

# Chile 2023 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: arbitrary or unlawful killings; cruel, inhuman, and degrading treatment by police; crimes involving violence or threats of violence targeting Indigenous persons; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

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

## Section 1. Respect for the Integrity of the Person

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were isolated reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

On April 8, the national police (Carabineros) killed David Toro in Llole, Valparaiso Region, after he allegedly refused to pull over at a traffic stop and

subsequently hit a police officer with his car. Toro's family brought a criminal accusation against the Carabineros for excessive use of force. The family also filed a petition before the Constitutional Court to deny applicability of a law passed in March that granted police privileged self-defense rights. An investigation was pending as of September 24.

On August 22, judges sentenced a former carabinero to 540 days in prison for abuse resulting in the October 2021 death of a man in San Fernando in O'Higgins Region. According to the National Institute of Human Rights (INDH), an independent government authority that monitored complaints and allegations of abuse, carabineros allegedly choked the man and left him unconscious in his cell; he later died at a medical facility. As of September 24, the prosecution against three other carabineros in the same case remained pending.

## **b. Disappearance**

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

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

Although the constitution and law prohibited such practices, there were occasional reports of excessive force, abuse, and degrading treatment by

police.

On June 5, police in Antofagasta detained a former Carabineros corporal accused of “unlawful physical or mental coercion,” abuse, and sexual abuse in January of two individuals, one adult and one child, while the corporal was still in the Carabineros. The former corporal was placed in pretrial detention, and an investigation was pending as of September 30.

In November 2022, a court in Araucania Region absolved nine army soldiers of allegedly detaining and binding five persons, driving them to a forest, beating them, and simulating an execution in 2020. The court cited a lack of evidence as grounds for dismissing the case.

Human rights groups reported impunity was a problem in the security forces, especially in the Carabineros.

### **Prison and Detention Center Conditions**

The country had a hybrid prison system where the government owned most prison facilities, and private companies had concessions to provide services, including laundry and electronic monitoring. Human rights organizations reported overcrowding, poor health care, violence, and abuse by guards were problems in several prisons.

**Abusive Physical Conditions:** The prison system’s population was unevenly distributed, with approximately 50 percent of prisons operating beyond

maximum capacity, while others were underpopulated. The INDH reported prisoners were often confined to their cells for most of the day. Poor conditions in some prisons were attributed to antiquated infrastructure, substandard sanitary infrastructure, and inadequate water supplies.

Prisoner and human rights groups investigated alleged abuse, gender-based violence, and use of excessive force by prison guards against detainees. In April, a court in Iquique sentenced a prison guard to six years and one day in prison for sexually abusing a woman suspect who was being transported from her detention control hearing to pretrial detention in 2021.

**Administration:** Independent government authorities, including the INDH, generally investigated credible allegations of mistreatment.

**Independent Monitoring:** The government permitted prison visits by independent human rights observers. Such visits took place at both government and privately operated facilities.

#### **d. Arbitrary Arrest or Detention**

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 did not always observe these requirements.

## **Arrest Procedures and Treatment of Detainees**

Only public officials expressly authorized by law could arrest or detain citizens, and they generally did so openly, with warrants based on sufficient evidence brought before an independent judiciary. Authorities had to immediately inform a prosecutor of an arrest and generally did so.

The prosecutor was required to open an investigation, receive a statement from the detainee, and ensure the detainee was held at a local police station until the detention control hearing. Detention control hearings were held twice daily, allowing for a judicial determination of the legality of the detention within 24 hours of arrest. Authorities had to inform detainees of their rights, including the right to an attorney and the right to remain silent until an attorney was present. Public defenders were provided for detainees who did not hire their own lawyer. Authorities were required to expedite notification of the detention to family members. If authorities did not inform detainees of their rights upon detention, the judge could declare the process unlawful during the detention control hearing.

The law allowed judges to set bail, grant provisional liberty, or order continued detention as necessary for the investigation or for the protection of the prisoner or the public.

