

The Treatment of Haitian Migrants in Chile

Country Conditions Memo

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Center for Gender & Refugee Studies

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Excerpts of Sources Concerning the Treatment of Haitians in Chile

A. Key Figures Regarding Haitian Migrants in Chile

Vanessa Jara-Labarthé and César A Cisneros Puebla, *Migrants in Chile: Social crisis and the pandemic (or sailing over troubled water...)*, Qualitative Social Work (Mar. 4, 2021) <https://journals.sagepub.com/doi/full/10.1177/1473325020973363>

“In recent years, Chile became a main destination for migrants seeking to improve their living conditions. According to the National Statistics Institute.”

“In the last 5 years, the number of foreigners in Chile has almost tripled, increasing the presence of two non-border countries: Venezuela and Haiti. The increase of migrant population involves not only the increase of the population living in the country, but also challenges for the dynamics of the cities and living conditions of the people.”

“The most prevalent community was the Venezuelan with 288,233 people, a position that the Peruvian population occupied for decades. The second larger community was Peru with 223,923 people; then Haiti with 179,338; Colombia, 146,582 and Bolivia with 107,346 people.”

Cristian Dona-Reveco, *Chile’s Retooled Migration Law Offers More Restrictions, Less Welcome*, Migration Policy Institute (May 2021)

<https://www.migrationportal.org/insight/chiles-retooled-migration-law-offers-more-restrictions-less-welcome/>

“Moreover, Haitians have become the third largest immigrant group, with roughly 180,000 people, up from just 50 in 2002.”

Liam Miller, *Racism against Indigenous groups, immigration at issue as Chile debates new constitution*, NBC News (Sept. 9, 2020)

<https://www.nbcnews.com/news/latino/racism-against-indigenous-groups-immigration-issue-chile-debates-new-constitution-n1239299>

“Chile has the largest number of Haitian immigrants outside the U.S.”

Tamar Ziff and Camille Preel-Dumas, *Coordinating a Humane Response to the Influx of Haitian Migrants in Chile*, The Dialogue (Sep. 4, 2018)

<https://www.thedialogue.org/blogs/2018/09/the-influx-of-haitian-migrants-in-chile/>

“Back in 2002, the national census found that there were 50 Haitians in Chile; by the next census in 2017, there were 64,567 Haitians in Chile, with current numbers looking to be around 150,000.”

Jacqueline Charles, *Haitians gamble on a better life in Chile. But the odds aren't always in their favor*, Miami Herald (Mar. 1, 2018) <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article202590949.html>

"The exodus is being driven by the French and Creole-speaking nation's young people, both educated and uneducated, and particularly the rural poor. Mostly male, between the ages of 15 and 44, this group of migrants is propelled by a growing sense of hopelessness about what the future holds in Haiti."

"A country built mostly on white migration from Europe seems like an unlikely landing spot for Haitians. Yet nearly 105,000 flocked here in the last year — the equivalent of 1 percent of Haiti's population — according to Chile's border police."

B. Anti-Black Discrimination, Racism, and Xenophobia Against Haitian Migrants

Elizabeth Trovall, *Thousands of Haitians Are Migrating to the U.S. After Facing Racism, Poverty, in Latin America*, Houston Public Media (Jun. 11, 2021) <https://www.houstonpublicmedia.org/articles/news/in-depth/2021/06/11/400406/many-haitians-are-migrating-to-the-u-s-after-facing-racism-poverty-in-latin-america/>

"Haitian immigrants and African immigrants as well really do tend to experience systemic racism and discrimination, making it more difficult for them to get hired for jobs, to access housing, to get education," said Bolter.

"They also face language and work authorization barriers. She said in Chile, a country that opened its doors to many Haitians after the 2010 earthquake, visas are closely tied to having a job offer."

Fernanda Paul, *¿El fin del "sueño chileno"?: los migrantes que luchan por permanecer en un país que les cierra las puertas*, BBC World News (May 27, 2021) <https://www.bbc.com/mundo/noticias-america-latina-56999711> (Spanish-language source).

"According to a survey by the public opinion company Cadem, the percentage of Chileans who in February of this year believed that the arrival of foreigners is "bad" for their country reached 60%. This number represents an increase of 16 points since July 2019 (44%) and is the highest percentage since December 2016."

"According to the analysis of experts, these results reflect something that has been incubating in Chilean society for a long time: discrimination against the migrant."

"There is a "media campaign to blame migration for the country's structural problems [...] [which] has penetrated the psyche of Chileans."

"If you tell people that migrants come to take away their jobs, that they stress health services, that they do not pay taxes, that they are engaged in street commerce, you stigmatize them"

U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2020 *Country Reports on Human Rights Practices: Chile* (Mar. 30, 2021)

<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/chile/>

"Equal treatment and nondiscrimination are explicitly protected in the constitution, and the labor code specifically prohibits discrimination. There were reports of discrimination against racial minorities and immigrants in the public-health and education systems. 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. Several municipal governments implemented plans for assistance to migrants in public services."

Luisa Feline Freier and Marcia Vera Espinoza, *COVID-19 and Immigrants' Increased Exclusion: The Politics of Immigrant Integration in Chile and Peru*, *Frontiers in Human Dynamics* (Mar. 10, 2021)

<https://www.frontiersin.org/articles/10.3389/fhumd.2021.606871/full>

"[M]any find themselves in precarious legal and socio-economic conditions, as the surge in numbers has led to xenophobic backlashes in some of the main receiving countries, including Chile and Peru."

"Public perception surrounding immigration has also grown more polarized and complex in the last few years. In 2018, a survey by Ipsos recorded that 53% of Chileans agreed that migration was "beneficial" to the country, while 43% viewed it as "harmful" (Ipsos 2018). Another survey conducted by the Universidad Andrés Bello and the Ministry of Interior in June 2020 - amid the COVID-19 pandemic-, showed that 57% of Chileans thought that the amount of migrants living in the country should decrease, and that 70% agreed that visas should not be given to migrants who entered the country through irregular channels."

"At the same time, however, the perception that immigrants increased crime grew by 6% since 2003, reaching 41% in 2017."

"It is relevant to note that xenophobia against migrants in Chile was already well documented before the pandemic and that misleading accusations against migrants as vectors of disease, such as HIV and Tuberculosis, are not new in the country."

Vanessa Jara-Labarthé and César A Cisneros Puebla, *Migrants in Chile: Social crisis and the pandemic (or sailing over troubled water...)*, Qualitative Social Work (Mar. 4, 2021) <https://journals.sagepub.com/doi/full/10.1177/1473325020973363>

“The greatest threat to migrants is invisibility and discrimination by Chilean society.”

Trinidad del Río, *El racismo mató a Joane, Migracion en Chile* (Oct. 7, 2020) <https://www.migracionenchile.cl/el-racismo-mato-a-joane-2/> (Spanish-language source).

“It has been three years since Joane Florvil died due to a series of events that have not yet been clarified. The State criminalized her, treated her negligently, denied her from seeing her daughter in her last days of life. Finally, Joane died.”

“This is not by chance, but has to do with how racism has been built in Chile: it not only has to do with people's skin color, but also with their country of origin and with how, for years, the media has built images about these countries, marginalizing everyone who comes from there.”

“These actions have been undertaken by the Chilean State at different times in its history, and it allows us to see that when racism is promoted and built in a systematic way.”

Liam Miller, *Racism against Indigenous groups, immigration at issue as Chile debates new constitution*, NBC News (Sept. 9, 2020) <https://www.nbcnews.com/news/latino/racism-against-indigenous-groups-immigration-issue-chile-debates-new-constitution-n1239299>

“With an era-defining vote for a new constitution fast approaching, issues related to racial diversity have led to outbreaks of violence and political strikes up and down Chile.”

“Chile has grappled with racism against its Indigenous groups, but political events in other countries, such as Venezuela and Haiti, have added to a recent surge in immigration, heightening debates around ethnicity.”

“Chile was built upon discriminatory values that saw Indigenous people and other ethnicities, like darker-skinned people from Peru or Bolivia, who Chile warred with during its formation, as second-class citizens, while the elite, with their European heritage from Spain, are seen as first class.”

“The influx of mostly Black Haitians since 2014 has made immigration more visible, and coalition parties touted anti-immigration policies for the first time in recent history during the 2017 presidential elections. In August, #masinmigrantesmascesantia — which translates as “more immigrants more unemployment” — trended on Twitter.”

"Since 2018, we have seen immigrants being used as scapegoats for unemployment, risks to the health system, housing and urban problems, low wages, unpredictability in the labor market and even COVID-19, which in Chile has obviously been caused by our insertion in global dynamics and the travel to Europe and the U.S.," said Luis Thayer, a social scientist at Silva Henríquez Catholic University in Santiago."

Gabriela Mesones Rojo, *Interview: How Black Feminists in Chile are Challenging The Country's Whitewashed Identity, Okay Africa* (Aug. 21, 2020)

<https://www.okayafrica.com/black-feminists-in-chile-fight-covid19-racism/>

"Racism is nothing new in Chile—discrimination against its Indigenous Mapuche community was present at the South American country's creation and remains widespread today."

"Chile's Black and Afro-diasporic community has grown in recent years from migration, due especially to the Haiti earthquake, an increase of violence in Colombia, and to the complex humanitarian emergency in Venezuela, making representative groups like the *Red de mujeres Afrodiaspóricas*, a network launched earlier this year, important."

"There is a racist imaginary which tends to construct non-white people as criminals, irrational, opportunistic and saboteurs of the supposed normality," says Camila Lima, a founding member of the *Red de mujeres Afrodiaspóricas*. "This has been exacerbated in the context of the pandemic, and it is very evident that the traditional mass media are trying to strengthen the narrative of Black and Indigenous people as dirty and irresponsible."

"Black people have always been present in the territory, but Chile has a deeply whitewashed identity, which denies the presence of Indigenous and Black people."

Marcela Colmenares, *¿Por qué debería importarnos la triple vulnerabilidad de las migrantes haitianas en Chile?*, La Maleta Abierta (July 29, 2020)

<https://blogs.iadb.org/migracion/es/por-que-deberia-importarnos-la-triple-vulnerabilidad-de-las-migrantes-haitianas-en-chile/> (Spanish-language source).

"The majority of the Haitian population is Afro-descendant. Although there are not many racial and ethnic statistics in the region that allow us to understand and confront patterns of discrimination, being Afro-descendant is a reason for vulnerability."

"According to a survey of Haitian immigrants carried out by the National Center for Migration Studies of the University of Talca, in Chile, 52% of the Haitians surveyed feel discriminated against, especially in the workplace; and 86% consider that they face more difficulties than other nationalities to get a job."

