with access to remedies and effective reparation, mental health and social services, and legal assistance, including support for families;**

(b) **Strengthen awareness-raising and education programmes on the harmful consequences of the above practices and on the rights of intersex children and adolescents, with a view to eradicating these practices, with a particular focus on health professionals.**

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

25. The Committee welcomes the designation of the National Institute of Human Rights as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. The Committee reiterates its concern⁷ that the statute of limitation for torture is 10 years. The Committee regrets that only a small number of those accused of committing torture offences during the period of demonstrations that began in October 2019,

⁷ Ibid., para. 17.

known as the “social uprising”, have been prosecuted and that the number of persons convicted is much smaller still. The Committee notes the human rights training intended for the Carabineros and members of the armed forces. However, it is concerned that the training intended for the Carabineros includes only a very small number of specific human rights subjects and that there is no explicit mention of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) (art. 7).

26. In the light of the Committee’s previous concluding observations, the State party should extend the statute of limitation for torture, taking into account the gravity of this crime. The State party should also expedite the investigation of all allegations of torture and ill-treatment and the prosecution of those responsible for such acts and impose the corresponding punishment on those convicted. Furthermore, the State party should adopt measures to improve knowledge of international human rights standards in police training courses, including, among others, the Istanbul Protocol, the Code of Conduct for Law Enforcement Officials and the Principles on Effective Interviewing for Investigations and Information-Gathering.

Excessive use of force in the context of social protests

27. The Committee is concerned about the large number of human rights violations that occurred in the context of the social uprising owing to the disproportionate, arbitrary and unnecessary use of force and brutality by the police and armed forces, which included torture, ill-treatment and sexual violence and which resulted in thousands of people, including children, sustaining various types of injury – for example, eye trauma as a consequence of the improper use of riot guns – and in the death of a considerable number of people. The Committee regrets that charges have been brought and that final convictions have been handed down in only a very small number of cases, and the lack of substantive progress made in investigating and identifying those responsible. All of this, together with the time that has elapsed and the fact that many of the crimes committed will become time-barred five years after the events occurred, such as the crime of illegitimate coercion, could lead to impunity and the violation of the victims’ right to an effective remedy. The Committee regrets the lack of official data on the victims of human rights violations during the social uprising. The Committee is concerned that Act No. 21.560, which amends certain legal texts to strengthen and protect the ability of the police and the Prison Service to carry out their functions, known as the Naín-Retamal Act, provides privileged treatment to State agents, introduces a presumption of legality in relation to the use of service weapons, removes the aggravating circumstance of being in police or Prison Service custody for the crime of illegitimate coercion and other cruel, inhuman or degrading treatment, and has been used retroactively in the context of the social uprising, among other issues (arts. 2, 6, 7, 9, 10, 14, 21 and 24).

28. Bearing in mind the Committee’s general comments No. 36 (2018) and No. 37 (2020), the State party should take all measures necessary to introduce an oversight mechanism and to prevent the excessive use of force during law enforcement operations, and in particular it should:

(a) **Ensure that the national legislation and operational procedures governing the use of force, firearms and less-lethal weapons by law enforcement officials are in full conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(b) **Ensure accountability at all levels, including that of senior officers, and take measures to advance investigations of human rights violations, prevent impunity, ensure that all alleged perpetrators are brought before the appropriate judicial body so that those responsible are prosecuted and duly punished;**

(c) **Ensure that victims have effective access to justice and that they receive comprehensive reparation, including in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, establish a standing classification committee for victims of human rights violations and consider adopting a comprehensive reparations law;**

(d) **Redouble its efforts to promptly, independently, impartially and thoroughly investigate all allegations of excessive use of force, including by supporting the work of prosecutors as they conduct their investigations, and ensure the allocation of sufficient financial, technical and human resources to this end;**

(e) **Ensure that all law enforcement officers systematically receive training on the use of force based on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, and ensure that the principles of legality, necessity and proportionality, precaution and non-discrimination are strictly observed in practice;**

(f) **Collect and publish data on acts of police violence, torture, ill-treatment, excessive use of force and other human rights violations, including disaggregated data on the gender, sexual orientation and ethnicity of the victim and the police institution or private actors involved;**

(g) **Ensure that Act No. 21.560 is fully consistent with the provisions of the Covenant and other international human rights standards, including by removing the presumption of legality in relation to the use of service weapons by State agents.**

Right of peaceful assembly

29. The Committee is concerned that the right of peaceful assembly is regulated by Supreme Decree No. 1.086 on public gatherings, which dates back to the dictatorship and establishes a de facto authorization regime that is incompatible with international standards (art. 21).

30. **The State party should repeal Supreme Decree No. 1.086 on public gatherings and ensure that any legislative reforms undertaken are in line with article 21 of the Covenant and the Committee's general comment No. 37 (2020) and have as their focus the protection of the human rights of citizens who wish to demonstrate.**

Persons deprived of their liberty and conditions of detention

31. The Committee notes the efforts made by the State party to improve detention conditions but reiterates⁸ its concern about the high levels of overcrowding in the prison system, and obstacles impeding access to the rights to health, drinking water, sanitation and education, among others. The Committee is also concerned about the high rates of pretrial detention in the State party and, in particular, about the excessively large number of adolescents in provisional detention. The Committee, while noting the existence of a legislative initiative in this regard, is concerned about reports of cases of pregnant women or women with children of up to 2 years of age living in prison units alongside other female inmates in alarming sanitary conditions (arts. 7, 9, 10 and 14).

