



“Initiatives of Chile and the Council for Transparency for the Inclusion of Vulnerable Groups in the Right of Access to Public Information”

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I. Introduction

In Chile, the definition of vulnerable groups established in Law No.20.530, created by the Ministry of Social Development and Family, defines “Vulnerable Persons or Groups” as “those who, due to their social, economic, physical, mental or sensory situation or condition, among others, or because they present deficiencies from a multidimensional point of view, are at a disadvantage and require special public efforts to participate with equal opportunities in national life and access to better living conditions and social well-being”.

Moreover, one of the contributions of the right of access to information is to support the exercise and guarantee of fundamental rights (Botero, 2016⁷). In this way, it could play an important role in respecting the rights of the most vulnerable groups and/or countering situations of rights violation such as housing, health, education, the right to live in a pollution-free environment, among others.

In Chile, the activities associated with the inclusion of vulnerable groups in the Right of Access to Public Information (RTI) has been focused on programs and services of the Ministry of Social Development and Family,

7 https://www.consejotransparencia.cl/consejo/site//artic/20150108/asocfile/20150108180133/t_s_n4___web.pdf



with programs aimed at providing access to information for procedures and benefits for families with limited resources, indigenous population and people with disabilities.

The Council for Transparency (CPLT) has worked on various initiatives regarding vulnerable groups. Some initiatives focus on promotion, training, and education to facilitate access by individuals from identified vulnerable groups, also special initiatives have been developed within the framework of the support to users of the CPLT. Regarding technological tools, the CPLT has developed portals that include forms with accessibility and language adaptations for a better inclusion of women and LGBTIQ+ population, people with visual and hearing disabilities, migrant population and indigenous peoples. In terms of oversight, various processes have been carried out to evaluate access to public information for groups of migrants, low-income populations in the context of COVID-19, victims of sexual harassment, women and people with disabilities. Finally, in terms of studies, research and publications have been developed to analyze the contribution of the right to access to information to the exercise of other rights by the population in vulnerable conditions, and profiles of users of the Council for Transparency have been created to gather evidence that allows for focusing and guiding user services, training and education programs, and oversight by the CPLT.

II. Methodology

The procedure established for the development of this text was based on documentary analysis.

To identify policies for the inclusion of vulnerable groups in the right of access to information, hereinafter RTI, carried out at the national level, a review was conducted. Firstly, the government program of President Gabriel Boric was examined to identify any policies, program or plans aimed at facilitating access to public information with a focus on vulnerable groups. Secondly, with the same objective, the available public account reports from the ministries and the respective services of Education, Health, Social Development and Family, and Women and Gender Equity were reviewed and analyzed. These entities are responsible for providing services to individuals from vulnerable groups.

To gather and analyze information about the initiatives carried out by the Transparency Council, all the departments of the organization were asked to provide information on the initiatives they had undertaken in the field of inclusion of vulnerable groups in the right to access public information in their respective areas.



Finally, all the identified policies, programs, plans or initiatives were described in the results section of this report.

III. Results

1. Initiatives for the inclusion of vulnerable groups in the Right to Access Public Information at the national level.

Among the Chilean government's initiatives in this area, the right of access to information with criteria of inclusion and gender perspective stands out in the section on "Open government for a more democratic society" of the government program⁸ of President Gabriel Boric. One of its approaches is to "*strengthen Transparency by guaranteeing the universality of the right to access public information, the speed of the delivery of information and the approval of the mechanisms of protection against the requirement of information. Likewise, we will ensure that every State body or public company, reports through its website, in a simple and direct way, the most relevant indices of management of its work and the delivery of information relevant to the design, management and evaluation of public policies to the respective Civil Society Advisory Councils (COSOC), with inclusion criteria and gender perspective. Strengthen the obligation of public accountability to ministries, undersecretaries, heads of services, regional and local governments, promoting community monitoring, social audits and control of the execution of participatory budgets. The accountability of the public management of the different authorities must include social organizations and individuals. In turn, we propose that every public entity reports on its website the rates of management, social inequality and abuses of the area it manages.*"

The Ministry of Social Development and Family highlights in its work and in some of its particular programs, activities related to access to information in vulnerable groups. In the 2020 public account⁹, the ministry reports its work in coordination with the Vulnerable Groups Forum, which involves gathering information, sharing best practices, and identifying unmet needs among civil society organizations that work with children, adolescents, and their families in different areas. In this sense, the ministry has prioritized adapting interventions to remote modalities to ensure their effectiveness and providing information on accessing social protection beyond programmatic interventions.