Andre Vitcek, *Racism in Chile*, Orinoco Tribune (June 25, 2020)

<https://orinocotribune.com/racism-in-chile/>

“Chile is a dreadfully racist place, although, as with many countries where racism thrives, it does not openly admit that it is.”

“In Chile, race plays an extremely important role. It opens and closes doors. It determines who gets what jobs, and who ends up living in inescapable misery.”

“Despite gross discrimination, assaults and even killing of the people with a different skin color, (one of the most ‘famous’ cases was that of a 27-year-old Haitian immigrant, Joanne Florvil, who got, in 2017, arbitrarily detained, denied an interpreter and killed), there seems to be no organized, powerful movement in Chile, which would stand determinately against racism and continuous theft of what is left of the Mapuche lands, or for the return of access to the sea to Bolivia.”

TeleSur English, '*Chile First*' Campaign Spreads Xenophobia Across Country (Jun. 19, 2019) <https://www.telesurenglish.net/news/Chile-First-Campaign-Spreads-Xenophobia-Across-Country-20190619-0021.html>

“A propaganda campaign promoting xenophobia towards Haitians is branding itself with a ‘Chile first’ slogan.”

“The xenophobic message promulgated by the publicly distributed materials asserted that people who don’t fight for the fate of their nation are offering it up on a silver platter, and argued that it is neither racist nor xenophobic to say ‘Chileans first.’”

“The organization Identity Initiative (Accion Indentitaria) is responsible for the controversial work and has disseminated a series of posters with messages reading ‘Go home, young Haitian. Your country needs you.’”

“Once in their host country of Chile, they face discrimination in the form of policy. Last year, the government of President Sebastian Piñera created a program to ship Haitians back to Haiti in the name of a humanitarian program dubbed the ‘Humanitarian Plan for Orderly Return.’”

“[T]hey are looking for a way to place blame on the immigrant community for the social and economic problems affecting Chile”

Juan Gabriel Bocanegra, *What happens with Haitian immigration in Chile?*, Latin American Post (May 30, 2019) <https://latinamericanpost.com/28287-what-happens-with-haitian-immigration-in-chile>

“On May 16, in Santiago, Chile, the Haitian doctor Rebeka Pierre died in the public transport system after the hospital Felix Bulnes discharged [her] without having made the relevant examinations.”

"The case of Pierre is added to the list of Haitians who die because of the lack of medical attention, due to the lack of social guarantees and, in many cases, of migratory regularization."

"[T]he Haitian immigrant faces two problems mainly: aporophobia and racism. Regarding the former, the term aporophobia refers to "rejection, aversion, fear and contempt towards the poor and poverty", according to the RAE. In Chile, this attitude is common and even more so against Haitian immigrants."

"As the Diario U. de Chile explains, Haiti is one of the countries with the highest stigmatization at the poverty level [...] This causes not only that the population repels them, but that there is a stigma 'that has condemned the natives of the island to the non-recognition of their university degrees and the lack of consideration of them for professional tasks.' In that sense, although the immigrant Haitian is qualified, he is not considered for the jobs he can carry out."

"To this is added the racism of Chilean society, which manifests itself through microviolence as racist comments or jokes. As the study mentioned above affirms, 'this racism is generally expressed in a subtle way and the migrants themselves, far from recognizing it, tend to naturalize it or simply refer to differential treatment that, they explain, does not affect the fulfillment of their objectives in Chile.'"

"Professor Maria Emilia Tijoux explains, 'The first barrier that Haitians have in Chile is not the language, it is the skin color. From the color of skin, the tongue also becomes a barrier, but it is not the first. The color Chileans appreciate it negatively and then they link it to the language.'"

World Politics Review, *Chile Takes an Anti-Immigrant turn with 'Humanitarian Flights'* (Nov. 30, 2018) <https://www.worldpoliticsreview.com/trend-lines/26884/chile-takes-an-anti-immigrant-turn-with-humanitarian-flights>

"One argument for the flights is that Haitians are the poorest immigrants and the farthest from home, and thus require the most assistance. In reality, there is little evidence that this community is the poorest or the most disadvantaged, but it is racially and linguistically different from other immigrant communities in Chile."

"Unlike other immigrants, however, Haitians tend to be portrayed in the media as indigent. This, combined with the fact that Afro-descendant migrants are more easily recognizable in the informal sector—selling candy in the streets, for example—has made them the target of anti-immigrant comments."

"The constant portrayal of migrants as poor, criminal, disease-carrying individuals has connected well with a small but significant subset of the population that feels victimized by women's movements, student protesters, immigrants and other outgroups."

Digital Journal, *Disappointed Haitian migrants return home from Chile* (Nov. 8, 2018)

Available at:

[https://www.westlaw.com/Document/I5ce05ac0e30c11e88677ff489852e809/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I5ce05ac0e30c11e88677ff489852e809/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0)

"Many of these Haitians had been victims in Chile, one of Latin America's wealthiest countries, of 'exclusion' and 'racism.'"

Martin Arostegui, *Waves of Migrants Head to Chile, Putting a Strain on Services*, Voice of America News (Aug. 6, 2018) <https://www.voanews.com/americas/waves-migrants-head-chile-putting-strain-services>

"Waves of migrants from poorer Latin American countries are coming to Chile, putting a strain on social services and causing local resentment."

"The problem has recently become "visibly accentuated" with the arrival over the past 18 months of 160,000 poor Haitians escaping the chaos engulfing their poverty-stricken country."

"This is an invasion," said a Santiago taxi driver, pointing to black Haitians milling in the capital's center speaking Creole while scratching out a living as street vendors and low-level construction workers. "How can we afford to keep all these people," he said."

"This year's election is the first in which immigration was an issue in Chile, according to the Washington-based Migration Policy Institute."

"I was told by the principal that immigrants were being given preferential placing, especially Haitians, because they were considered the most vulnerable," said Sepulveda, who said she will vote for Kast in the next elections. "Chile is like a thin cow being milked by a lot of foreigners."

Barbara Barrera, *Chile, a Racist Country*, Palabra Publica (Jul. 30, 2018)

<https://palabrapublica.uchile.cl/2018/07/30/chile-a-racist-country/>

"[There was also the case of] Haitian Cedul Termesier, a Copec gas station attendant whom a customer attacked by throwing a hot dog to his face, allegedly because 'it had too little avocado in it.' These cases demonstrate what has always been known, but which today is exposed more aggressively thanks to the rise of immigration: certain skin colors are seen as a threat to large swaths of our society."

"The report *Manifestations of Racial Discrimination in Chile: A Study of Perceptions*, published by the National Institute for Human rights (NIHR) in February of this year, indicates that 68.2% of surveyed individuals declare that they agree with measures to limit the entrance of migrants into Chile. "

"[T]he National Institute for Human rights indicates in their report that 'the fact that skin color and indigenous features are indicated as reasons for rejection denotes their use as indicators of social exclusion and, therefore, as an implicit expression of racism (...) the indicators of the responses show that over 30% of the participants do not clearly reject the idea of stigmatizing them.'"

Boris van der Spek, *Chileans consider race key for immigrants' success*, Chile Today (July 16, 2018) <https://chiletoday.cl/chileans-consider-race-key-for-immigrants-success/>

"According to the study – based on a sample of 871 cases, men and women, all living in Santiago – most people surveyed considered skin color an important factor for immigrant's success."

"Maria Emilia Tijoux, a sociologist at Universidad de Chile, said that the rejection of immigrants with different skin color has been very strong in Chile. According to Tijoux, Peruvian immigrants have suffered discrimination in the past due to race difference. But now, Haitians suffer the most from discrimination. 'The rejection is due to the economic conditions of the Haitians that arrive in Chile. That is to say, people who don't have economic possessions, only their labor power,' said Tijoux."

Daniel Fajardo Cabello, *Color de piel es clave para el éxito de los migrantes, según chilenos*, La Tercera (July 11, 2018) <https://www.latercera.com/pulso/noticia/color-piel-clave-exito-los-migrantes-segun-chilenos/238520/> (Spanish-language source).

"One of the main conclusions of the report is that -the respondents- estimate that the success of the migrants will depend primarily on their skin color"

"The results of the study show that the spontaneous image that Chileans have of migrants, attributes related to the search for "opportunities" and "work" predominate, in addition to terms associated with the most vulnerable migration, such as "poverty". "need" and "Haitian."

Orlando Milesi, *Chile, an Oasis for Haitians that Has Begun to Run Dry*, Inter Press Service (May 16, 2018) <https://reliefweb.int/report/chile/chile-oasis-haitians-has-begun-run-dry>

"In Chile Haitian immigrants face a special cocktail of xenophobia mixed with racism, sometimes disguised as criticism of the fact that their languages are Creole or French, not Spanish."

"'[T]he main problem that Haitians face is racism: black people seem interesting as long as they are not next to us. I observe that attitude here [...] there is a lot of racial resistance.'"

"Haitians are stigmatized as carriers of diseases, generators of garbage and domestic violence, as noisy, child abusers, people who speak loudly and are always arguing. Chileans are also angry that they compete with Haitians in terms of access to basic services in healthcare, day care centres, kindergartens and schools."

"He accused some sectors of 'xenophobia, I do not know if because of their culture they are not used to living with many foreigners, especially black people. They discriminate on the basis of skin colour. That is manifested directly with insults and sometimes psychologically."

Andrea Bustos and Martín Espinoza, *Pobreza, racismo e idioma: la triple discriminación a los haitianos en Chile*, Diario UChile (May 14, 2018)

<http://radio.uchile.cl/2018/05/14/idioma-pobreza-y-raza-el-drama-de-ser-haitiano-en-chile/> (Spanish-language source).

"Haitians have had to learn to face three discriminatory prejudices that converge in the construction of their supposed identity: class, "race" and language"

"Less than a year ago, the Royal Academy of the Spanish Language approved the inclusion of the concept "aporophobia" in its records. The term, coined by the Spanish philosopher and professor Adela Cortina, refers to the rejection or fear of poor or disadvantaged people."

"Both situations are reported by the sociologist and academic from the University of Chile María Emilia Tijoux. The researcher maintains that 'the rejection is located both in the economic situation of arriving Haitians—that is, people who do not have economic capital, and all they have is work—and the second, is the color of their skin."

"Racism operates by placing you low on the scale. Indeed, there is a historical component, a racist component, and a class component, which has the result of treating Haitians like slaves."

"The language barrier is another obstacle that Haitians must overcome on a day-to-day basis. However, despite being a reality, it is an element subordinate to the other two factors mentioned. According to Tijoux, '[the language barrier] has an effect, but that must be clarified: it is because they are Haitians. If you have a German who does not know a street, a Chilean goes and explains. The first barrier that Haitians have in Chile is not their language, it is their skin color. Based on skin color, the tongue also becomes a barrier, but it is not the first. Chileans receive color negatively and then link it to the language. A good number of Haitians speak French, Creole, English, and Portuguese. They are people who have more language skills than we do. Putting the language barrier first is a lie. It is because they are Haitian."