32. **The State party should intensify its efforts to ensure that conditions of detention fully comply with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. The State party should, inter alia:**

(a) **Adopt measures to significantly reduce overcrowding in the prison system, including through the wider application of non-custodial measures as an alternative to incarceration for, inter alia, pregnant women, women with dependent children, and adolescents;**

(b) **Intensify its efforts to improve detention conditions, including adequate access to health services, drinking water, sanitation and education, and respond to the basic needs of persons deprived of their liberty, including the specific needs of persons belonging to Indigenous Peoples;**

⁸ Ibid., para. 21.

(c) **Ensure that women deprived of their liberty, particularly those who are pregnant and those with dependent children, receive adequate care and services that meet their specific needs and that the best interests of their children are taken into account. In particular, the State party should ensure that pregnant women and women with children under 2 years of age can be placed in units separate from other female inmates.**

Trafficking in persons

33. Despite the measures taken by the State party to combat trafficking, the Committee takes note of reports according to which the backdrop of increased irregular migration has encouraged the commission of offences related to smuggling of migrants and trafficking in foreign nationals (arts. 2 and 8).

34. **The State party should intensify its efforts to prevent, combat and eradicate trafficking in persons, including migrants and nationals, by providing the financial, technical and human resources necessary to this end. The State party should, inter alia:**

(a) **Adopt preventive measures targeting the most vulnerable population groups and measures to expedite procedures for the identification of victims and potential victims;**

(b) **Redouble its efforts to investigate, prosecute and punish trafficking in persons;**

(c) **Provide victims with comprehensive reparation, medical, material and legal assistance, help in rejoining society and protection against revictimization;**

(d) **Devise cross-sectoral cooperation measures to ensure that the system serves to prosecute and convict traffickers and to support and assist victims;**

(e) **Step up awareness-raising campaigns to encourage victims to seek protection and training programmes for immigration officers, law enforcement officers, judges, prosecutors and lawyers.**

Right to a fair trial and independence of the judiciary

35. The Committee takes note of the various resolutions and procedural rules of the Supreme Court governing the organization of the judicial profession, but is concerned about reports that the processes for selecting and appointing Supreme Court and Constitutional Court judges and senior prosecutors are not sufficiently transparent, publicized or open to public scrutiny so as to ensure the application of objective criteria to evaluate the merits and abilities of candidates and to shield them from undue political influence. This concern also extends to the process of appointing, promoting and removing judges, who are appointed by the President of the State party, and the Attorney General. The Committee regrets the absence of an autonomous representative body of judges and prosecutors competent to decide on matters relating to their respective professions as a means of guaranteeing their independence. The Committee has also received information about difficulties encountered in gaining effective access to justice owing to the costliness of proceedings and lawyers' fees, both in civil and criminal matters, despite the existence of free legal aid services (art. 14).

36. **The State party should:**

(a) **Ensure that the processes for selecting and appointing judges and prosecutors, their conditions of service, disciplinary measures, suspension and removal from office and promotion are in line with the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors, and are based exclusively on objective, verifiable and transparent criteria;**

(b) **Ensure the creation of an independent, impartial and inclusive body that guarantees the representation of judges and prosecutors in decision-making on their respective professions in order to strengthen their independence;**

(c) **Ensure access to justice for all, on an equal footing, providing free legal aid to all persons without sufficient means, in accordance with article 14 (3) (d) of the**

Covenant, especially in cases where the interests of justice so require; and allocate sufficient budgetary resources for the administration of justice.

Treatment of aliens, including migrants, refugees and asylum-seekers

37. The Committee takes note of the Migration and Aliens Act (No. 21.325). The Committee has received information describing a general deterioration in procedures for the determination of refugee status and for the identification of international protection needs, including restrictive administrative practices with respect to access to the national territory, denial of or obstacles to access to the asylum procedure, unjustified delays in the processing of applications and the low recognition rate of refugees, which, together with other measures, restricts the right to seek and obtain asylum and increases the risk of arbitrary detention and violation of the principle of non-refoulement. The Committee is also concerned about restrictions and delays in the processes for regularizing the status of migrants, the application of the “Valencia criterion”, difficulties in renewing or replacing visas, the ordering of expulsions without taking into account the principle of family reunification, and legislative initiatives aimed at criminalizing irregular entry into the State party, broadening the grounds for expulsion and reducing the time limit for challenging expulsion orders (arts. 2, 6, 7, 12–14).