8 Gabriel Boric Government Program available in Spanish: https://www.servel.cl/wp-content/uploads/2021/06/5_PROGRAMA_GABRIEL_BORIC.pdf

9 2020 Public Account of the Ministry of Social Development and Family available in Spanish: <https://www.desarrollosocialyfamilia.gob.cl/sociedadcivil-y-cooperacion-publico-privada/participacion-ciudadana/cuentapublica-2020>



Likewise, some services under the Ministry of Social Development and Family have undertaken specific initiatives in this area, including:

- The provision of support and guidance to the most vulnerable families on access to information related to the state's network of benefits within the Family Program of the Solidarity and Social Investment Fund (FOSIS)¹⁰.
- Advice and information on procedures, services and benefits of the public social network for indigenous people and communities through the Program for Promotion and Dissemination of Indigenous Rights of the National Corporation for Indigenous Development (CONADI)¹¹.
- The National Disability Service (SENADIS) developed the Web Accessibility Guide¹², a document that provides guidelines for creating a website that allows accessibility for people with disabilities. Although this initiative is of a general nature, aligns with facilitating access to information available on the websites of government entities.

No initiatives specifically aimed at the inclusion of vulnerable groups in the Right to Access Public Information were found in the ministries and services of Education, Health, Social Development and Family, and Women and Gender Equity.

2. Initiatives for the inclusion of vulnerable groups in the Right to Access Public Information at the Transparency Council.

2.1 Various training programs and workshops have been conducted since 2012, with different focuses over the years.

Thus, from 2012 to 2014, the Promotion of the Right of Access to Information (RTI) in civil society focused on Housing, Health and Education through workshops to enable the use of the right. These were in-person training sessions for approximately 2,300 social leaders, users of public services (such health programs, education scholarship beneficiaries, and housing reconstruction plans) and NGO professionals in different regions of Chile. The target of these groups was based on the results of the National Transparency Study conducted by the Transparency Council: it showed that citizens in these sectors consider publicity and access to public information as highly important.

¹⁰ FOSIS 2019 Public Account, revised on 04-27-2023: <https://www.fosis.gob.cl/en/sobre-nosotros/cuenta-publica-participativa/cuenta-publica-participativa-2019/>

¹¹ Comprehensive Management Report 2019 CONADI available at: https://www.conadi.gob.cl/storage/docs/BGI/BGI_2019.pdf

¹² SENADIS 2017 Web Accessibility Guide available at: <https://www.senadis.gob.cl/documentos/listado/146/accesibilidad/page/2>



In 2015, the National Transparency Study identified a new focus for promoting the RTI, specifically poverty. Therefore, the training workshops were conducted with a focus on poverty. Training of trainers workshops were organized, benefiting approximately 1,574 participants indirectly, including beneficiaries of municipal programs and subsidies and communities working with the Foundation for Overcoming Poverty¹³.

Also, in 2015, a program was implemented to work with Vulnerable Municipalities. This training project on compliance with transparency regulations, targeting municipal officials, on active transparency, hereinafter TA, and RTI. The focus was that of municipalities facing rural conditions, Communal Poverty, Dependency on the Municipal Common Fund and Isolation. The project reached 44 municipalities with high vulnerability indexes.

Between 2016 and 2017 the focus shifted to Women, with in-person training sessions were conducted for employees of the Promotion and Development of Women Foundation (PRODEMU¹⁴), employees of the National Women and Gender Equality Service (SERNAMEG), and women participants in PRODEMU'S leadership school program in the Valparaíso Region. The training covered transparency regulations and the exercise of the right to access public information, with 1,347 participants.

Between 2017 and 2018, an Accompaniment Program for victims of fires and/or natural disasters. It involved training and support for 126 leaders and residents of camps in the Valparaíso region, focusing on exercising the right to access public information to address the problems faced by affected communities in the region.

