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Response to the Call for submissions for the Thematic report to the UN General Assembly on "Welfare and Control: The paternalism of support"

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About UDP's Centre for Human Rights

The Centre's primary objective is to discuss, promote, and protect human rights from a public interest perspective. By integrating sociolegal methodologies, the Centre has developed research projects, litigation strategies, and legal monitoring efforts while fostering debate on critical human rights issues in Chile. In all its activities, the Centre collaborates closely with civil society organizations and individuals, mutually influencing the theoretical development and practical application of human rights.

We welcome the opportunity to provide this submission to a human rights assessment of the various forms of monitoring and control that people in poverty are subjected to. In particular, the focus of this submission is on selected aspects raised in key question 3 of the call for submissions ("Conditionalities associated with cash transfers"), taking the Chilean welfare system as a reference.

1. Characterization of the Chilean welfare system[1]

The Chilean welfare system is characterized by a multidimensional and dynamic approach to addressing poverty and socioeconomic vulnerability. While it aspires towards integration, its components have developed in a disjointed and fragmented manner, resulting in high levels of complexity. Each program was created independently, at different times and under various governments, reflecting distinct normative and policy rationales that involve diverse techniques and approaches. Consequently, some programs prioritize services, while others focus on cash transfers. Regardless, a common feature across all programs is the implementation of various mechanisms for the control and monitoring of welfare beneficiaries.

2. Control and monitoring mechanisms of welfare recipients

A distinctive feature of the "conditional turn" in welfare provision is the increasing linkage of benefit entitlement to various conditionalities, such as seeking employment, participating in training programs, and undergoing medical treatment[2]. This shift reflects a move away

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[1] For an in-depth characterization of the Chilean welfare system, see Ponce de León Solís, Viviana (2024): "¿Es la condicionalidad compatible con un sistema de asistencia social que aspira a la universalidad?", Revista Chilena de Derecho, vol. 51, N° 2: pp. 131-158.

[2] Friedli, Lynne and Stearn, Robert (2015): "Positive affect as coercive strategy: Conditionality, activation and the role of psychology in UK government workfare programmes", Medical Humanities, vol. 41, N° 1: pp. 40-47.

from unconditional support, as welfare programs may now impose limits on benefit duration and scope, including time limits regardless of ongoing need, to encourage beneficiaries to seek work or improve their skills[3]. Compliance with these conditionalities is often enforced through sanctions, which can result in the total or partial withdrawal of benefits for individuals or families. Digital technologies also play a crucial role in this conditional framework, by tracking participation and compliance and identifying potential welfare fraud.

2.1. **Behavioral conditionalities**: The Chilean welfare system involves a broad range of conditionalities, some punitive in nature, as non-compliance can result in total or partial, permanent or temporary exclusion from social benefits[4]. These conditionalities encompass requirements such as signing commitment letters, where beneficiaries agree to adhere to specified conditions, and participating in psychosocial and socio-occupational support programs. The system also includes several conditional cash transfers, contingent upon factors such as registering contributions for health, pensions, and unemployment, earning a high school diploma, and demonstrating outstanding performance in areas like education, health, employment, and savings. Conditionalities aimed at improving the situation of specific vulnerable groups include the requirement for women to enter the workforce, as well as ensuring that children receive timely medical check-ups and achieve minimum levels of school attendance.

2.2. **Time limits on benefit receipt and benefit step-downs**: Cash transfers, both conditional and unconditional, are allocated for a limited duration based on participation in specific support programs, with some offering rewards for early completion. Additionally, certain benefits gradually decrease over time, diminishing linearly after specified periods. As a result, benefits may be reduced or eliminated solely due to the passage of time, irrespective of whether the beneficiaries' need persists.

2.3. **Sanctions**: As mentioned above, failure to comply with commitment letters may result in termination from the program. If a beneficiary is temporarily unable to participate for justified reasons, their access to benefits will still be suspended. Additionally, fines are imposed on individuals who provide, declare, submit, or assign false information during the application process. Those who submit false, incomplete, or altered information, conceal relevant details, or misuse any social benefits may face expulsion from the respective program and be required to return any unwarranted funds. Notably, the regulations governing these sanctions do not explicitly require intent to defraud, nor do they consider errors as grounds for exoneration.

2.4. **Digital technologies**: Welfare eligibility and compliance with conditionalities are underpinned by a platform storing and processing both self-reported information and data from administrative databases. While implementing this platform represents progress, several challenges remain. The platform is updated monthly, meaning that even if information is reported and verified promptly, it can take up to five weeks to be recorded. Furthermore, some self-reported information cannot be verified through cross-checking with other public databases, which may distort the targeting of the

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[3] Besharov, Douglas J. and Call, Douglas M. (2023): "Introduction: European and US Experiences with Labor Activation", in Besharov, Douglas J. and Call, Douglas M. (eds.) Work and the Social Safety Net: Labor Activation in Europe and the United States (Oxford, Oxford University Press) p. 7.