38. The State party should:

(a) **Ensure that all persons in need of international protection have unfettered access to the national territory and to fair and efficient procedures for the individual determination of refugee status or of international protection needs in order to ensure respect for the principle of non-refoulement and protection against arbitrary detention;**

(b) **Ensure compliance with due process standards and the principle of non-refoulement in expulsion proceedings;**

(c) **Design and implement a migration policy based on human rights, including the principle of non-discrimination, and ensure that national legislation is aligned with international human rights standards;**

(d) **Conduct awareness-raising campaigns to foster a culture of respect for migrants and their rights and to prevent the criminalization of irregular migration.**

Conscientious objection to military service

39. The Committee continues to regret, as in its previous concluding observations,⁹ that the legislation in force in the State party does not recognize conscientious objection to military service (art. 18).

40. The Committee reiterates that the State party should expedite the adoption of legislation recognizing conscientious objection to military service.

Measures for the protection of children

41. The Committee notes the completion of the second phase of the “Chile Reconoce” (“Chile Recognizes”) project for the prevention and eradication of statelessness. However, the Committee is concerned about information received to the effect that approximately 1,500 children born on Chilean soil are incorrectly registered as “children of non-resident aliens”, which significantly reduces the possibility of their obtaining Chilean nationality, and about the situation of many children born in Chile to Venezuelan parents who are at risk of statelessness since it is impossible to properly register their birth (art. 24).

42. The State party should ensure that children born in Chile to foreign parents who do not have a regular migration status but who intend to remain in the country can acquire Chilean nationality so that they do not become stateless. The Committee also encourages the State party to adopt a comprehensive legal framework on the international protection of stateless persons by establishing a statelessness determination procedure and facilitating the naturalization of stateless persons in

⁹ Ibid., para. 24.

keeping with its obligations under the Convention relating to the Status of Stateless Persons.

43. The Committee is also concerned about information received concerning acts of torture, ill-treatment, exploitation and sexual abuse of children and adolescents in State-run institutions by the staff of those institutions, and about the high levels of violence among those minors. The Committee notes the various legislative and institutional measures adopted by the State party, including Act No. 21.430, on guarantees and comprehensive protection for the rights of children and adolescents, and Act No. 21.522, which introduces a new paragraph in title VII of book II of the Criminal Code, on the commercial sexual exploitation of and pornographic material involving children and adolescents. However, it regrets that the Fourth Framework for Action against the Commercial Sexual Exploitation of Children and Adolescents has not been fully implemented (art. 24).

44. The State party should redouble its efforts to prevent, combat and eradicate human rights violations against minors in centres where they are under its care. The State should, inter alia:

(a) **Ensure that such human rights violations are thoroughly investigated, that those responsible are brought to justice and, if they are found guilty, appropriately punished, and that victims have access to comprehensive reparation and to appropriate protection and assistance;**

(b) **Strengthen monitoring in centres where minors are under the care of the State and the training dispensed to the staff of those centres, particularly training on children's rights;**

(c) **Step up public education and awareness-raising campaigns for the prevention, detection and eradication of the commercial sexual exploitation of children.**

Rights of Indigenous Peoples and people of African descent

45. The Committee welcomes the initiatives of the Presidential Commission for Peace and Understanding and the *Buen Vivir* Plan and, while noting the proposals for the recognition of Indigenous Peoples in the constitutional amendment process, regrets that their existence and rights are still not recognized in the Constitution and that they do not yet have a council of Indigenous Peoples or a similar institution. The Committee regrets that Indigenous Peoples are not being consulted in accordance with international standards or on all legislative and administrative measures affecting them, in particular due to various provisions of Supreme Decree No. 66/2014, which regulates the Indigenous consultation procedure. The Committee is concerned about the repeated extension of the constitutional state of exception in the Araucanía and Biobío regions, where a large number of Mapuche live, which may have the effect of restricting their rights of free movement and assembly. With respect to the Chilean tribal people of African descent, the Committee is concerned about reports that the draft regulations for the implementation of Act No. 21.151, which regulate the holding of consultations, do not fully comply with international standards (arts. 25–27).

46. Bearing in mind the Committee's previous recommendations,¹⁰ the State party should:

(a) **Continue its efforts to ensure constitutional recognition of the existence and rights of Indigenous Peoples;**

(b) **Redouble its efforts to, in consultation with Indigenous Peoples and with their agreement, establish a council of Indigenous Peoples;**

(c) **Establish an effective consultation mechanism that is in line with the principles of the Covenant, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the United Nations Declaration on the Rights of Indigenous Peoples and other international standards, and that guarantees the free, prior and informed consent of all Indigenous Peoples and tribal people of African descent regarding all measures that**

¹⁰ Ibid., para. 10.

affect them, in particular decisions regarding development projects, and revise Supreme Decree No. 66/2014 accordingly;

(d) In the light of article 4 of the Covenant and general comment No. 29 (2001), ensure that any measures imposed in the context of a state of emergency are temporary, proportionate and strictly necessary, and that such measures are subject to judicial review.

D. Dissemination and follow-up

47. The State party should widely disseminate the Covenant and the two Optional Protocols thereto, its seventh periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society, non-governmental organizations operating in the country and the general public, including members of Indigenous Peoples.

48. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 29 March 2027, information on the implementation of the recommendations made by the Committee in paragraphs 16 (gender equality), 28 (excessive use of force in the context of social protests) and 46 (rights of Indigenous Peoples and people of African descent) above.

49. In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its eighth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.