During 2018, the promotion efforts focused on Migrants and Older Adults, carrying out face-to-face training for 165 migrant users of programs of the Chilean Catholic Institute of Migration (INCAMI¹⁵) and 648 older adults participating in the Gerópolis program of the University of Valparaíso (an institutional program based on an associative management model called the Senior Citizens Platform) and the National Elderly Services (SENAMA) in the Metropolitan Region.

Finally, in 2022, the promotion of RTI in civil society once again focused on Women and Gender Perspective, as part of a project with the Inter-American Development Bank IDB. The objective was to raise awareness and promote the use of the Transparency Law and the Right of Access to Public

13 <http://www.superacionpobreza.cl/>

14 <https://web.prodemu.cl/>

15 <https://incami.cl/>



Information in the municipal level, with a gender perspective, as a tool for social control of public institutions to overcome gender gaps and advocate for access to other rights. The project involved the participation of 1,358 individuals, including municipal officials, civil society and Prodemu /Senameg participation program users.

- 2.2 **User Support and Assistance:** Regarding the initiatives in this area, two lines of work can be observed, namely, *Defensorías y Orientación Proactiva*, which focus on providing additional guidance to CPLT users who have been identified as having a particular need for greater support in fulfilling their request or concern.

Is it important to note that neither of these two programs was specifically designed for any particular vulnerable group, but rather, for the population that meets the selection criteria detailed below. However, the main beneficiaries have been individuals from the most vulnerable population in terms of poverty, lower level of education, and cultural capital, as well as the immigrant population in Chile. This is because, coincidentally, they are the ones who require more guidance to better address their concerns or needs, as they are the least familiar with the functioning of the state apparatus, have higher rates of unfamiliarity with specific transparency regulations, and, consequently, most of their complaints are deemed inadmissible. On the other hand, these groups would potentially be positively affected if they were to correctly exercise their Right to Access Information.

- 2.2.1 **Defenders:** This refers to the proactive management carried out by the Unit for Comprehensive Assistance to Individuals (UAIP) since 2021 regarding *amparos* (writs of protection) and complaints deemed inadmissible, in which it is identified that additional guidance towards the user could contribute to resolving an issue or situation reported. The selection criteria for inadmissible cases to be managed in this manner include cases related to programs, projects, and the provision of social benefits by the State, cases related to potential violations of fundamental rights, cases involving complaints of infractions or irregularities related to the Law on Protection of Privacy or the Transparency Law, or other cases previously identified by the UAIP or referred from another Unit. To date, 1,797 people have benefited from this program.

- 2.2.2 **Proactive Guidance:** Refers to the additional guidance provided to users by the UAIP since 2022 onwards, following referrals from the units or departments of the CPLT.



The individuals guided through this program are identified from cases identified in each unit / department of the CPLT where it is deemed that additional guidance from the UAIP is required. The contact information is then sent via email for analysts to provide advice regarding the specific problem or situation. To date, 190 people have benefited from this program.

2.3 Access tools and web portals: This Council has also carried out significant work in terms of making access tools and websites inclusive, primarily considering vulnerable groups such as persons with disabilities or difficulties accessing websites, migrant populations, particularly Haitians, indigenous people, and the LGBTIQ+ population. In this regard, four initiatives can be highlighted.

2.3.1 Inclusive CPLT Website Forms: During the second half of 2021, improvements or adjustments were implemented in the consultation, amparo and claims entry forms of the institutional website, as rights approaches were incorporated. The target group is persons with disabilities, in this case, users who visit the CPLT Website who have disabilities or difficulties accessing information online. For the identification of these users, a diagnosis was made based on the physical and digital forms and documents, and the Evaluation of Accessibility to information in people with disabilities to the CPLT carried out by the CEDETi Centro UC work team ¹⁶ on the website. This provided an overview and identified important points to address and resolve regarding information accessibility.

2.3.2 Accessibility Improvements of the Transparency Portal: The actions 2.3.1 implemented from January 13, 2022, were based on a study that evaluated Transparency Portal in relation to WGAC AA 2.0 standard¹⁷. This study considered four principles: Perceivable, Operable, Understandable, and Robust. The study identified necessary improvements in the Active Transparency page of the Portal and others, including the form for submitting Access to Information requests.