**Arbitrary Arrest:** On March 3, prosecutors brought charges of irregular arrest, unlawful physical or mental coercion, falsification of a public

instrument, and obstruction of justice against two carabineros who allegedly arbitrarily arrested and attacked a youth, age 17, and held him in custody for a day on January 24 in Los Vilos, Coquimbo Region. The two carabineros were fired and placed under house arrest. An investigation was pending as of September 25.

### **e. Denial of Fair Public Trial**

The constitution provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The constitution and law provided for the right to a fair and public trial, and the judiciary generally enforced this right.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

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.

**Violence and Harassment:** On February 21, the Investigations Police of Chile reported the arrest of a second suspect in the May 2022 shooting of journalist Francisca Sandoval, who died from injuries she sustained after being shot while covering a Workers' Day demonstration. Media reported Sandoval was intentionally targeted. The National Prosecutor's Office continued to investigate the crime.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

## **b. Freedoms of Peaceful Assembly and Association**

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

## **e. Protection of 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.

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

### **Section 3. Freedom to Participate in the Political Process**

The law provided citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** National elections were widely reported to be fair and free of abuses and irregularities.

The December 17 national plebiscite on a new constitution was widely reported to be fair and free of abuses and irregularities.

### **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption.

**Corruption:** As of September, the National Prosecutor’s Office was investigating 53 nongovernmental organizations (NGOs) nationwide to determine if government and political party officials had committed corruption crimes, including tax fraud, nepotism, and embezzlement of public funds, exceeding \$40 million. These cases were publicly known as the “NGOs case” or the “Agreements case.” Media reports alleged NGOs with ties to government or political party officials misdirected or mismanaged cash transfers from the national government to these organizations for various development projects.

For additional information about corruption in the country, please see the Department of State’s *Investment Climate Statement* for the country, and the Department of State’s *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were cooperative and responsive to their views.

**Government Human Rights Bodies:** The INDH and the Office of the National Children’s Rights Defender operated independently and effectively, issued public statements and annual reports, and proposed policies to promote and protect human rights. The Senate and the Chamber of Deputies had standing human rights committees responsible for drafting human rights legislation.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalized rape of women or men, including spousal and domestic or intimate partner rape. Penalties for conviction of rape ranged from five to 15 years’ imprisonment. The law criminalized some forms of physical and psychological domestic violence.

Family courts handled cases of domestic violence not defined in the criminal code, including psychological and economic violence, and penalized offenders with fines and other sanctions, such as eviction of the offender from the residence shared with the survivor, restraining orders, confiscation of firearms, and court-ordered counseling. Cases of habitual psychological abuse and physical abuse were prosecuted in the criminal justice system. Penalties were based on the gravity of injuries and ranged from 61 days’ to 15 years’ imprisonment. Murder in the context of domestic violence was defined as femicide in the criminal code, and penalties ranged from 15 years

to life in prison. The government generally enforced effectively the laws against rape and domestic violence.

The Ministry of Women and Gender Equality had a survivors' assistance and protection program that operated psychological, legal, and social assistance centers and shelters throughout the country and maintained an emergency hotline.

**Other Forms of Gender-based Violence or Harassment:** Gender-based violence, including rape and femicide, was a significant problem.

On March 4, a Carabineros captain and a corporal, while on duty, allegedly sexually abused and raped two women in a cabaret in San Carlos, Ñuble Region. The regional INDH office filed a criminal complaint, and the court placed the two officers in pretrial detention. An investigation was pending as of September 30. According to a local court statement, the officers, after entering the establishment under guise of an antidrug operation, threatened the women with arrest before sexually abusing them.

**Discrimination:** Although women possessed most of the same legal rights as men, local human rights organizations reported that the government did not enforce the law effectively and that discrimination persisted in employment, pay, ownership and management of businesses, and education.