America Economia, *Inmigración en Chile: el miedo a la diversidad* (Apr. 16, 2018)
<https://www.americaeconomia.com/analisis-opinion/editoriales/inmigracion-en-chile-el-miedo-la-diversidad> (Spanish-language source).

Translation available at: <https://worldcrunch.com/culture-society/in-prosperous-chile-immigration-policy-smacks-of-racism>

“The [Chilean] population's relative racial homogeneity has become enriched with Peruvians, Colombians, Venezuelans, Bolivians, Ecuadoreans and Dominicans, and most visible of all, Haitians who do not speak Spanish and have dark skin. Some 100,000 people from Haiti arrived in 2016, which certainly makes a difference to a country where it was said until recently that ‘we're not racists because there are no blacks here.’”

“Still, the government's treatment of Haitians smacks of racial discrimination and requires fine-tuning.”

“The only economic justification for discriminating against the Haitians is that they are poorer and less educated than other Latin American arrivals, and engage in low-paid, manual jobs while pushing wages down in those sectors. And yet in Chile, Haitians have shown themselves to be hardworking and responsible, and as good as or better than similar workers from other regional countries.”

“While 60% of the population is of mixed indigenous and European stock, the great majority of Chileans insist they are white. Historically the country has largely ignored and even despised its Indians, and its latent racism is now finding an outlet with Haitians, even if Chileans are loath to admit to this attitude.”

The Economist, *Chile gives immigrants a wary welcome* (Apr. 12, 2018)
<https://www.economist.com/the-americas/2018/04/12/chile-gives-immigrants-a-wary-welcome>

“The abrupt rise in immigration has come as a shock to a country that had no empire and is a long way from the world's main trouble spots. Most Chileans are descendants of Spanish colonisers and indigenous people. Later immigrants from Spain, Germany, Croatia and other places added to the mix. Chileans tend to think of themselves as transplanted Europeans (and largely ignore the country's indigenous heritage).”

“The new diversity has brought two problems. It has overwhelmed an immigration system designed for smaller numbers. And it has provoked a backlash against newcomers.”

“Nearly half think immigrants take jobs from locals. Haitians provoke most hostility. Last year the number of Haitians in Chile grew by 100,000, in part because Brazil made it harder for them to come. Most do not speak Spanish and tend to be black as well as

poorer and less educated than other Latin American immigrants. They are subject to more assaults and insults and often work in terrible conditions.”

“‘Haitians are not welcome in Chile,’ says Edward Sultán, who works for An Nou Pale (“Let’s Talk”) Foundation, a charity that helps black people integrate into Chilean society. ‘If you’re black, you’re considered inferior.’ A video posted recently on social media showing Haitians arriving at Santiago airport spoke of an “invasion”. Checho Hirane, a radio presenter, worried aloud that uncontrolled immigration would “change our race”, though he later backtracked.”

Paula Molina, *Por qué Chile facilita la llegada de inmigrantes de Venezuela y pone dificultades a los de Haití*, BBC World News (Apr. 11, 2018)

<https://www.bbc.com/mundo/noticias-america-latina-43720865> (Spanish-language source).

“[D]iscrimination has been increasing as Afro-Caribbean immigration has grown.”

“According to the Chilean Investigative Police (PDI), the number of Haitian immigrants experienced an explosive increase during 2017, reaching 100,000.”

“Chile used to receive immigrants who came from Europe, to do business. Then more people from Latin America and the Caribbean arrived. There is a Haitian migratory flow and it is black. And the issue of color has been a global issue for a long time, and there is a lot of racism.”

Jacqueline Charles, *Haitians gamble on a better life in Chile. But the odds aren’t always in their favor*, Miami Herald (Mar. 1, 2018) <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article202590949.html>

“A 2017 survey by Chile’s National Institute of Human Rights found that 68 percent of Chileans want stricter immigration controls. Also, while many view migrants as ‘good workers,’ about 47 percent believe they are taking jobs from Chileans. And nearly 25 percent surveyed in the metropolitan area believe that Haitians are “dirtier” than Chileans are.”

Jacqueline Charles, *Chile is used to welcoming migrants. But Haitians don’t always get a warm reception*, Miami Herald (Mar. 1, 2018)

<https://www.miamiherald.com/news/nation-world/world/americas/haiti/article202589599.html>

“‘Racism is really strong in Chile right now,’ said Yvenet Dorsainvil, a Haitian immigrant and author who moved to Chile nine years ago to attend college. ‘It’s so strong that sometimes you think people are from another century.’”

“As Chile becomes a leading destination for migrants from Haiti, the Dominican Republic and South American countries with black populations, the surge in migrant arrivals is

giving rise to concerns about xenophobia and growing racism in a society that has long regarded itself as not just white, but whiter than most other Latin American countries.”

“While not unique to Chile, racism takes on special characteristics here, observers say, from the outright to the more nuanced violence or micro-aggressions.”

“Afro-Latin American migrants and those from Haiti are experiencing different levels of violence as a result of racism in Chile, and ‘the ones suffering most directly from this racism are the Haitians.’”

“This increased visibility of Haitians [...] has subjected them to all forms of racism in their everyday lives, from the way they are viewed by Chileans to how they are treated, both of which hamper their integration into Chilean society.”

“Sometimes, the acts [...] are subtle enough that Haitians don’t recognize them as racist, especially if they don’t understand much Spanish. Other times, it’s beyond obvious, such as when authorities found five Haitians earlier this year being housed in an animal stable”

“While a third of Chileans consider themselves to be ‘whiter’ than other Latin Americans, about 25 percent of those living in metropolitan regions consider immigrants to be ‘dirtier’ than Chileans. They also considered migrants ‘messy, unpunctual, rude, irresponsible, dirty.’”

“47 percent who said they could justify violence against migrants and 32 percent who view black migrants as exotic and responsible for an increase in infidelities.”

Piotr Kozak, *Caribbean migrants risk danger and discrimination for a new life in Chile*, The Guardian (Jun. 29, 2017)

<https://www.theguardian.com/world/2017/jun/29/caribbean-migrants-chile-desert-minefield>

“Discrimination, labour abuse and outdated immigration policies have made adjustment difficult for many among the more than 50,000 Haitians”

“Until the 1990s, Chile had only a small black population, so the recent arrival of a black migrants has caused a stir.”

“‘[The migrants] are often very badly discriminated against,’ says sociologist María Emilia Tijoux. ‘Some are really suffering. And it’s not just a legal problem, it’s because there’s a part of Chilean society that’s so damned racist.’”

“Many Haitians find low-paid niches in the labour market where Chileans are reluctant to work, particularly construction, domestic service and agriculture.”

“Lacking full legal rights, some are exploited, said Haitian community leader Widner Darcelin, who said migrants sometimes work for months without being paid.”

“Earlier this month, a homeless Haitian migrant named Joseph Polycart died of hypothermia after he was twice turned away from a local hospital on a freezing night.”

C. Poor Working and Living Conditions for Migrants, Including Haitians

Elizabeth Trovall, *Thousands of Haitians Are Migrating to the U.S. After Facing Racism, Poverty, in Latin America*, Houston Public Media (Jun. 11, 2021)

<https://www.houstonpublicmedia.org/articles/news/in-depth/2021/06/11/400406/many-haitians-are-migrating-to-the-u-s-after-facing-racism-poverty-in-latin-america/>

“It’s been really difficult for Haitian immigrants to find jobs in Chile [...] Some of this is due to the language barriers, some of this is because a lot have ended up falling into irregular status and so once they’re in irregular status it’s hard to get someone to offer them a job.”

U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2020 Country Reports on Human Rights Practices: Chile (Mar. 30, 2021)

<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/chile/>

“Immigrant workers in the agricultural sector were the group most likely to be subject to exploitative working conditions.”

Maria Jose Navarrete and Karen Gonzalez, *Denuncias de migrantes por abuso laboral se triplican en dos años*, La Tercera (Jun. 3, 2019)

<https://www.latercera.com/nacional/noticia/denuncias-migrantes-abuso-laboral-se-triplican-dos-anos/682253/> (Spanish-language source).

“12.7% of the reports [of workplace abuse] presented to the Labor Directorate come from foreigners.”

“PM is a Haitian national worker who traveled to Chile three years ago to seek “a better life.” He arrived with his partner and left his two children in the care of his grandmother. In his first year in the country he wandered in different jobs, until he got a position as a cleaning staff in a well-known restaurant in Ñuñoa.”

“There he worked for two years with a contract, exceeding 45 hours a week, with no Sunday rest or overtime pay. Although he was fired in October 2018, to date they have not paid him a severance pay and owe him a large part of his taxes.”

“In that place I had to endure mistreatment just because of my skin color. They fired me from one day to the next without notice (...). There they gave me the settlement, but I did not sign it before a notary (...) and now they don’t want it. to recognize.”

"Between 2016 and 2018, complaints filed by migrant workers in the Labor Directorate, for violations of their labor rights, have tripled: they went from 1,855 to 7,427 last year."

"According to Mauricio Peñaloza, National Director of Labor there is a 'greater ignorance on the part of foreign workers in relation to their rights and, unfortunately, some employers may abuse that reality and infringe more frequently with respect to Chilean workers.'"

World Politics Review, *Chile Takes an Anti-Immigrant turn with 'Humanitarian Flights'* (Nov. 30, 2018) <https://www.worldpoliticsreview.com/trend-lines/26884/chile-takes-an-anti-immigrant-turn-with-humanitarian-flights>

"Haitians are also more likely to encounter discrimination from landlords and employers due to language differences and disadvantages in the visa process. Since they are not South American, they are not covered by Chile's educational or other agreements with nearby countries."

Digital Journal, *Disappointed Haitian migrants return home from Chile* (Nov. 8, 2018) Available at: [https://www.westlaw.com/Document/I5ce05ac0e30c11e88677ff489852e809/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/I5ce05ac0e30c11e88677ff489852e809/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0)

"We cannot find work in Chile," said a young woman as she disembarked from the plane, having spent two years in the South American country. 'The living conditions are worse than in Haiti,' she added."

Claudio Pizarro, *Maldita vecindad: cómo viven los migrantes en Chile*, Palabra Publica (Oct. 4, 2018) <https://palabrapublica.uchile.cl/2018/10/04/maldita-vecindad-como-viven-los-migrantes-en-chile/> (Spanish-language source).

"Crowded into towns, large houses, sheds and camps, the migrants have had to endure subhuman living conditions, seek survival strategies and deal with all kinds of speculators who lease them warehouses, corridors and even small spaces under the stairs."

