

Recommendations for Chile on human rights in digital environments

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The following recommendations are addressed to the Chilean state, based on the UPR submissions made by Derechos Digitales, the Association for Progressive Communications (APC), Women's Link Worldwide and Corporación Miles Chile. In the previous cycle, for the first time, Chile received recommendations relating to the exercise of rights in digital environments. Despite accepting them, to date the Chilean state has not taken sufficient actions to guarantee the full exercise of different rights, such as freedom of speech online and offline, the right to privacy and protection of data, and women's right to a life free of violence, among others we describe below.

The full report by Derechos Digitales and APC on human rights in the digital environment in Chile is available (in Spanish) [here](#). The joint submission by Derechos Digitales, Women's Link Worldwide and Corporación Miles Chile is available (in Spanish) [here](#).



RECOMMENDATIONS

RIGHT TO PROTEST AND FREEDOM OF SPEECH

Chile should guarantee the right to peaceful protest and protect journalists and human rights defenders in digital environments

During the 2019 social protests, the Inter-American Commission on Human Rights documented different cases of harassment and violence against journalists and human rights defenders by the police, and online surveillance against social and environmental protesters and leaders. To date, no public policy actions have been taken to prevent their recurrence in the future.¹

Implementation status: Non-compliant.

Recommendations for Chile:

- Protect people's right to document police actions. Prohibit forced deletion of such content and confiscation of devices without a court order.
- Prohibit surveillance of peaceful protesters and protect journalists and human rights defenders, online and offline.

1. UPR 32, Recommendation 125.88 (Iceland), accepted by Chile. See: IACHR. (2022). Situation of Human Rights in Chile 2022; and Derechos Digitales. (2019). *Derechos Digitales report to international human rights organizations: Situation of human rights and use of technology in the context of social protest in Chile 2019*. https://www.derechosdigitales.org/wp-content/uploads/DDHHChile_EN.pdf

DIGITAL INCLUSION

Chile should guarantee access to communication technologies for Indigenous peoples, rural communities and women

The pandemic exposed the digital gap in Chile, which is especially large for rural communities, Indigenous peoples and women. Although the president has proposed policies on the issue, they fail to address the differentiated needs of these groups.²

Implementation status: Partial compliance.

Recommendations for Chile:

- Guarantee the closing of the digital gap in all its facets, promoting universal and meaningful access to the internet, guaranteeing people's privacy and safety in digital environments, from a gender perspective and considering the rights of historically marginalised groups, such as Indigenous populations and rural communities.
- Promote non-commercial models of connectivity (e.g. community networks) through public policies that permit their implementation and sustainability.

ACCESS TO INFORMATION ON SEXUAL AND REPRODUCTIVE ISSUES

Chile should guarantee women's access to information in the framework of access to sexual and reproductive health services

Although Chile guarantees the right to voluntarily terminate pregnancy in three particular situations, the Health Code prohibits advertising of abortion centres, establishments, services, benefits or procedures, creating an information void that is exacerbated in contexts of online disinformation.³

Implementation status: Non-compliant.

Recommendations for Chile:

- Guarantee women's right to access reliable information to exercise their sexual and reproductive rights, including on the legally permitted termination of pregnancy in three situations, assuring communication, openness, accessibility and privacy and expediting access, especially in rural areas and among marginalised segments of the population.

2. UPR 32, Recommendation 125.92 (Mexico). See: BID. (2021). *Diagnóstico sobre las brechas de inclusión digital en Chile*. <http://dx.doi.org/10.18235/0003032>

3. Recommendations 125.92 (Mexico), 125.166 (Canada), and 125.128 (France), accepted by Chile. See: Health Code, Article 119, paragraph four.

COLLECTION AND TREATMENT OF DATA FROM MIGRANTS

Chile should guarantee the right of access to information in processes of migrant regularisation

Chile should guarantee the right of access to information in processes of migrant regularisation.⁴

Implementation status: Non-compliant.

Recommendations for Chile:

- As part of its policy of migrant regularisation, Chile should guarantee the right of access to information on the treatment of data on migrants listed in the biometric census. The information released should be clear, sufficient and made available before their sensitive personal data is entered.

RIGHT TO PRIVACY

Chile should guarantee the right to protection of personal data

To date, Chile lacks a legal framework that effectively protects people's rights over their personal information. There are two draft laws on the issue that between them have been held up in the legislature for more than six years.⁵

Implementation status: Non-compliant.

Recommendations for Chile:

- Promote a legal framework that guarantees the right to protection of personal data, promoting specific guarantees governing the collection of information by the state in designing public policy.
- Create an independent authority responsible for applying and overseeing the protection of personal data.

4. Recommendation 125.265 (Mexico), accepted by Chile. See: Law no. 21.325 of 2023 and Resolution 25.425 of 2023.

5. Recommendations 125.108 (Peru), 125.109 (Brazil), and 125.110 (Switzerland), accepted by Chile. See: Draft Laws Bulletin nos. 11144-07 and 11092-07.

RIGHT TO A LIFE FREE OF VIOLENCE

Chile should guarantee women's right to a digital environment free of violence

In Chile there is insufficient documentation on acts of technology-facilitated gender-based violence. As a result, adequate public policies have not been promoted or enacted to comprehensively address this phenomenon.⁶

Implementation status: Non-compliant.

Recommendations for Chile:

- Promote the adoption of public policies that address technology-facilitated gender-based violence, compatible with the international human rights framework in the areas of freedom of speech, privacy, and physical and digital safety for all persons, especially women and LGBTQI+ persons.
- Promote training and adoption of these policies by public officials, to attend to, investigate and prosecute these kind of cases.

6. Recommendations 125.166 (Canada) and 125.175 (Iceland), accepted by Chile. See: NGO Amaranta. (2019). *Violencia en Internet contra feministas y otras activistas chilenas*. <https://doi.org/10.1590/1806-9584-2019v27n358797>