Certain laws defining the marital relationship enabled economic

discrimination within marriage. A common marital arrangement was “conjugal society,” which provided that a husband had the right to administer joint property, including his wife’s property, without consultation or written permission from his wife, but a wife had to demonstrate that her husband had granted his permission before she was permitted to make similar financial arrangements. The law provided that, unless a woman was married under the separate-estate regime or a joint-estate regime, she could not enter a commercial partnership agreement without permission from her husband, while a man could enter such an agreement without permission from his wife.

Despite a law providing for equal pay for equal work, one-third of women were paid less than men in similar jobs, according to an organization specializing in market and consumer data.

**Reproductive Rights:** There were no reports of coerced abortion on the part of government authorities, but there were reports of involuntary sterilization by personnel in public medical facilities. An August 2022 television news investigative report presented the case of a woman who, prior to the birth of her first child in 2021 in a public hospital in La Florida (Santiago Metropolitan Region), was asked to sign an authorization for an emergency caesarean section, which she later learned included authorization for sterilization. She denied ever consenting to sterilization. The same news report presented additional allegations of involuntary

sterilization of Haitian immigrant women during caesarean sections. The Ministry of Health announced an investigation into the allegations shortly after the report was broadcast.

The government's National Health Service provided contraception and reproductive health services. Access to sexual and reproductive health services and information was limited in remote regions, which especially affected poor women. The civil society organization Legal and Social Sciences Research Conclave reported that poor Afro-descendant migrant women faced racism and (in the case of Haitian women) language barriers when trying to access reproductive health services and information.

The National Service for Women and Gender Equality provided access to medical, legal, and psychological services for survivors of sexual violence, including the provision of emergency contraception and postexposure prophylaxis as part of the clinical management of rape. Emergency contraception was also available at pharmacies without a prescription for the purpose of family planning.

## **Systemic Racial or Ethnic Violence and Discrimination**

Equal treatment and nondiscrimination were explicitly protected in the constitution, and the labor code specifically prohibited discrimination. The government did not enforce the law effectively. There were reports of discrimination against racial minorities and immigrants in public health,

employment, and education.

The government implemented training programs for public officials on assisting immigrants, incorporated interpreters into offices, and provided information in languages other than Spanish, specifically Haitian Creole, in some government services. Several municipal governments had offices to assist migrants with public services.

Haitian and Venezuelan migrants, including those of African descent, reported xenophobia and discrimination in their local communities. On February 1, approximately 4,000 persons engaged in an anticrime and anti-immigrant demonstration in the northern city of Iquique, including an attack on a Venezuelan immigrant and on a vacant migrant camp after the demonstration ended.

## **Indigenous Peoples**

The Diego Portales University's Human Rights Center, in its *Annual Report on Human Rights in Chile 2022*, reported an escalation in the use of violence in the long-running conflict between some Indigenous Mapuche communities and government security forces over ancestral territorial claims in rural provinces in Araucania and Biobio Regions.

The number of persons killed in violence in rural areas that involved Mapuche and non-Mapuche individuals increased significantly after 2017 and included not only Mapuche activists and police but also non-Mapuche

and Mapuche workers in the logging and agricultural sectors. Mapuche individuals from certain communities were subject to threats and violence, including excessive use of force during police searches. Mapuche individuals were also disproportionately subjected to threats, violence, and excessive use of force by police in the context of crimes related to drug cultivation and drug trafficking.

Indigenous persons and their institutions generally participated in limited ways in decisions affecting their lands, cultures, and traditions. While Indigenous lands were demarcated, some Indigenous Mapuche and Rapa Nui communities demanded restitution of other lands that were privately and publicly owned.

According to human rights organizations, Indigenous persons encountered serious obstacles to exercising their civil and political rights, including the right to use natural resources in their territories, to political participation, and to nondiscrimination in employment and equal access to justice.