Improvements included changes to pages to adjust button size and options, alternative texts for audible readers, information text size and image description, and changes to some graphical buttons.

¹⁶ <https://www.cedeti.cl/>

¹⁷ Web Content Accessibility Guidelines (WCAG) are documents that explain how to make Web content accessible to people with disabilities.



These changes allow the Transparency Portal to comply with the WGAC AA 2.0 standard on the identified pages by the study and, in some cases, reach a higher level (AAA). The most benefited individuals are those with visual, auditory, or motor disabilities, as the platform becomes particularly easier and more accessible for them. Specifically, changes in button contrast and text size enable visually impaired individuals to access information more clearly and easily. Text alternative adjustments for audible readers benefit individuals with hearing disabilities. Additionally, anyone experiencing difficulties in using the Transparency Portal due to accessibility barriers, such as users of mobile devices with small screens, will also benefit from the improved accessibility of the portal.

2.3.3 Inclusive Language in Active Transparency and application entry form and Law No. 21.334 on the determination of the order of surnames by Parental Agreement:

From this initiative, changes were applied relating to the modification of labels, job titles and functions in the headings of the entire Active Transparency, in addition to changes in subject and item titles, which was carried out in November 2021. Included in these modifications is the change in the way in which the filling of the person's surnames is required in order to go in accordance with the new Law No.21.334 which allows determining the order of surnames, so that the paternal surname will not necessarily be first and the maternal second.

Some examples of the changes in Active Transparency can be seen in the table below:

Before	Now
Members of the Municipal Council Members of the Board of Directors	Members of the Municipal Council Members of the Board of Directors
Acts and resolutions with effects on third parties	Acts and resolutions with effects on third persons
Neighborhood councils (masculine in Spanish) and community organizations	Neighborhood councils (femenin and masculin in spanish) and community organizations



Maternal surname by second surname	Second surname
Paternal surname by first surname	First surname
Candidates (masculine)	Candidates (masculine and feminine)
Party affiliation procedure and number of party members	Party affiliation procedure and number of party militants
Members (masculine) of the executive body	Members (masculine and feminine) of the executive body
List of beneficiaries	List of benefited individuals
Registry of lobbyists and representatives of private interests	Registry of lobbyists and representative persons of private interests
Resolution establishing Council employees considered passive subjects of Lobbying	Resolution establishing Council personnel considered as passive subjects of Lobbying

Additionally, in May 2018, the application form for access to information requests was modified. The changes made were in the labels for professions, gender, and the 'other' option related to gender in the optional statistical data section.

These changes benefit different groups of people, such as those who have changed the order of their surnames. Women are also benefited by including the female gender in positions, names, and terms. At the same time, the use of inclusive language benefits individuals from the LGBTIQ+ community by not assigning a gender to different roles.

2.3.4 Form in Creole and option for native languages: Web forms for information request submissions were developed in different languages. The project, implemented since May 2018, aimed to guarantee the right to access public information and facilitate the development of indigenous communities, migrants, and residents who speak a language other than Spanish. The form was fully translated into English and Creole. As for our indigenous languages, it was translated into Mapudungun and Rapanui in their most relevant texts and labels. The complete translation into these languages is pending. It was also expected to advance in translations in the Aymara language, and organizations were invited to activate the new available formats on their websites according to the needs of each community.



- 2.4 **Audits:** Since 2018, various audit processes have been carried out, both on the handling of information requests and on active transparency. After data analysis and consideration of the sociopolitical and contingency environment, the focus has been placed on different vulnerable groups, including migrants, low-income populations in the context of COVID-19, victims of sexual harassment, women, and people with disabilities.

Migrants: In 2018, in the wake of International Migrants Day, an Active Transparency control process was carried out with a focus on information for migrants. The objective of this process was to know the quantity and quality of information presented by some public bodies regarding migration issues. 55 provincial governorships, the Intendancy of the Metropolitan Region and 43 municipalities that had applied or were in the process of applying for the “*Sello Migrante*”¹⁸ at the date of inspection were audited.

COVID-19: Different audits were carried out related to the information available to people regarding the subsidies and benefits they could access within the framework of the Coronavirus pandemic. These benefits were primarily given to low-income populations.

