

Chile 2024 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Chile during the year.

Significant human rights issues included credible reports of torture or cruel, inhuman, or degrading treatment or punishment.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1. Life

a. Extrajudicial Killings

There were no reports the government or its agents committed arbitrary or unlawful killings during the year.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2. Liberty

a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

Physical Attacks, Imprisonment, and Pressure

There were reports nonstate actors incited, perpetrated, condoned, or tolerated such violence and harassment.

In October, Marcelo Naranjo was sentenced to 24 years in prison for shooting into a crowd of protesters on Worker's Day in 2022. Journalist Francisca Sandoval died from injuries sustained after being shot while covering the event. The court did not confirm whether Sandoval was intentionally targeted, despite media claims.

b. Worker Rights

Freedom of Association and Collective Bargaining

The law provided for the rights of workers, with some limitations, to form

and join independent unions of their choice, bargain collectively, and conduct strikes. The law also prohibited antiunion practices and required either back pay or reinstatement for workers fired for union activity.

The government effectively enforced laws protecting freedom of association, collective bargaining, and the right to strike for workers. Workers in the private sector and in state enterprises had the freedom to unionize without prior approval. Police, military personnel, and civil servants working for the judiciary were prohibited from joining unions. Union leaders were restricted from being candidates for or members of congress. The Labor Directorate within the Ministry of Labor had broad powers to monitor unions' financial accounts and financial transactions. For example, unions were required to update their financial records daily, and ministry officials could inspect the records at any time.

The law extended collective bargaining rights to intercompany unions, provided the unions represented workers at employers with 50 or more employees and were within the same economic rubric or activity. An absolute majority of all covered workers had to indicate through secret ballot they agreed to be represented by an intercompany union in collective bargaining. Intercompany unions for workers at micro- or small businesses (i.e., with fewer than 50 workers) were permitted to bargain collectively only when the individual employers all agreed to negotiate under such terms.

The law did not provide collective bargaining rights for workers in a public or private institution that received more than 50 percent of its funding from the state in either of the preceding two years, or whose budget was dependent upon the Ministry of Defense. The law also did not provide for collective bargaining in companies and organizations whose employees were prohibited from striking, such as in health care, law enforcement, and public utilities.

While employees in the private sector and workers in formal and regulated collective bargaining units had the right to strike, the law placed some restrictions on this right. For example, a majority of these workers, rather than a majority of those voting, had to approve strikes.

The law limited public employees from striking under certain circumstances, depending on the sector. The law prohibited employees of providers of services such as water and electricity from striking, and it stipulated compulsory arbitration to resolve disputes in these companies. Additionally, workers employed by companies or corporations did not have the right to strike if a work stoppage would cause serious damage to the health, economy, or security of the country.

Employers could not dismiss or replace employees for being involved in a strike. Unions were required to provide emergency personnel to fulfill the company's "minimum services." Minimum services included the protection of tangible assets and the company's facilities, accident prevention, ensuring

the supply of essential public services, and ensuring the prevention of environmental and sanitary damage.

Labor courts required workers to resume work upon a determination that a strike, by its nature, timing, or duration, caused serious risk to the national economy or to health, national security, and the supply of goods or services to the population. Generally, a back-to-work order applied only when a prolonged strike in a vital sector of the economy could endanger public safety or health, and it applied only to a specific category of workers.

The government enforced applicable laws effectively, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were regularly applied against violators whenever inspectors from the Labor Directorate corroborated violations. Companies were generally subject to sanctions for labor violations, which varied according to the severity of the case. Companies could receive “special sanctions” for infractions, which included antiunion practices. Freedom of association was generally respected.

Employers sometimes did not respect the right to collective bargaining. Nongovernmental organizations and unions reported some companies sought to inhibit the formation of unions and to avoid triggering collective bargaining rights, especially among seasonal agricultural workers and in key export sectors such as mining, forestry, and fishing. These companies used subcontracts and temporary contracts when increasing the size of their

workforces, making it more difficult for a union to organize the workforce. Subcontracted employees usually earned lower wages than regular employees performing the same task, and many contractors failed to provide formal employment benefits, such as social security, health care, and pensions.

Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acceptable Work Conditions

Wage and Hour Laws

The law provided for a national minimum wage, and it exceeded the poverty income level. In 2023, congress passed a law to enact a 40-hour work week by May 2028 by gradually decreasing the work week, which was 45 hours. Provisions on premium compensation for overtime work were not affected by the law.

The law provided exemptions from restrictions on hours of work for categories of workers such as managers; administrators; employees of fishing boats; restaurant, club, and hotel workers; drivers; airplane crews; telecommuters or employees who worked outside of the office; and professional athletes.

Occupational Safety and Health

The law provided for occupational safety and health (OSH) standards, which were generally appropriate for the main industries in the country.

Inspectors with the Labor Directorate and the National Service for Geology and Mines actively identified unsafe conditions and responded to workers' OSH complaints. Special safety and health norms existed for specific sectors such as mining and diving. The National Service for Geology and Mines was further mandated to regulate and inspect the mining industry. The law did not regulate the informal sector. By law, workers could remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation. Sectors where alleged violations of OSH were common included construction and amusement parks.

Wage, Hour, and OSH Enforcement

The Labor Directorate was responsible for enforcing minimum wage, overtime, and OSH laws; the directorate effectively enforced these laws. Penalties were commensurate with those for similar crimes such as fraud and were regularly applied against violators. The number of labor inspectors was insufficient to enforce compliance. Inspectors had the authority to conduct regular and unannounced workplace visits, and could impose penalties for violations of labor, wage and hour, social security, and OSH laws.

The Ministry of Health and the Ministry of Labor administered and effectively enforced OSH standards. The law established fines for noncompliance with labor regulations. Companies could receive “special sanctions” for infractions such as causing irreversible injuries to an employee. Penalties were commensurate with those for similar crimes such as negligence and were regularly applied against violators.

A May-July survey by the Statistics National Institute revealed informal employment represented approximately 28 percent of total employment. Labor laws did not cover workers in the informal sector.

c. Disappearance and Abduction

Disappearance

There were no reports of enforced disappearances by or on behalf of government authorities.

Prolonged Detention without Charges

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

d. Violations in Religious Freedom

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

e. Trafficking in Persons

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibited such practices, but there were credible reports government officials employed them.

On January 31, the Prosecutor's Office of the Tarapacá Region brought charges of torture, forgery of public records, and obstruction of justice against five Carabineros (national uniformed police) from the Alto Hospicio police station in Tarapacá Region, who allegedly assaulted a man with pepper spray and batons. The man was in police custody for trespassing. Four of the Carabineros were held in pretrial detention and one was placed under house arrest. An investigation was pending as of September 12.

b. Protection of Children

Child Labor

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

Child Marriage

The legal minimum age of marriage was 18 (16 with parental consent), and the government effectively enforced the law.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community consisted of approximately 20,000 persons.

The Jewish community reported an increase in antisemitic content in social media posts during the year. Protests included antisemitic speech and the defacing of places of worship. There were several incidents of swastika graffiti in the cities of Santiago, Valparaiso, and Concepcion, primarily at synagogues. In Concepcion, protesters threw rocks at the city synagogue's windows. The president of the Jewish Community of Chile expressed concern regarding the defacing of the Bicur Joilim Synagogue in Santiago.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.