[4] On the distinction between punitive and supportive conditionalities, see Leisering, Lutz (2019): "Basic Social Security: From Poor Relief to Social Assistance, to Social Cash Transfers", in Leisering, Lutz (ed.), The Global Rise of Social Cash Transfers: How States and International Organizations Constructed a New Instrument for Combating Poverty (Oxford, Oxford University Press), p. 95.

welfare system. This lack of verification can potentially make recipients liable to sanctions, loss of benefits, fines, and exclusion from specific programs, discrepancies or inaccuracies in their reported information. More generally, digital technologies raise concerns about potential digital exclusion risks[5], breaches of personal data protection rights[6], and violations of transparency principles[7].

3. Human rights implications

The features of modern welfare systems often intersect with human rights considerations, raising numerous concerns that warrant careful attention. This section examines the implications of conditionalities imposed on welfare recipients for the principles of universalism, indivisibility, and equality and non-discrimination. By analyzing each of these dimensions, we seek to highlight potential human rights violations arising from conditional welfare policies.

3.1. Implications for the principle of universalism: While it remains uncertain whether conditionalities are inherently incompatible with the principle of universality, a clear tension exists, as they can restrict the pool of potential welfare beneficiaries. As such, conditionalities should be approached with caution and subjected to thorough evaluation; otherwise, the principle of universality risks becoming merely nominal. Behavioral conditions and their accompanying sanctions reflect and perpetuate a welfare model focused on individual responsibility and merit, which runs counter to the objective of acknowledging socio-economically vulnerable individuals as genuine rights holders. Additionally, imposing time limits or reducing benefits regardless of ongoing need can undermine access to social protection for vulnerable populations.

Digital welfare information systems have the potential to significantly enhance access to welfare information and services, enabling beneficiaries to apply conveniently for support and manage their cases at any time. However, individuals without access to reliable internet or digital devices may find themselves unable to engage with these online systems, resulting in exclusion from essential services. Although only 3.5% of Chilean households lack internet access, the connectivity gap predominantly impacts low socioeconomic status households, especially in rural areas[8]. Additionally, beneficiaries with limited digital literacy may face challenges navigating online platforms, hindering their ability to apply for or maintain access to benefits. Older adults, who may be less familiar with technology, are at particular risk of exclusion from necessary support due to the transition to digital systems.

3.2. Implications for the principle of indivisibility: In addition to cash transfers, the Chilean welfare system provides benefits related to drinking water, education, health care, housing, and access to justice. Consequently, when sanctions associated with conditionalities lead to the withdrawal of benefits, beneficiaries may find themselves deprived of essential resources that are crucial for their day-to-day survival and well-being. Furthermore, punitive conditionalities imposed by the system can impede the social reintegration of beneficiaries. Comparative research suggests that these measures

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[5] Ranchordás, Sofía (2022): "The Digitization of Government and Digital Exclusion: Setting the Scene", in Blanco de Morais, Carlos, Ferreira Mendes, Gilmar y Vesting, Thomas (eds.), The Rule of Law in Cyberspace (Berlin, Springer) pp. 125-148.

[6] Gantchev, Valery (2019): "Data protection in the age of welfare conditionality: Respect for basic rights or a race to the bottom?", European Journal of Social Security, vol. 21, Nº 1: pp. 3-22.

[7] Cairo, Sofie and Mahlstedt, Robert (2021): "Transparency of the Welfare System and Labor Market Outcomes of Unemployed Workers", IZA Discussion Papers 14940, Institute of Labor Economics.

[8] Cadem Research (2025): Estudio Undécima Encuesta sobre acceso, usos y usuarios de Internet en Chile.

often negatively impact beneficiaries' ability to secure formal employment, possibly pushing them towards destitution, drug trafficking, and criminal activities[9].

In addition, the system's emphasis on the training, education, and employment of beneficiaries fails to address the conditions necessary for employment to yield the anticipated economic and social benefits. Key standards of a rights-based approach to employment—such as dignity, equality, and fairness in remuneration[10]—are conspicuously absent from the applicable normative framework. This represents a significant shortcoming in the system, as it does not tackle critical issues such as the employment deficit, the precariousness of available jobs, or the high rates of informality within the labor market. A similar issue arises in the education sector, where the focus is solely on formal indicators like access and attendance, neglecting considerations of quality, outcomes, and equity.