"Each floor, Kesnel assures, was managed by a delegate, the same one to whom he sacredly paid 150 thousand pesos a month for a room moistened by the filtration of a bathroom. A practice that in the absence of legal regulation has been simply called "abusive subleasing." At least 6 thousand people, according to a registry of the municipality of Santiago, live under this modality, distributed in around 100 buildings."

"The transformation of the backyards of old houses is a widespread phenomenon. [Migrants] are renting old warehouses, used to store gas cylinders, which have been converted into rooms."

Tamar Ziff and Camille Preel-Dumas, *Coordinating a Humane Response to the Influx of Haitian Migrants in Chile*, The Dialogue (Sep. 4, 2018)

<https://www.thedialogue.org/blogs/2018/09/the-influx-of-haitian-migrants-in-chile/>

“The exponential increase of Haitians in Chile, many of whom are undocumented, has divided the country and unearthed manifestations of racism and xenophobia that are rooted in Chile’s relatively homogeneous demographic history.”

“Reports of anti-Haitian sentiment in Chile are now commonplace, with one of the most striking displays being stickers of Haitian caricatures that resemble the anti-black imagery of the Jim Crow era.”

Orlando Milesi, *Chile, an Oasis for Haitians that Has Begun to Run Dry*, Inter Press Service (May 16, 2018) <https://reliefweb.int/report/chile/chile-oasis-haitians-has-begun-run-dry>

“There is an unethical business to subdivide poor houses to lease them at exorbitant prices.”

“For up to 200,000 pesos (about 333 dollars) [Haitians] rent miserable rooms with no safety or sanitary conditions. During the visit by Pope Francis (in January 2018), one of these houses where a hundred people were living with just three showers, one of which was not working, and one toilet, was burned.”

The Economist, *Chile gives immigrants a wary welcome* (Apr. 12, 2018)

<https://www.economist.com/the-americas/2018/04/12/chile-gives-immigrants-a-wary-welcome>

“Earlier this year, labour inspectors found five Haitian forestry workers living in a stable in southern Chile without electricity or sanitation. Haitians with higher education often do the same manual labour as their compatriots (other immigrants also have that problem, because Chileans are slow to recognise foreign degrees in some professions).”

Boris van der Spek, *Increase in Haitian immigration raises concerns in Chilean society*, Chile Today (Apr. 9, 2018) <https://chiletoday.cl/increase-haitian-immigration-chile/>

“Prior to arrival, many Haitian migrants are promised better living and working conditions, and a great majority come to Chile in search of a job, as Haiti’s 2017 unemployment rate stood at 13.4 percent. However, upon arrival many face poor living conditions and exploitative work in agriculture, construction or food processing companies, for example.”

Jacqueline Charles, *Chile is used to welcoming migrants. But Haitians don't always get a warm reception*, Miami Herald (Mar. 1, 2018)

<https://www.miamiherald.com/news/nation-world/world/americas/haiti/article202589599.html>

"[Haitians] are being found in animal corrals. They are not paid the minimum wage. They are not given a current work contract, they have very long working hours and they are continuously being mistreated."

"Haitians say they often turn a blind eye to Chileans' prejudice because they have a bigger problem: trying to earn a living."

"Haitians experience the most racism and discrimination is in their employment, where they are often found in low-valued, low-paying jobs in agriculture, construction and street cleaning, [...] jobs frequently available to recent Haitian arrivals without papers. Even if they are professionals, they can't work in their fields because Chile doesn't recognize professional degrees from Haiti."

Jacqueline Charles, *As Chile prepares for new president, Haitians warned they won't find 'paradise' there*, The Miami Herald (Mar. 1, 2018)

<https://www.miamiherald.com/article202590229.html>

"Haitians who arrive in Chile are often misinformed about what they are coming to. They think they are going to quickly find work and somewhere to live [...] There are problems with work visas and labor conditions. There is a saturation of the market particularly in the metropolitan regions of Chile. When Haitians are arriving, they are not finding the same conditions that existed five or six years ago."

Jacqueline Charles, *Haitians gamble on a better life in Chile. But the odds aren't always in their favor*, Miami Herald (Mar. 1, 2018)

<https://www.miamiherald.com/news/nation-world/world/americas/haiti/article202590949.html>

"Employers abuse and underpay them. Landlords crowd them into overpriced, closet-sized rooms. Scam artists try to sell them useless work contracts that could put them on the wrong side of the law."

"Haitians are also subject to exploitation, abuse and mistreatment as they seek work in construction and on farms, and other back-breaking manual labor."

"To work in Chile, migrants need a temporary work visa, which comes with a Chilean ID number, the first step toward permanent residency. And to get a visa, they need a job offer with a contract. Yet most employers require an ID number before offering a job contract."

United Nations Human Rights Council, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, on her mission to Chile, U.N. Document A/HRC/37/53/Add.1 (Jan. 17, 2018)* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/009/43/PDF/G1800943.pdf?OpenElement>

“Migrants experience higher levels of multidimensional poverty than the average, at 23 percent nationally and as high as 35 percent in the northern regions.”

“The Special Rapporteur heard disheartening testimonies about and saw at first-hand the housing conditions of migrants. Many referred to having experienced various forms of discrimination in the housing sector. Migrants cannot apply for the housing subsidy programme until they have resided in Chile for at best two years and at worst five years, and have become permanent residents. That leaves them no option but to rent in the private market or reside in *campamentos* or on/in occupied land/buildings.”

“The Special Rapporteur visited a site in Santiago that migrants had occupied. Beyond lacking any security of tenure, it was not fit for living, with sewage backing up into the residence and other health and safety concerns.”

“Stigma and discrimination in the private rental market is rampant, a critical fact, considering that just over 72 percent of migrants in Chile in 2015 were renting.”

“Migrants recounted being denied accommodation because of their place of origin, or exploited in the private housing market by landlords who overcharged or who offered costly but precarious living conditions. Even within *campamentos*, some migrants noted that they had experienced intercultural violence and hostility.”

“Many *campamentos*, especially in the northern and Valparaiso regions, are made up of migrants who have nowhere else to live in the light of the restrictions they face on receiving housing subsidies until they have become permanent residents. For example, in Antofagasta, 80 percent of the population of one *campamento* the Special Rapporteur visited were migrants.”

“The living conditions in many of the settlements are characterized by a lack of security of tenure, overcrowding and a lack of basic utilities, including drinking water. A recent study showed that 15 per cent of residents of *campamentos* live in areas of *socionatural* risks, old landfill sites, contaminated areas and areas associated with floods and forest fires.”

D. Harsh and Prejudiced Immigration Enforcement and the Refoulement of Haitian Migrants

Fernanda Paul, *¿El fin del "sueño chileno"?: los migrantes que luchan por permanecer en un país que les cierra las puertas*, BBC World News (May 27, 2021)

<https://www.bbc.com/mundo/noticias-america-latina-56999711> (Spanish-language source).

"The new migration law that came into force on April 20 only allows those who entered through a passage before March 18, 2020, the day on which the government of Sebastián Piñera closed the borders for the first time product of the coronavirus pandemic."

"[T]hose who entered clandestinely through unauthorized steps have a period of 180 days to leave the country, without penalty."

"Foreigners increased from 305,000 in 2010 (which corresponded to the 1.8% of Chile's total population) to almost 1,500,000 in 2020"

"This is partly explained by the explosive increase in Venezuelan migrations (going from a community of 8,000 in 2012 to 500,000 in 2020) and Haitians (which increased from just 1,600 people in 2012 to more than 185,000 in 2019)."

"[I]n the last three years, Chile began to require a "consular visa" for people from Venezuela and Haiti , a requirement that the new migration law extended to all those who want to settle in the country, in order to prevent foreigners from entering as tourists and changing their immigration status to look for work."

"Now, for a migrant to be expelled it is no longer necessary for there to be a criminal complaint against him (which would delay the process). Since April 20, the simple finding that a person entered irregularly is a sufficient argument for him to be expelled."

"On May 19, experts from the United Nations Organization (UN) called on the Chilean government to "immediately stop the plans for the collective expulsions of migrants" because, they affirmed, they have "the right to an individual evaluation and to remain in the country while their situation is evaluated in accordance with international human rights norms and standards.""

Cristián Doña-Reveco, *Chile's Retooled Migration Law Offers More Restrictions, Less Welcome*, Migration Policy Institute (May 2021)

<https://www.migrationportal.org/insight/chiles-retooled-migration-law-offers-more-restrictions-less-welcome/>

"The Chilean Congress marked a historic milestone when it approved a new immigration law in December 2020. This law will replace Decree Law (DL) 1094, which

was enacted in the early years of Augusto Pinochet's dictatorship and has served as the basis for all migration governance in Chile since 1975."

"Passage of the new immigration legislation represented a significant political victory for President Sebastián Piñera who, among other issues, campaigned on a message of immigration control and a pledge to reduce immigration, specially from places such as Haiti and Venezuela."

"[T]he law guarantees migrants equal access to labor rights, health services, social security, education, and home ownership. Within these same articles, however, the law establishes that only immigrants who have resided in Chile for at least 24 months will be able to receive state-funded social security and related benefits. Similarly, only those with a permanent residency permit have the same housing rights as nationals. In addition to these fine-print restrictions, the 2020 law incorporates an article stating that the rights granted will be interpreted according to the most favorable law, whereas the suspension or restriction of rights will be interpreted according to the most restrictive law (the Pro Homine principle)."

Cristian Campos, *Arbitrary expulsions of migrants in Chile must stop immediately, urge rights experts*, United Nations News (May 19, 2021)

<https://news.un.org/en/story/2021/05/1092282>

"'Deportations of migrants cannot be carried out in a summary manner but require a case-by-case determination of their international protection needs, taking into account humanitarian considerations of their family roots, social ties and other relevant circumstances,' said the Special Rapporteur on the human rights of migrants, Felipe González Morales."

"Since February, hundreds have been expelled from Chile without an individual evaluation, or the possibility of applying for protection, in line with international human rights and refugee law."

MercoPress, *Amnesty International against deportation of migrants in Chile* (Apr. 28, 2021) <https://en.mercopress.com/2021/04/28/amnesty-international-against-deportation-of-migrants-in-chile>

"Amnesty International's office in Chile Tuesday 'repudiated' the wave of arrests and deportations of migrants after the enactment of the new immigration law promoted by the administration of President Sebastián Piñera"

"Under the slogan "getting the house in order," Piñera enacted the new Migration Law that requires foreigners to obtain visas in their countries of origin to prevent them from entering the country as tourists and changing their immigration status to look for work."

TeleSur English, *Chile Approves New Immigration Law Hampering Regularization* (Apr. 12, 2021) <https://www.telesurenglish.net/news/Chile-Approves-New-Immigration-Law-Hampering-Regularization-20210412-0014.html>

“Chile's President Sebastian Piñera Sunday enacted a new immigration law that imposes greater border regulations and streamlines deportations.”