Various civil society observers reported that extractive activities, including logging, mining, and energy projects, significantly altered the traditional livelihoods of several Indigenous groups. Published academic studies concluded, for example, that environmental pollution and the introduction of nonnative tree monocultures used in logging generated soil degradation and water pollution that negatively impacted Mapuche agriculture, health, and subsistence in the southern part of the country. A separate study



highlighted that mining activities particularly affected water access and the pastoral livelihoods of the Atacameño, Aymara, Diaguita, and Kolla peoples in the northern part of the country.

## Children

**Child Abuse:** There were laws against child abuse, but a lack of effective prosecutions remained a problem. The law rendered persons convicted of child sexual abuse permanently ineligible for any position, job, career, or profession in educational settings requiring direct and habitual contact with children younger than age 18. A public registry of these sex offenders remained in place as mandated by law.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage was 18 (16 with parental consent), and the government effectively enforced the law.

**Sexual Exploitation of Children:** The law prohibited all forms of sexual exploitation of children, including sex trafficking, and prescribed penalties ranging from five to 20 years in prison, plus fines, for conviction of sexual exploitation offenses. Authorities enforced the law. In December 2022, congress approved a law raising the maximum prison sentences for those convicted of commercial sexual exploitation of children and adolescents. Due to sentencing guidelines for first-time offenders that provided automatic parole for any sentence of less than five years' confinement,

many convicted of commercial sexual exploitation of children received weak sentences, hampering efforts to deter traffickers and hold them accountable.

Child pornography was a crime. Penalties for producing child pornography ranged from 541 days to five years in prison. Commercial sexual exploitation of children and adolescents was a problem, and children were victims of sex trafficking with and without third-party involvement. Children were also used in the production of child pornography.

Sexual relations with children ages 14 to 17 could be considered statutory rape depending on the circumstances. Sex with a child younger than age 14 was considered rape, regardless of consent or the victim's gender. Penalties for conviction of statutory rape ranged from five to 20 years in prison.

On September 27, a Chamber of Deputies lawmaker alleged cases of sexual exploitation and pedophilia in at least five Better Childhood (a government agency) shelters for women in Valparaiso Region. The National Prosecutor's Office opened investigations into these allegations.

## **Antisemitism**

The Jewish community consisted of approximately 20,000 persons.

The Jewish community reported an increase in antisemitic content in social media posts following the October 7 Hamas attack on Israel. Several

subsequent pro-Palestinian protests included antisemitic speech. There were two incidents of swastika graffiti, one in Concepcion in March, and the other in Temuco in September.

During a public event in March, Gerardo Gordischer, president of the Jewish Community of Chile, stated, “In Chile there is antisemitic hatred that spreads through social media on a permanent basis, and it increases depending on the status of the Palestinian-Israeli situation, which affects the local Jewish community.”

On October 7, the mayor of Recoleta, Daniel Jadue, posted on X (formerly Twitter) an extensive message in relation to the Hamas attack on Israel in which he said, “The people of Palestine have the right to resist. The international community has been silent for years in the face of the genocide and extermination of women and children. Surely Zionism’s response will be fierce. Solution to the conflict is to end the occupation! #FreePalestine.”

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 *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** There were no laws criminalizing consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors. Seemingly neutral laws were not disproportionately applied to lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

**Violence and Harassment:** There were reports that police perpetrated and tolerated violence or harassment against LGBTQI+ individuals. There were also reports that nonstate actors incited, perpetrated, condoned, or tolerated such violence and harassment. In March, the Homosexual Integration and Liberation Movement (MOVILH) reported that in 2022 it received 1,046 reports of violence or discrimination due to sexual orientation or gender identity, a 6 percent decrease overall compared with 2021. Cases in 2022 included six reported killings, twice as many as in 2021, and an increase in cases of discrimination in schools and in the number of

hate campaigns.

On September 2, the Investigations Police of Chile arrested a man who admitted to the murder and subsequent dismemberment of a transgender man on September 1. The arrested individual was placed in pretrial detention, and an investigation was pending as of September 30.