3.3. Implications for the principle of equality and non-discrimination: The fact that conditionality as a regulatory technique is aimed exclusively at the most vulnerable social groups raises critical concerns regarding the principles of equality and non-discrimination. This is particularly notable given that such conditionalities are often based on stereotypical perceptions of welfare recipients, portraying them as apathetic, dependent on state assistance, and lacking motivation to improve their circumstances. Additionally, there is a widespread assumption that welfare recipients are likely to exploit the system for fraudulent benefit acquisition, irrespective of their eligibility. These rationales not only lack solid empirical support but also risk perpetuating the social stigma associated with poverty and fostering discriminatory practices[11].

On the other hand, some conditionalities can pose a threat of imposing a double burden or reinforcing traditional gender roles by primarily targeting women in their roles as mothers when distributing welfare benefits. Accordingly, conditionalities aimed at promoting female employment should incorporate mechanisms that allow for the balancing of formal work with caregiving responsibilities for children, individuals with disabilities, or older adults, which typically fall on women, and similar considerations apply to conditional cash transfers promoting child health checks and school attendance, as these responsibilities often rest primarily with women[12].

4. Recommendations

In light of the human rights implications discussed in the previous section, we kindly outline specific strategies that policymakers, practitioners, and stakeholders can adopt to address the identified issues and move toward a welfare model that genuinely supports vulnerable populations and promotes their rights as individuals.

4.1. Prioritize supportive conditionalities and restrictions: Conditionalities that enhance the autonomy and self-sufficiency of welfare beneficiaries, rather than imposing

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[9] Griggs, Julia and Evans, Martin (2010): Sanctions within Conditional Benefit Systems: A Review of Evidence (York, Joseph Rowntree Foundation); WelCond (2018): Final findings report, Welfare Conditionality: Sanctions, Support and Behaviour Change.

[10] ECOSOC (1999): "The Role of Employment and Work in Poverty Eradication: The Empowerment and Advancement of Women", Report of the Secretary General (E/1999/53), United Nations Economic and Social Council, p .10.

[11] Rank, Mark Robert, Lawrence M. Eppard, and Heather E. Bullock (2021): Poorly Understood: What America Gets Wrong About Poverty (New York, 2021, Oxford Academic, pp. 106–113.

[12] Vargas, Luis Hernán, Cueva, Pedro and Medellín, Nadin (2017): ¿Cómo funciona el Ingreso Ético Familiar? Mejores prácticas en la implementación de programas de transferencias monetarias condicionadas en América Latina y el Caribe, p. 41.

punitive measures that restrict access based on perceived merit, should be prioritized. Further conditionalities must be approached cautiously and be subjected to thorough evaluation, ensuring they do not diminish the principle of universality or reinforce a punitive welfare model. Moreover, time limits and benefit reductions must be structured to protect access to essential support for all individuals in need.

4.2. **Foster digital inclusion and literacy:** Initiatives that promote digital inclusion and literacy among welfare beneficiaries should be implemented. This includes investing in infrastructure to improve internet access in low socioeconomic status households, providing affordable access to digital devices, and offering targeted training programs to enhance digital literacy, particularly for older adults and individuals with limited technological skills. Additionally, alternative means of accessing welfare information and services should be maintained to ensure that those unable to engage with digital systems are not excluded from essential support.

4.3. **Eradicate stereotypes and discriminatory practices:** The imposition of conditionalities in welfare programs should be critically reassessed and revised to ensure they do not reinforce stereotypes or discriminatory practices against vulnerable social groups. Conditionalities should be grounded on sound empirical evidence and avoid assumptions that stigmatize welfare recipients, thus promoting equality and non-discrimination in the design and implementation of social support systems.

4.4. **Ensure gender equality in conditionalities:** The design of conditionalities should prevent the reinforcement of traditional gender roles and ensure equitable access to benefits. Incentives intended to encourage female employment should carefully incorporate mechanisms that support the reconciliation of formal work with caregiving responsibilities for children, individuals with disabilities, and older adults—duties that typically fall to women. This concern also extends to conditional cash transfers promoting child health checkups and school attendance, which often place the primary responsibility on women.

4.5. **Respect minimum core obligations and social protection floors:** Clear criteria to ensure that conditionalities and sanctions within the welfare system do not undermine the minimum standards required for effective social protection should be in place. Recognizing and implementing these standards is essential for enabling beneficiaries to realize other human rights. This approach helps prevent adverse outcomes such as obstructing social reintegration and increasing vulnerability to destitution and criminal activities.

4.6. **Integrate rights-based standards in human capital development:** Efforts to develop human capital should be enhanced by incorporating key standards of a rights-based approach, including dignity, equality, and fair remuneration. This requires addressing pressing issues such as the employment deficit, the quality of available jobs, and the high rates of informality in the labor market. Furthermore, conditionalities aimed at promoting education should prioritize not just formal indicators like access and attendance but also focus on the quality, outcomes, and equity of educational opportunities available to beneficiaries.