“This law means the closure of possibilities for migrant workers and goes against the advances of bilateral agreements in the region,” Committee of Immigrants in Chile Secretary Rodolfo Noriega said.”

U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2020 *Country Reports on Human Rights Practices: Chile* (Mar. 30, 2021) <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/chile/>

“In 2018 the government began facilitating the voluntary repatriation of more than 1,200 Haitians to Port-au-Prince under its Humanitarian Plan for Orderly Returns program. Haitians wishing to participate must sign a declaration agreeing not to return to Chile within nine years of departing.”

Luisa Feline Freier and Marcia Vera Espinoza, *COVID-19 and Immigrants' Increased Exclusion: The Politics of Immigrant Integration in Chile and Peru*, *Frontiers in Human Dynamics* (Mar. 10, 2021) <https://www.frontiersin.org/articles/10.3389/fhumd.2021.606871/full>

“Chilean President Sebastián Piñera announced a “migration reform” that included some modifications to the migration bill sent to Congress during his first government in 2013, as well as a series of executive measures that aimed to “clean up the house.”

“This statement referred to dealing with the perceived “chaos,” brought on by the increased numbers of migrants, by combating irregular immigration through the creation of six new visas.”

Gabriela Mesones Rojo, *Interview: How Black Feminists in Chile are Challenging The Country's Whitewashed Identity*, *Okay Africa* (Aug. 21, 2020) <https://www.okayafrica.com/black-feminists-in-chile-fight-covid19-racism/>

“The Chilean immigration system has a clear distinction of class, race and territory. One of the situations that has arisen from this is the supposed “humanitarian plan of return,” which offers aid and flights for migrants to return to their home countries—mainly Haiti, Colombia, Dominican Republic and Venezuela. But with the condition that neither the person who signs, nor any member of their family, may return to Chile for at least nine years.”

Victoria Finn and Sebastián Umpierrez de Reguero, *Inclusive language for exclusive migration policy outcomes*, Migration Mobilities Bristol, University of Bristol (July 30, 2020) <https://mmlatinamerica.blogs.bristol.ac.uk/2020/07/30/inclusive-language-for-exclusive-migration-policy-outcomes/>

“In 2018, the newly elected Chilean government proposed a migration law, implemented a regularisation process, and introduced visas for Haitians and Venezuelans. [...] The changes, and the proposed migration law, unevenly discriminate against certain nationalities and socioeconomic standings, as well as neglect to offer long-term solutions to irregular migration.”

“The language and phrasing in the decrees are inclusive for migrants. [...] However, under scrutiny, the policies aim to reduce Haitian and Venezuelan inflows to Chile, and thus we consider the decrees as restrictive migration measures.”

“Chile has reacted to upticks in diverse migratory flows by targeting only Haitians and Venezuelans. Such a strategy mirrors a past policy mistake: Chile had issued a similar visa in 2012, targeting those from the Dominican Republic, which failed. Instead of reducing immigration, the visa deregulated migration, generating human trafficking, irregular entry and formal labour market exclusion”

“[For] Haitians, Chile introduced a tourist visa, complicating visiting family in Chile. It must be obtained pre-departure and requires bank statements, a legalised criminal background check, and a hotel reservation or notarised invitation letter. For those wanting to move to live with their family in Chile, 10,000 Humanitarian Visas for Family Reunification will be available; comparatively, the 2017 Census showed that more than 100,000 Haitians arrived in Chile between 2017 and 2018 alone. Lasting 12 months (renewable once), the visa seems unfit for reuniting those separated from spouses or children, being ‘humanitarian’ only in name. These visa offers, combined with a Humanitarian Plan of Orderly Return aimed at Haitians, seem to encourage Haitian residents to return to Haiti rather than bring their family to Chile.”

“The incumbent government in Chile decided not to sign the Global Compact for Safe, Orderly and Regular Migration, yet uses the globally accepted phrase of ‘safe, orderly and regular migration’ to circumvent criticism on restrictive policy. While the implemented measures portray inclusive ideas rooted in human rights, they aim to achieve the same results as openly restrictive migration policies.”

World Politics Review, *Chile Takes an Anti-Immigrant turn with ‘Humanitarian Flights’* (Nov. 30, 2018) <https://www.worldpoliticsreview.com/trend-lines/26884/chile-takes-an-anti-immigrant-turn-with-humanitarian-flights>

“The Chilean government began sending Haitian immigrants back to Haiti this month under President Sebastian Pinera’s new ‘humanitarian repatriation program.’”

"[The deportation flights mark] a departure from recent policies that attempted to be more welcoming of immigrants, at least on paper. [...] recent changes in Chilean visa policy suggest that immigrants in general, not just Haitians, are not as welcome in Chile as the government claims. For example, Piñera recently abolished the "labor-related temporary visa" that was created under his predecessor, Michelle Bachelet. It allowed visa holders to change jobs without losing their legal status, offering more flexibility than a work visa."

Aislinn Laing and Natalia A. Ramos Miranda, *Chile sends 176 Haitian migrants home on criticized 'humanitarian flight'*, Reuters News (Nov. 7, 2018)

<https://www.reuters.com/article/us-chile-migrants/chile-sends-176-haitian-migrants-home-on-criticized-humanitarian-flight-idUSKCN1NC30V>

"Chile returned a planeload of Haitian immigrants to their native country on Wednesday in the first in a series of 'humanitarian flights' criticized by migrant groups as 'forced deportations.'"

"The National Platform of Haitian Organisations in Chile, which represents 30 separate refugee groups, said on Wednesday that the flights represented 'an enforced deportation of people'" and accused Chile's government of adopting 'racist' policies."

Tamar Ziff and Camille Preel-Dumas, *Coordinating a Humane Response to the Influx of Haitian Migrants in Chile*, The Dialogue (Sep. 4, 2018)

<https://www.thedialogue.org/blogs/2018/09/the-influx-of-haitian-migrants-in-chile/>

"Piñera's new migration policy includes the introduction of visas designed specifically for Venezuelans and Haitians [...] Haitians are offered a tourism visa lasting 3 months with no possibility for employment, or a reunification visa intended to bring the family members of already-established Haitians to Chile. Those who seek employment must obtain a sponsored work visa prior to their arrival."

"Piñera's visas categorize Haitians as either tourists or purely economic migrants, which is a misconception of the forces driving Haitian migration. Differentiating between Venezuelan migration as a humanitarian crisis and Haitian migration as a labor-seeking flow is a false distinction."

"Haitians are coming to Chile to escape a combination of socio-political, environmental, and economic factors, making it difficult to reduce them to economic migrants."

Diego Acosta, Marcia Vera-Espinoza, and Leiza Brumat, *The New Chilean Government and its Shifting Attitudes on Migration Governance*, European University Institute's Migration Policy Centre (May 3, 2018)

<https://blogs.eui.eu/migrationpolicycentre/new-chilean-government-shifting-attitudes-migration-governance/>

“Two of the administrative measures taken by the government by decree have been the immediate creation of some new visa categories. One is called the ‘visa of democratic responsibility’ aimed at Venezuelan migrants: it has to be requested in Caracas and grants a one-year temporary visa, renewable for another year. By contrast, Haitians have had imposed a new tourist consular visa valid for only 30 days – rather than the 90 days granted to other nationalities. This visa must be requested in Haiti. Those willing to arrive in Chile to work who do not have family members already in the country, will be able to apply, as any other foreigner, for the so-called ‘visa de oportunidades’. But, unlike Venezuelans, they will receive no special treatment.”

America Economia, *Inmigración en Chile: el miedo a la diversidad* (Apr. 16, 2018)

<https://www.americaeconomia.com/analisis-opinion/editoriales/inmigracion-en-chile-el-miedo-la-diversidad> (Spanish-language source).

Translation available at: <https://worldcrunch.com/culture-society/in-prosperous-chile-immigration-policy-smacks-of-racism>

“While citizens of Latin American and Caribbean states can travel [to Chile] without a visa and enter with a 90-day permit, Haitians need a visa and can stay 30 days. This also applies to Dominicans, who already needed visas under the first Piñera government (2010-14). These are two countries with larger Afro-Caribbean and black populations.”

TeleSur English, *Chile Targets Haitians, Venezuelans in New Immigration Policies* (Apr. 11, 2018) <https://www.telesurenglish.net/news/Chile-Targets-Haitians-Venezuelans-in-New-Immigration-Policies-20180411-0028.html>

“President Sebastian Piñera decreed that all Haitian and Venezuelan immigrants must acquire a visa prior to their arrival to the Latin American country. However, this legislature extends not only to incoming migrants, but to preexisting residents and will force them to return home to fill out visa applications at the Chilean ministry in their respective countries.”

“With the changes to immigration policy, Haitians will only be permitted 30 days for a tourist visa which will prevent holders from working or earning money in Chile. Temporary residency for humanitarian visas, limited to one year, will be awarded to only 10,000 Haitians, with preference given to residents with high education or families.”

E. President Sebastián Piñera and His Administration's Policies and Opinions Regarding Migrants

MJ Navarrete and S. Vedoya, "Ordenar la casa": análisis del primer año de la política migratoria del gobierno, La Tercera (Apr. 6, 2019)

<https://www.latercera.com/nacional/noticia/ordenar-la-casa-analisis-del-primer-ano-la-politica-migratoria-del-gobierno/604018/> (Spanish-language source).

"The time has come to put order in this home that we share,' said President Sebastián Piñera on April 9, 2018, the date on which the government took positions on a key policy in the country: migration."

World Politics Review, *Chile Takes an Anti-Immigrant turn with 'Humanitarian Flights'* (Nov. 30, 2018) <https://www.worldpoliticsreview.com/trend-lines/26884/chile-takes-an-anti-immigrant-turn-with-humanitarian-flights>

"Pinera is making a populist appeal to rising anti-immigrant sentiment in Chile."

"Pinera consistently made a distinction between "good immigrants" and "bad immigrants." Good immigrants are hard-working, with a formal steady job and no criminal record. Bad immigrants are the opposite. Public concern over immigration in general has been growing in recent years, so in that context, the repatriation flights can be seen as a populist appeal to anti-immigrant sentiment."

"The government's unwillingness to reform the immigration system and incorporate immigrants into Chilean society on an equitable basis will increase the current anti-immigrant trend."

Diego Acosta, Marcia Vera-Espinoza, and Leiza Brumat, *The New Chilean Government and its Shifting Attitudes on Migration Governance*, European University Institute's Migration Policy Centre (May 3, 2018)

<https://blogs.eui.eu/migrationpolicycentre/new-chilean-government-shifting-attitudes-migration-governance/>

"Chilean President Sebastián Piñera has started his second term in office – his first presidency was 2010-14 – with a strong shift on migration policy and governance. The inability of the previous President, Michele Bachelet, to modify Chile's out-dated Pinochet-era immigration law from 1975 has given Piñera the perfect excuse to make migration reform one of his priorities."