Prosecutors generally responded to requests to investigate and prosecute those complicit in violence and abuses against LGBTQI+ persons by state or nonstate actors.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. The 2022 marriage equality law recognized LGBTQI+ couples and their families and granted them rights equal to other persons.

Authorities appeared reluctant to use the full recourse of antidiscrimination laws, which could include charging assailants of LGBTQI+ victims with a hate crime, which would elevate criminal penalties.

Procedural implementation of the marriage equality law presented some problems, especially in the registration of children of same-sex parents. The Iguales Foundation reported excessive delays in the delivery of birth and marriage certificates, errors in the order or spelling of surnames, and denial of service in some Civil Registry offices. On February 8, MOVILH reported government authorities were working with human rights organizations to

solve these problems.

Social and employment discrimination was a problem. The most common discriminatory acts reported to MOVILH were verbal abuse and discrimination by government workers in public services or by nonstate actors in public spaces.

**Availability of Legal Gender Recognition:** The law granted transgender citizens age 14 and older the right to have gender markers on government-issued identity cards and university diplomas changed to reflect their gender identity without a medical exam. For individuals age 18 and older, individual self-identification was sufficient to submit a request to the Civil Registry and Identification Service; for individuals ages 14 to 17, the process was done in family courts.

**Involuntary or Coercive Medical or Psychological Practices:** There were no reports of efforts to require “conversion therapy” practices. Human rights organizations reported, however, that social, cultural, and religious intolerance led to recurrent attempts to “convert” LGBTQI+ individuals informally through family, religious, medical, educational, or other community pressures.

Intersex activists reported children born with sex characteristics that did not align with typical notions of either male or female bodies were routinely subjected to nonconsensual medical treatment, including surgeries to

“normalize” their bodies. This was despite a 2015 Ministry of Health circular instructing such procedures be discontinued. There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on nonconsenting adult intersex persons.

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no restrictions on freedom of expression, association, or peaceful assembly with respect to LGBTQI+ issues.

### **Persons with Disabilities**

The law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the government sometimes did not enforce these provisions. Persons with disabilities suffered discrimination in employment and occupation, education, housing, and health care. Persons with disabilities could not access all public buildings and transportation on an equal basis with others.

While the law required universal and equal access to services, information, and communications, such access was limited. Most public buildings did not comply with legal accessibility mandates. The public transportation system, including many metro stations and most buses, particularly outside Santiago, did not adequately provide accessibility for persons with disabilities. National government communications via television were interpreted into sign language, but not all forms of government information

and communications, especially information from regional and local governments, were provided in accessible formats.

Children with disabilities attended public and private school with their peers and in segregated schools. Parents could choose whether to enroll their children in special education centers.

The law stipulated employers should adopt measures to include workers with disabilities into their workforce; the law required public agencies and private employers with more than 100 employees to reserve 1 percent of jobs for persons with disabilities. The law included an annual reporting requirement. The Labor Directorate, an independent government authority under the Ministry of Labor, reported many companies complied with the requirements set by the labor inclusion law and that many labor contracts included some type of labor inclusion provision. Employment rates for persons with disabilities were highest in the Santiago Metropolitan Region and lower in rural areas, especially Arica and Parinacota Region.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to 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 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 that 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 Defense Ministry. 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.

The law limited public employees from striking under certain circumstances, depending on sector. 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 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 whose stoppage would cause serious damage to the health, economy, or security of the country did not have the right to strike.

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. NGOs 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.

## **b. Prohibition of Forced or Compulsory Labor**

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

## **c. Prohibition of Child Labor and Minimum Age for Employment**

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/>.

## **d. Discrimination (see section 6)**

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for a national minimum wage, and it exceeded the poverty income level. In April, 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 new law.

The law provided exemptions from restrictions on hours of work for some 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 applicable to all sectors. 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.

**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 26.9 percent of total employment. Labor laws did not cover workers in the informal sector.