

CHILE'S UPR 4TH CYCLE Derechos Digitales

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We sent two reports:

Submitted with APC

Examen Periódico Universal 4to ciclo,
sesión 46 del Consejo de Derechos Humanos

Contribución conjunta sobre derechos humanos en el entorno digital en Chile

Esta presentación es una contribución conjunta de la Asociación para el Progreso de las Comunicaciones (APC) y Derechos Digitales al cuarto ciclo del mecanismo de Examen Periódico Universal (EPU) para Chile.

APC es una organización y una red internacional de organizaciones de la sociedad civil, fundada en 1990, que promueve los derechos humanos a través del uso estratégico de tecnologías de información y comunicación (TIC). Desde 1995, APC tiene estatus consultivo ante el Consejo Económico y Social (ECOSOC) de Naciones Unidas.ⁱ

Derechos Digitales es una organización de alcance latinoamericano, independiente y sin fines de lucro, fundada en 2005 y que tiene como objetivos fundamentales el desarrollo, la defensa y la promoción de los derechos humanos en el entorno digital. Su sede principal está ubicada en Santiago de Chile. Desde 2021, Derechos Digitales tiene estatus consultivo ante el ECOSOC.ⁱⁱ

 

i. www.apc.org
ii. <https://www.derechosdigitales.org/>

Submitted with Miles Chile and Women's Link

Examen Periódico Universal
Chile
Cuarto ciclo

Contribución conjunta suscrita por:

Corporación Miles Chile, Derechos Digitales y Women's Link
Worldwide¹

  

46ª Sesión del Consejo de Derechos Humanos, Ginebra
Abril-Mayo 2024

We based our analysis on the 7 recommendations* that were accepted by Chile in the last UPR's cycle. Those are focused on the guarantee of human rights in the digital sphere.

**Recommendations: n. 125.88; 125.92; 125.108; 125.109; 125.110; 125.166; 125.175.



Right to protest and freedom of speech

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.

Implementation status: Non-compliance.

Recommendation 125.92 issued by Mexico and accepted by Chile



Right to access to information (through digital inclusion)

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

Implementation status: Partial compliance.

Recommendation 125.108 (Peru), 125.109 (Brazil), 125.110 (Switzerland), all accepted by Chile

Right to Privacy

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.

There's urgency on its approval. The public authorities are constantly experiencing cases of data breaches of the citizens personal and sensitive data, a framework addressing those events is needed.

Implementation status: Non-compliance.



***Recommendations to be issued
in this 4th cycle***

**Right to
protest and
freedom of
speech**

- **To prohibit by law** the forced deletion of content documenting police abuse and **prohibit by law** the confiscation of devices without a court order.
- **To prohibit by law** the surveillance of peaceful protesters and **protect** journalists and human rights defenders, online and offline; and **investigate and sanction** those responsible of the surveillance they are being targeted with.

**Right to
access to
information
(through
digital
inclusion)**

- **To include in its current public policy** on the closing of the digital gap the promotion of universal and meaningful access to the internet including a gender perspective and considering the rights of historically marginalised groups, such as Indigenous populations and rural communities.
- **Promote through a legal reform to its ICT law** the non-commercial models of connectivity (e.g. community networks) through public policies that permit their implementation and sustainability.

**Right to
Privacy**

- **Promote a legal framework** that guarantees the right to protection of personal data, an incorporate an independent authority responsible for applying and overseeing the protection of personal data.