"The balance is more heavily tilted towards a restrictive vision, something also apparent in Piñera's discourse and his reference to 'tidying up the house we share' and in his portrayal of a modern law as one that 'combats irregular migration.'"

Consuelo Ferrer, *Ubilla niega que proyecto de migración sea racista: "Los países tienen derecho a decidir criterios de ingreso,"* EMOL Nacional (Apr. 15, 2018) <https://www.emol.com/noticias/Nacional/2018/04/15/902589/Ubilla-defiende-proyecto-de-migraciones-ante-criticas-por-racismo-Los-paises-tienen-derecho-a-decidir-los-criterios-de-ingreso.html> (Spanish-language source).

"There are parliamentarians who believe that migration is a right in itself, and the consequence of that is that there are no borders. We believe that this is not the case (...): We believe that countries have the right to define what their entry criteria are,' said Ubilla [the Undersecretary of the Interior]"

"The project presented has provoked criticism from migrant organizations, who consider that establishing special requirements for countries like Haiti (consular visa with the right to stay for a maximum of thirty days) is discriminatory or even racist treatment."

Jacqueline Charles, *Haitians gamble on a better life in Chile. But the odds aren't always in their favor,* Miami Herald (Mar. 1, 2018) <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article202590949.html>

"Piñera, who said during the campaign that he wants to restrict foreigners' access to the public health system and limit migration to those who will contribute to the development of the country, blamed Chile's decades-old migration law for 'importing evils like delinquency, drug trafficking and organized crime.' Among his accusations: Many criminal gangs in Chile consist of foreigners."

F. Worsened Conditions for Haitians and Other Migrants Due to the COVID-19 Pandemic

Revista Sur, *El Estado Debe Garantizar La Vacuna Contra El Covid-19 Para Toda La Población Migrante Sin Exclusiones* (Jun. 3, 2021) <https://www.revistasur.cl/revistasur.cl/2021/06/el-estado-debe-garantizar-la-vacuna-contra-el-covid-19-para-toda-la-poblacion-migrante-sin-exclusiones/> (Spanish-language source).

"In recent weeks we have become aware of a significant number of complaints, made directly to our organizations and also through the media, in relation to the impossibility of being vaccinated against Covid-19 by migrants in an irregular situation."

"[I]t is an arbitrary and unfair discrimination against migrants during the pandemic, and on the other hand, it poses a significant risk to the health and the population in general, exposing them to the possibility of being infected, suffering, and contracting the virus."

“Although the health authorities issued Official Letter 794 of March 3 of this year in which they state that the approach to the health of international migrants must be inclusive, according to Decree No. 67, and from that perspective they must be incorporated into the Plan Of Vaccination, it seems that there is still ignorance of this in different health and vaccination centers in the country, which is reflected in the actions of many officials when providing vaccinations when they request documents such as self-reports, visa application, certificate of residence or identity card issued in Chile.

“This is probably due to several reasons, such as the regrettable statements by some government authorities in February that proposed leaving out the migrant population in irregular conditions, the inconsistency and lack of clarity in the messages from the health authority, the inability of the sector's institutions to distribute information and guarantee compliance with the measures even in their own sector, as well as the resistance of some officials to give universal guarantees in health as a human right (either due to misinformation or lack of training in this matter).”

Luisa Feline Freier and Marcia Vera Espinoza, *COVID-19 and Immigrants' Increased Exclusion: The Politics of Immigrant Integration in Chile and Peru*, *Frontiers in Human Dynamics* (Mar. 10, 2021)

<https://www.frontiersin.org/articles/10.3389/fhumd.2021.606871/full>

“The COVID-19 pandemic has put into sharp relief the need for socio-economic integration of migrants, regardless of their migratory condition.”

“On May 14, the government enacted Law No 21230 “Emergency Family Income,” aimed at helping families working in the informal sector, whose income was most severely affected by the sanitary crisis. To receive this benefit, one must be included in the Social Registry of Homes (Registro Social de Hogares) and have a valid Chilean ID (Cédula de Identidad). This means that irregular migrants, or those with expired IDs, cannot access these benefits, including immigrants who have initiated their regularization process, but who have not yet received their IDs.”

“[E]xclusion also emerges from unclear information, as well as from a growing climate of racism and xenophobia, which is present in both the government and part of the media.”

“[T]he government and some media outlets associated the rising numbers of COVID-19 cases to irregular migration since April.”

“Although official records indicate that the virus entered Chile via a Chilean traveler returning from Singapore in early March (BBC Mundo, 2020), Piñera said in a televised statement on April 10, 2020, that the borders needed to be strengthened to ‘prevent “illegal” immigration from bringing the infection with the virus into our country”

"[S]ome media outlets started to use images that associated COVID19 and the migrant population, especially black migrants, such as the cover page of the newspaper La Segunda on April 7th, which featured a Haitian woman holding a baby in her arms with the headline 'Infections stabilize.'"

"During the pandemic, there has been recorded cases of racism, such as the one experienced by a group of Haitians living in an overcrowded accommodation in Quilicura, Santiago, who tested positive for coronavirus. The local authorities moved them to a sanitary residency, amid the neighbors' violence and media exposure."

"The emphasis on immigration by both the government and some media outlets in the middle of the sanitary crisis, evidences the strategic use and the politicization of immigration in Chile. The government's focus on the "urgent" discussion and approval of the Migration and Foreigners Bill in Congress, as well as the emphasis on the potential risk of transmission that immigrants could represent, can be understood as yet another attempt to shift media and public attention from the mishandling of the COVID-19 crisis to the "other"—the migrant-crisis."

Vanessa Jara-Labarthé and César A Cisneros Puebla, *Migrants in Chile: Social crisis and the pandemic (or sailing over troubled water...)*, Qualitative Social Work (Mar. 4, 2021) <https://journals.sagepub.com/doi/full/10.1177/1473325020973363>

"One of the most important measure was the establishment of dynamic quarantines across the country which limited the freedom of movement: only essential businesses like grocery stores and pharmacies were allowed to stay open, and most people, except essential workers, were expected to stay home. However, these measures highlighted the precariousness, overcrowding and poverty of migrant populations along the country."

"It is not a mystery that migrants often must face discrimination, poor living conditions, social exclusion, informal and precarious employment, among other issues that, in this current pandemic context, reinforces their condition of vulnerability."

"Work, housing, health and even life support have entered into crisis for the migrant population: after the establishment of quarantines in the country, they have been forced to risk - or even to lose - the stability that many had achieved during their life in Chile. The first effect was the increase of the precariousness of their working conditions or the unemployment, followed by their potential inability to pay housing rentals or even to buy food."

"In relation to overcrowding, once migrants arrive in Chile, 'higher degrees of residential segregation, overcrowding and precariousness are observed.'"

“In relation to the housing market, migrants must face discrimination, high prices for small places, requirements, and documentation they do not have which causes informal leasing practices, among other issues.”

“[D]uring this pandemic time, their overcrowded condition has become a social problem, but not because of the precarious living conditions they have in these places, but because of the fear of the neighboring population to get infected: the fear of the coronavirus once again is fear about the other, the migrant.”

“We should not forget the significant number of migrants who are undocumented, and who – therefore – do not have the necessary documentation to apply for any kind of social benefit. This keeps them invisible in the eyes of social policy, even though they are forced to work in quarantine to survive, even though they are told that they must maintain social distance even when they must use public transportation, just to be “good inhabitants” of this country.”

Duncan Tucker, *Chile: National plan must include COVID-19 vaccine for everyone living in the country*, Amnesty International (Feb. 10, 2021)

<https://www.amnesty.org/en/latest/news/2021/02/chile-plan-nacional-debe-incluir-vacunas-contra-covid-para-todas/>

“Reacting to the publication today of the Chilean Ministry of Health resolution setting out who the COVID-19 vaccination plan is aimed at, and which in effect would exclude people who do not have a residency document, Ana Piquer, executive director of Amnesty International Chile, said: ‘In the context of a generally successful vaccination plan that did not appear to be leaving anyone behind, the Chilean government is changing course and choosing the path of discrimination, denial of rights to at-risk groups and ignoring best health practices in its efforts to contain COVID-19. This resolution not only violates rights that by law the state must protect, it is also goes against to the very effectiveness of the vaccination plan.’”

“Last month, Amnesty International and more than 400 activists and civil society organizations issued an urgent call to states in the Americas, the region of the world most affected by the COVID-19 pandemic, to refrain from so-called ‘vaccine nationalism,’ whereby some countries would vaccinate only those with the legal right to remain in their territory.”

Gabriela Mesones Rojo, *Interview: How Black Feminists in Chile are Challenging The Country's Whitewashed Identity*, Okay Africa (Aug. 21, 2020)

<https://www.okayafrica.com/black-feminists-in-chile-fight-covid19-racism/>

“Black and Indigenous communities, both migrant and native to Chile, have historically been used as scapegoats for various social problems experienced in the country—and the circumstances under COVID-19 have been no different.”

“In recent months, the team has worked hard to support victims of arbitrary evictions, distribute help to those who have been left without a source of income, and denounce discrimination based on race that has found its way inside narratives promoted by both the central government and Chilean media that blame vulnerable communities for the spread of the virus.”

“There is a strategy to individualize the blame for the infections, ignoring the precarious realities of racialized and impoverished migrant communities. This is partly because of the construction of Chilean neoliberal laws. Chile's immigration laws [for instance] reflect an "internal security" position that sees racialized migrants as a threat to the supposed order and purity of the country. However, there are benefits and protection for people who migrate from Europe—mainly white people.”

“Initially, a large percentage of COVID-19 infections in Santiago came from white-mestizo and wealthy people who contracted it on international trips. This situation gradually changed, because the necessary conditions were never provided so that the impoverished population that offers services to the wealthy could be quarantined without risking being on the street or starving. This is complemented by the government's management [of the pandemic response]. Its priority was to strengthen companies and employers over employed people, and at the same time, carry out a criminalization strategy against people who did not respect quarantine for having to work.”

“There was another particularly inflammatory instance where several caravans of journalists went to "expose" a shelter where 31 people had been infected, all migrants from Haiti. These people were blamed, described as dirty and unable to respect the laws of the country, basically as the cause of the spread of the virus.”

“What this narrative chooses to ignore is the job, health and social precariousness of racialized migrants, which exposes them to work without a contract and without guarantees in case of contagion.”