In 2020, a process was conducted to assess the level of information access regarding subsidies and benefits provided by the government in 2020 during the pandemic. Audits were conducted on 18 agencies of the Central Administration of the State concerning a selection of 24 subsidies/benefits provided during the pandemic in 2020, focusing on evaluating both request management and active transparency.

In the same year, an audit process of Central Level Transfers to the 345 Municipalities of the country was carried out due to COVID-19. The process had two objectives: 1) Evaluate the situation of access to information regarding accountability reports related to the extraordinary contributions received from the central level by municipalities to mitigate the costs they have had to face due to the COVID-19 pandemic. 2) Assess the availability and updating of information in active transparency, which is crucial for citizens' control regarding the execution of resources administered by municipalities and for people's access to the offering of benefits, subsidies, and municipal services.

In 2021, there was a new round of audits on the delivery of subsidies and benefits, particularly the Universal Emergency Family Income (IFE)

18 <https://migrationnetwork.un.org/practice/sello-migrante>



and the Middle-Class Bonus, delivered in 2021 within the framework of the health emergency. The active transparency of the organizations in charge of these programs, namely the Internal Revenue Service, the General Treasury of the Republic, the Social Security Institute and the Undersecretariat of Social Services.

Victims of sexual harassment: Between 2018 and 2022, various processes were conducted to analyze the existence of regulatory documents related to sexual harassment and the reported complaints in universities, technical training centers, and undersecretaries.

In 2018, an information request was submitted to 18 state universities regarding protocols, regulations, instructions, policies, or other documents that regulate sexual harassment, along with the number of complaints from January 2017 to May 2018. It was verified that the attached documents were also published on the active transparency website.

This process was repeated in 2021 for the 18 state universities, and a similar process was conducted for 39 undersecretariats. This was done within the framework of the Presidential Instruction on equal opportunities and prevention and punishment of mistreatment, workplace harassment, and sexual harassment in ministries and services of the State Administration. An information request was submitted to the 39 undersecretariats regarding the existence of procedures to investigate and punish mistreatment, workplace harassment, and sexual harassment, annual plans on the subject, and the number of complaints. It was verified that the attached documents were also published on the active transparency website.

In 2022, a similar process was carried out, this time in 12 public Technical Training Centers (CFT) regarding protocols, regulations, instructions, policies, or other documents that regulate sexual harassment, along with the number of complaints since the beginning of activities and whether they have resulted in disciplinary measures. It was verified that the attached documents were also published on the active transparency website. Additionally, a follow-up was conducted on the observations raised in the previous sexual harassment process carried out in state universities.

Women: In the context of Law 21.030 on Voluntary Interruption of Pregnancy (IVE), a supervision process was conducted in 2021, which included both the request submission process and the review of Active Transparency. The objective was to assess the level of access and



availability of information on Abortion Protocols in 107 public health organizations (Health Services, Self-Managed Hospitals, Armed Forces and Police Hospitals, Regional Health Secretariats, Central Administration Agencies).

People with disabilities: In the framework of the Law on Equal Opportunities and Social Inclusion of Persons with Disabilities, a supervision process was carried out in 2022. An information request was submitted to the 18 state universities regarding the number of enrolled students for 2021 through special quotas for students with disabilities. The aim was to determine the level of access to information regarding special admissions based on disability status.

- 2.5 **Studies:** Gender is among the main focuses that have arisen from studies carried out by the CPLT, where evidence shows a high interest by women in accessing State information, but low knowledge and use of the tools provided by our Transparency Law.

Part of these findings can be consulted in the Women and Transparency in Chile workbook¹⁹, 2020, and in an academic article published in²⁰ the Spanish Journal of Transparency in 2017, which addresses the situation and restrictions of women to access the public transparency policy effectively. There is a significant difference between men and women in terms of the possibilities of claim and enforceability of the right of access to information.

Additionally, in 2018, the case study “The Right of Access to Public Information as a Key Right for Access to Other Fundamental Rights: Experiences Raised from Complaints before the Council for Transparency²¹” was conducted. This study analyzes the concept of the right of access to information as a key right in order to advance the theoretical discussion on its contribution to individuals and society as a whole. Through the examination of cases, concrete empirical evidence is sought to support the usefulness of this right and, thus, demonstrate the need to continue strengthening and promoting it.