“Days after this incident, a Haitian man, Jean Ricot Luis, 31, was shot and killed reportedly by the person who was subletting his home to Luis and other Haitian migrants, for not wanting to vacate the house. This is an example of the consequences of harmful coverage, that television's racist and xenophobic campaign kills.”

Andre Vitcek, *Racism in Chile*, Orinoco Tribune (June 25, 2020)

<https://orinocotribune.com/racism-in-chile/>

“Under the cover of “the fight against COVID-19”, the Chilean extreme right-wing government of Sebastian Piñera unleashed a new stage of the war against Mapuche people, a war that even some foreign mass media outlets could not ignore anymore.”

“Now, during the draconian COVID-19 lockdown [...] Haitian immigrants are abused more and more, openly and brutally. Bizarrely, many Chileans believe that Haitians are ‘dirty’ and that they are responsible for spreading the virus.”

Natalia Figueroa, *Baleados por no pagar el arriendo: El brutal desalojo a disparos de miembros de comunidad migrante*, El Desconcierto (May 25, 2020)

<https://www.eldesconcierto.cl/nacional/2020/05/25/baleados-por-no-pago-de-arriendos-la-violencia-contra-la-comunidad-haitiana-que-agudiza-la-pandemia.html>

“Migrant organizations warn about the worsening of violence against various communities, added to the overcrowding and the labor impact they face as a result of the current pandemic.”

“Ivenet Dorsainvil, spokesperson for the National Platform of Haitian Organizations and a member of the consulting council of the National Institute of Human Rights (INDH), declares that the pandemic has exacerbated violence against the community.”

Boris van der Spek *Migrants in Chile: Hidden Victims of the Coronavirus Crisis*, Chile Today (May 15, 2020) <https://chiletoday.cl/migrants-in-chile-hidden-victims-of-the-coronavirus-crisis/>

“The situation of a large group of Venezuelan migrants seems exemplary for lots of other nationalities in Chile. They are invisible for authorities. Their countries lack the means or the interest to repatriate them, while Chilean authorities consider them obstacles occupying public space instead of humans suffering during a pandemic.”

“Late April, the National Institute of Human Rights (INDH) said in a statement “discrimination is another pandemic that we must stop.” According to the institute, Bolivians, Haitians and Chinese had been victims of discrimination related to the coronavirus outbreak.”

“In Quilicura district, Haitian migrants who were rumored to be infected with the coronavirus, said locals threw stones at them and yelled they should leave the country.”

Lucia Newman, *Coronavirus-fueled racism adds to Haitians’ plight in Chile*, Al Jazeera (May 17, 2020) <https://www.aljazeera.com/videos/2020/5/17/coronavirus-fuelled-racism-adds-to-haitians-plight-in-chile>

Lucia Newman reports that Haitians in Chile – the largest migrant community in Latin America – are underpaid and often live in dire conditions. Many are afraid to seek government and medical help for fear of being deported. It is public knowledge throughout Chile that Haitian migrants are exploited by landlords. Migrants are living in “inhumane conditions” in Chile; and because most Haitian migrants do not speak

Spanish, they are not aware of their rights. The COVID-19 pandemic has worsened conditions for Haitian migrants by heightening the levels of racism within Chile.

El Desconcierto, *Coordinadora Nacional de Inmigrantes denuncia al CNTV cobertura xenófoba y racista en caso de ciudadanos haitianos con COVID-19 en Quilicura* (Apr. 22, 2020) <https://www.eldesconcierto.cl/nacional/2020/04/22/coordinadora-nacional-de-inmigrantes-denuncia-al-cntv-cobertura-xenofoba-y-racista-en-caso-de-ciudadanos-haitianos-con-covid-19-en-quilicura.html> (Spanish-language source).

“This Wednesday, the National Coordinator of Immigrants sent a letter of complaint to the National Television Council (CNTV), regarding the coverage made by various media about the case of Haitian citizens affected by COVID-19 in the Quilicura commune.”

“We believe that this type of coverage only contributes to promoting discrimination and xenophobia, stigmatizing an entire group at a time when the media must be extremely cautious in the face of the emergency we are experiencing today,’ the organization told El Desconcierto.”

“These repeated practices reached their climax on April 22, 2020 with the coverage by different media of a group of Haitian citizens who would be affected by COVID-19 in the Quilicura commune. In this case, the coverage has been based on clear elements of discrimination and xenophobia, making a denigrating spectacle of these people”

G. Violence, Discrimination, and Other Forms of Harm Against Vulnerable Groups in Chile: Including Women, Children, and LGBTQ People

U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, 2020 *Country Reports on Human Rights Practices: Chile* (Mar. 30, 2021) <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/chile/>

“Violence against women and girls, including rape and femicide, was a significant problem. Police and prosecutor reports of domestic violence were lower than in previous years, presumably due to difficulties for victims presented by public health measures restricting movement to prevent the spread of COVID-19.”

“Calls to the Ministry of Women and Gender Equality’s gender violence hotline increased 80 percent between March and April. Reports of rape reached a 10-year high in 2019.”

“Workplace sexual harassment is not a criminal offense, with penalties outlined exclusively in the labor code.”

“By law sexual harassment in the workplace is cause for immediate dismissal from employment [...] The law provides protection to those affected by sexual harassment by

employers and coworkers. The law provides severance pay to individuals who resign due to sexual harassment if they have completed at least one year with the employer.”

“Although women possess most of the same legal rights as men, the government did not enforce the law effectively, and discrimination in employment, pay, ownership and management of businesses, and education persisted.”

“Certain laws defining the marital relationship enable discrimination. The most common marital arrangement is ‘conjugal society,’ which provides that a husband has the right to administer joint property, including his wife’s property, without consultation or written permission from his spouse, but a wife must demonstrate that her husband has granted his permission before she is permitted to make financial arrangements.”

“Despite a law providing for equal pay for equal work, women are 37 percent less likely than men to receive an equal wage for similar work, according to an organization specializing in market and consumer data.”

“Sexual harassment in public spaces is a crime. The law defines any verbal or gesture of a sexual nature designed to intimidate or humiliate another person as harassment, and it includes audiovisual recordings of an individual’s genital area or private parts without consent. Depending on the severity of the crime, penalties range from 61 days’ to five years’ imprisonment and monetary fines.”

“Violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals continued.”

“In March, [the Movement for Homosexual Integration and Liberation] MOVILH reported it tracked 1,103 reports of violence or discrimination due to sexual orientation or gender identity during 2019, the highest number in the history of their annual report and a 58 percent increase from 2018. The cases included five deaths and 32 reports of police abuse, the majority of which occurred in the context of the 2019 social unrest. The most common discriminatory acts reported to MOVILH were verbal abuse and discrimination in public services, such as police operations, public education, and health services.”

“Law enforcement authorities appeared reluctant to use the full recourse of a 2012 antidiscrimination law, including charging assailants of LGBTI victims with a hate crime, which would elevate criminal penalties as permitted under the law.”

TeleSur English, *Chile: Only 27% of Femicide Cases Got a Sentence* (Mar. 9, 2021)
<https://www.telesurenglish.net/news/Chile-Only-27-of-Femicide-Cases-Got-a-Sentence-20210309-0010.html>

“The Chilean Network Against Violence Against Women (RCVM) denounced that 73 percent of the cases of femicide recorded between 2010 and 2019 remained unpunished.”

"In 486 out of 579 femicides that occurred in that period, the aggressors had an intimate or intimate-family relationship with their victims."

"It was not until last year that new regulation, 'the Gabriela law, condemned all crimes against women where gender is a determining factor, including femicides, regardless of the type of nexus between the victim and the perpetrator."

Human Rights Watch, *Chile: Events of 2020* (2021) <https://www.hrw.org/world-report/2021/country-chapters/chile#49dda6>

"Between January and June, calls to the Carabineros' emergency number reporting gender-based violence more than doubled, although formal complaints dropped. Calls reporting rape more than doubled. Calls reporting sexual harassment more than tripled. Rape, sexual abuse, and other sex crimes reported to police rose to 17,950, the highest in a decade."

"In January, the Senate voted to consider a 2017 bill to legalize same-sex marriage and allow same-sex couples to adopt children and pursue other reproductive options. In October 2020, a Committee in the Senate approved the majority of the articles in the bill. It remained pending at time of writing. In June, the Constitutional Court denied a petition filed by a lesbian couple who were married in Spain and have a child to have their marriage recognized in Chile. The court held that that Chilean law, in its denial of marriage rights to same-sex couples, does not discriminate."

Florencia La Mura, *Cuñada de Joane Florvil: "Los medios que la acusaron de abandonar a su hija no han pedido disculpas," Palabra Publica (Sept. 29, 2020) <https://palabrapublica.uchile.cl/2020/09/29/cunada-de-joane-florvil-los-medios-que-la-acusaron-de-abandonar-a-su-hija-no-han-pedido-disculpas/> (Spanish-language source)*

"One of the things that disturbed Joane the most was that she was exposed to public scrutiny, handcuffed with her hands behind her. In Haiti, the worst offenders are those who are handcuffed like this, women are never handcuffed, and if they do, it is with their hands forward. It was very degrading for her."

"We have to educate people, to teach that a different skin color does not make you a second or third class human being. If you don't speak Spanish well, it doesn't mean that someone can abuse it. I assure you that if Joane had been blonde and blue-eyed, the same thing would not have happened to her."

"After Joane's case there have been several cases of discrimination, one of the ones that marked me the most was that of Joseph Henry, who died at the airport without anyone helping him. There is also the case of Monise Joseph, a Haitian woman who arrived at the Barros Luco Hospital with severe chest pain and who died waiting to be

treated. In the context of a pandemic, Wislande Jean died in Lampa from COVID-19 while waiting for an ambulance. So, it seems that when you are a migrant you have to wait longer.”

José Miguel Vivanco, *A Step Backward for Same-Sex Couples in Chile*, Human Rights Watch (Sep. 24, 2020) <https://www.hrw.org/news/2020/09/24/step-backward-same-sex-couples-chile>

“Over three years ago, the Chilean government sent a bill to Congress to uphold same-sex marriage. The bill has not moved forward. Instead, Chile has been taking steps backward.”

“Take the June decision by the Constitutional Court, denying a request by a lesbian couple who were married in Spain and have a child, to have their marriage recognized in Chile. The court, in a 5-4 ruling, used language denigrating the rights of lesbian, gay, bisexual, and transgender (LGBT) people.”

“Justice Cristián Letelier Aguilar’s majority decision—which four other justices largely concurred with—argued that Chilean law, in its denial of marriage rights to LGBT people, does not discriminate because ‘a homosexual person can contract marriage in Chile if they do it with a person of the opposite sex.’ The Justice seems to believe that gays and lesbians only deserve equal treatment if they stop being who they are.”

Marcela Colmenares, *¿Por qué debería importarnos la triple vulnerabilidad de las migrantes haitianas en Chile?*, La Maleta Abierta (July 29, 2020)

<https://blogs.iadb.org/migracion/es/por-que-deberia-importarnos-la-triple-vulnerabilidad-de-las-migrantes-haitianas-en-chile/> (Spanish-language source).

“Haitian women face barriers that increase their vulnerability. The first is their poverty. This poverty condemns them to live in situations of overcrowding or homelessness and increases the lack of access to basic services”

“The Chilean Ministry of Health admitted that ‘barriers to access and discrimination situations persist that have been documented, particularly in people in an irregular migratory situation,’ which has motivated its work in favor of this population. The impact of access to health for migrants has also been documented by the IDB.”

“Haitian migrants also face a language barrier. Although they predominantly speak French, Creole and/or English, their low command of Spanish makes it more difficult for them to find work and access services. Not speaking Spanish, for example, could pose administrative obstacles that delay the care of pregnant women who require urgent assistance.”

“Due to their migrant status, Haitian women in Chile are not only more likely to be victims of trafficking or physical and sexual abuse during and after their migratory

journey, but also to the same domestic violence that affects Chilean women in their communities.”

DW News, *Chile president under fire over gender violence remarks (Feb. 3, 2020)*

<https://www.dw.com/en/chile-president-under-fire-over-gender-violence-remarks/a-52617011>

“Chilean President Sebastian Pinera signed a law Monday that expands the definition of femicide but also came in for criticism for comments that seemed to suggest that female victims of violence were partly to blame.”

“Sometimes it's not just men's desire to abuse, but also the women's position to be abused,” Pinera said while announcing the new law alongside his wife Cecilia Morel and Women's Minister, Isabel Pla.”

“We need to punish the abuser, and we also need to tell the person abused that they cannot allow this to happen and that the whole of society will help and support them in denouncing these events and ensuring they don't happen again,” Pinera added.”

Tully Satre and Cristián Valenzuela, *The Crisis in Chile Is Extending to a Crackdown on Gays*, The Advocate (Nov. 21, 2019)

<https://www.advocate.com/commentary/2019/11/21/crisis-chile-extending-crackdown-gays>

“As soon as we got to the police station, the homophobic slurs began,” an unnamed young man, just shy of 22, recounts in a video testimonial.”

“They stripped off my clothes. [...] They hit me in front of the other detainees and they forced me to sign documents, refusing to let me read them.” He depicts a shocking denial of basic rights, adding that the police prohibited him from alerting his family to his whereabouts.”

“Another young man around the same age described a similar experience: ‘In front of 10 other officers, the police started to hit me constantly, and that is when they forced me to scream. They said, ‘But admit it,’ and they started to hit me on the head until I replied, ‘Yes, I’m a faggot!’”

“These chilling accounts from two gay men, recently detained under questionable circumstances by the Carabineros — Chile’s national police force — are among many similar and harrowing testimonies of torture and abuse carried out by state forces in recent weeks in the South American country.”

“The recent outbreak of chaos in Chile has not only further exposed the unregulated and unrestricted violence that state agents are capable of perpetrating but also reveals an additional layer of intolerance prevalent among state officers themselves. The surge in reports of human rights violations committed by Chilean police is a sign of a much

wider problem within these institutions. They shed light on the discriminatory and abusive forms that nonheterosexual individuals experience when detained by police. In other words, the alarming tales of Maureira and Faúndez show not only the police force's brutality but also its well-entrenched homophobia."

"The Carabineros have been the subject of numerous controversies regarding their institution's treatment of LGBTQ+ people."

Noticias Financieras – English, *The Haitian Women's Drama* (Sep. 7, 2019) available at:

[https://1.next.westlaw.com/Document/I2e4276e0d19911e9bf5cdb55a2133680/View/FullText.html?transitionType=SearchItem&contextData=\(sc.Search\)](https://1.next.westlaw.com/Document/I2e4276e0d19911e9bf5cdb55a2133680/View/FullText.html?transitionType=SearchItem&contextData=(sc.Search))

"There are many situations of domestic violence in the Haitian community in Chile."

"Haitian women are in a situation of vulnerability because 'they are economically dependent on men, have [problems with their] papers, and find no work. Some make reports of violence, but they don't follow through with them in time.'"

"Violence is very [normalized] and that's a big problem. Between 70% and 80% of women, when it comes to ratifying the allegations, repent, in many cases influenced by the same men who are raping them."

Paula Molina, *Domestic Violence in Chile: Calling Out Femicide*, Nieman Foundation (Aug. 21, 2019) <https://nieman.harvard.edu/articles/chile-femicide-is-not-a-crime-melodrama/>

"There are no crimes in Chile more violent than the ones committed against women."

"These are not crimes linked to drug traffickers, gangs, or political repression. These are examples of women attacked in Chile by men with whom, in most of the cases, they were in intimate relationships—current or former husbands or domestic partners, a crime that in Chile is called femicide."

"They are recent cases of extreme violence against women in a country which, even by official figures, has seen 24 such femicides in the first half of this year, and 53 attempted ones."

"This stubborn narrative of violence against women as a personal issue (that is, as private and even shameful to the women) traditionally figured in the Chilean press under the rubric of 'crimes of passion.'"

"Mistreatment of women was presented as a result of a kind of fit or outburst, terminology that can also be used in court cases as an extenuating circumstance. The perpetrator 'killed for love' or 'was blinded by jealousy,' which meant that the woman attacked or killed was, in some fashion, complicit with her attacker. Her clothes, her

physical characteristics, her habits, her hidden motives were all things the attacker could not resist.”

“Yet, in spite of all the legislative advances and vigilant work by activists, civil society, readers, viewers, and NGOs, the media repeatedly fail to present these stories as the most extreme expression of an inequality that permeates all realms of the nation’s life.”

Barbara Barrera, *Chile, a Racist Country*, Palabra Publica (Jul. 30, 2018)

<https://palabrapublica.uchile.cl/2018/07/30/chile-a-racist-country/>

“Nevertheless, and despite this positive outlook, there have been some emblematic cases, due to the inequality they reveal, like that of the Haitian Joane Florvil, who was accused of a crime she did not commit thanks to a procedure she did not understand, and who passed away due to the wounds she inflicted on herself, or by others, during her imprisonment.”

Florence Hidalgo Pérez, *Infancia maltratada: Niños migrantes y la violencia que viven a diario*, La Tercera (July 24, 2019) <https://www.latercera.com/que-pasa/noticia/ninos-migrantes-y-maltrato/741760/> (Spanish-language source).

“According to data from the Ministry of Education, in 2016 there were more than 61,000 migrant girls and boys enrolled in the Chilean school system.”

“One of the preliminary results that the study yielded was the high level of exposure to violence that they face, especially in the Tarapacá region, in which 87.40% of the children claim to have witnessed indirect violence. This means they have witnessed riots, shootings, murders, or house robberies. A similar figure occurs in the Antofagasta and Metropolitan regions, with 84.60% and 74.80% respectively.”

“This figure is higher in those regions because, in general, migrant families come to live in neighborhoods that are already segregated and are more vulnerable. ‘It is difficult for migrant families to find a place to live, they are charged super high rents, and they end up living in neighborhoods that already have high rates of social violence.’”

“72% of those surveyed have been victims of violence by their peer group and 55% by adults.”

“61% of them have suffered discrimination due to their gender, skin color, their features, their accent, among other factors. While 59% of migrant children declare having suffered common crimes, such as attacks with or without weapons and robbery.”

“They suffer from harassment through social media, children make virtual groups against immigrants and make “memes” about them. It is also common for older children to hide their belongings from them or steal their snacks.”

"The study by the National Council for Children indicates that 82% of girls and boys claim to be exposed to violence in their community; 73% have been victims of common crimes, such as physical attack; and 62% have been raped by their peer group."

"The academic explains that although the National Council for Children establishes that being a migrant is not an explanatory variable, there are variables that make them more likely victims than Chilean children. The children are aware that the difference is because of their origin, skin color, their accent."

"What is most worrying is that when children say that they are being bullied at school or in the neighborhood, and when they tell an adult, they do nothing."

"Schools do not have plans to combat racist bullying, since the educational curriculum does not address that. We must change the way of studying and teach how to value cultural issues and how to create friendship between different peoples."

United Nations Committee on the Elimination of Discrimination against Women, *Concluding observations on the seventh periodic report of Chile*, U.N. Document CEDAW/C/CHL/CO/7 (Mar. 14, 2018) <https://undocs.org/en/CEDAW/C/CHL/CO/7>

"Insufficient legal protection has resulted in an increase in the number of cases of discrimination against lesbian, bisexual and transgender women and intersex persons."

"The Committee welcomes the establishment of the Technical Secretariat for Gender Equity and Non-Discrimination in the Supreme Court, along with the policies aimed at promoting access to justice for disadvantaged women. It is concerned, however, about the institutional, procedural and practical barriers faced by women in gaining access to justice, such as:

- (a) Discriminatory stereotypes, judicial bias and limited knowledge of women's rights among the judiciary, legal practitioners and law enforcement officers, including the police;
- (b) Multiple barriers, including financial, linguistic and geographic, facing women with low incomes, rural women, indigenous women and women with disabilities in obtaining access to justice;
- (c) Reports of threats against indigenous women by law enforcement officers and representatives of the judiciary and cases of reprisals in response to attempts by such women to collectively claim access to their lands;
- (d) Discriminatory barriers faced by lesbian, bisexual and transgender women and intersex persons when accessing the justice system;
- (e) The limited access that women have to information about their rights under the Convention and the legal remedies available to women who are victims of gender based violence, and the low rates of prosecution and conviction."

“The Committee is, however, concerned about: The difficulty facing migrant women, indigenous women and women with disabilities in gaining access to non-emergency health care, including gynecological services.”

“[M]igrant women continue to face intersecting forms of discrimination in terms of access to political life, education, employment and health care.”

United Nations Human Rights Council, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, on her mission to Chile, U.N.*

Document A/HRC/37/53/Add.1 (Jan. 17, 2018) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/009/43/PDF/G1800943.pdf?OpenElement>

“Women migrants have a particularly difficult time, especially when they are perceived as not “attached” to a man. Sexual harassment and stigma are also part of the lived experience. Employment opportunities are scarce, which means renting an apartment is almost impossible. Within *campamentos*, migrant women often experience violence.”

The logo consists of the letters 'CGRS' in a stylized, rounded font. The 'C' is light blue with a dark green bottom curve and an orange top curve. The 'G' is light blue with a dark green left curve, an orange top curve, and a white hatched pattern on its left side. The 'R' is light blue with a dark green bottom curve and a red triangle at its base. The 'S' is light blue with a dark green bottom curve and an orange top curve.

CGRS