Regarding user satisfaction studies conducted by the CPLT on an annual basis, they characterize the profile of different types of users of the CPLT to identify any gaps in access to the Right of Access to Information (RAI).

19 <https://www.consejotransparencia.cl/wp-content/uploads/estudios/2020/10/Mujeres-y-transparencia-en-Chile.pdf>

20 <https://revistatransparencia.com/ojs/index.php/ret/article/view/180>

21 https://www.consejotransparencia.cl/wp-content/uploads/estudios/2019/01/derecho-llave_actualizado-2018.pdf



This has allowed for the orientation of training programs and user support at the CPLT, aiming to address their needs in a differentiated manner.

Finally, modifications have been made in surveys conducted to assess the perception of the general public and the satisfaction of users, in order to inclusively inquire about gender identity, belonging to indigenous peoples, and nationality. This ensures that different groups are not rendered invisible in the data collection process.

DISCUSSION AND CONCLUSIONS

This document presents a broad and comprehensive vision of the initiatives of the inclusion of vulnerable groups in the Right of Access to Public Information carried out by the CPLT. The information available on this topic is either publicly accessible or contained in internal documents. However, the scope of initiatives at the national level is limited to the central government's program and selected ministries and services that cater to vulnerable populations. The document review within these institutions focused on their respective public accounts. It is possible that other ministries have initiatives related to the inclusion of vulnerable groups in the Right of Access to Information, or these same institutions have implemented actions in this regard that were not captured in the reviewed documents. In all cases, it would be beneficial to give more publicity and dissemination to the potential lines of work that the government has developed in these matters.

Under the above context, it can be noted that at the national level, although there is a presidential declaration focusing on promoting a more inclusive access to public information as part of the drive for greater democracy in Chile, there is no significant development of the initiatives proposed regarding access to public information by vulnerable groups.



The only ministry from which activities specifically associated with these matters were identified is the Ministry of Social Development and Family and its respective services. They have carried out some initiatives aimed at providing support and guidance to vulnerable families regarding access to information related to the network of state benefits, advice and information on procedures, services, and benefits of the public social network for indigenous communities, and accessibility guides for public websites for people with disabilities.

No actions were identified in ministries that serve people from vulnerable groups such as Education, Health, and Women and Gender Equity.

Given the understanding that timely and relevant access to public information can contribute to more expedient access to other social rights for vulnerable groups, it is necessary to increase and intensify government initiatives aimed at the inclusion of vulnerable groups in the Right of Access to Public Information.

Regarding the CPLT, several projects aimed at the inclusion of vulnerable groups in the Right of Access to Public Information have been implemented. The statistics managed by the Council on its users have shown that the group that makes the most use of the Right of Access to Information is a more elitist one, primarily composed of men with high socioeconomic and educational levels. Although access has become more diversified, there are still significant gaps related to a better understanding of procedures and greater knowledge of the state apparatus in general, as well as the Transparency Law in particular. Therefore, the CPLT has made efforts throughout its history to bridge these access gaps.

However, the CPLT could further analyze information and gather data, to guide decision making and the implementation of its programs and projects based on evidence, in a formal and institutionalized manner. This would also allow for the expansion of the spectrum of vulnerable groups that the CPLT can target with its various lines of work.

In terms of promotion and training, programs have been implemented with a focus on different vulnerable groups, according



to the findings and needs identified each year. These programs have focused on specific activities, target audiences, and various partnerships with other government agencies or civil society organizations to promote and provide training. Additionally, based on various studies and data collection efforts that have identified specific gaps faced by certain vulnerable groups in accessing public information, user orientation programs have been implemented to better address their needs.

Furthermore, specific improvements have been made to the different platforms and forms for accessing information, some of which are based on international studies and standards.

Additionally, it is worth noting the different control processes carried out on the duty-bearers, which have focused on evaluating different dimensions of access to information by vulnerable groups, identifying particular improvements that could be made, to facilitate access to information by these sectors of the population.

Finally, the development of studies and research aimed at gathering evidence on the situation of certain vulnerable groups when exercising their right of access to information has been identified. The objective of these studies is to identify findings that can focus and optimize the promotion, guarantee, and oversight work of the right of access to information carried out by the CPLT.