



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
17 March 2011  
English  
Original: Spanish

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States  
parties under article 18 of the Convention on the  
Elimination of All Forms of Discrimination  
against Women**

**Combined fifth and sixth periodic reports of States parties**

**Chile\***

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Acronyms

CASEN	National Social and Economic Survey
CONADI	National Indigenous Development Corporation
CONICYT	National Commission for Scientific and Technological Research
CPEIP	Centre for Advanced Training, Experimentation and Pedagogical Research
FONASA	National Health Fund
GES	Explicit Health-Care Guarantees
INE	National Statistical Institute
JUNJI	National Kindergartens Board
MERCOSUR	Southern Common Market
OAS	Organization of American States
ILO	International Labour Organization
SAG	Agriculture and Livestock Service
SENCE	National Training and Employment Service
SERNAM	National Service for Women
SIIS	Integrated Social Information System

## I. Introduction

1. The present document contains the fifth and sixth periodic reports of Chile, covering the period from 2006 to 2010, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women. The Convention was ratified by Chile in 1989.

2. The purpose of the report, which was drafted jointly by the National Service for Women (SERNAM) and the Office of Human Rights of the Ministry of Foreign Affairs of Chile, is to describe how Chile has met its commitments under the Convention, whose aim is to achieve equality of rights and opportunities for women, as well as gender equality, by combating the historical and cultural obstacles to the attainment of those goals.

3. To this end, information has been compiled on the principal measures adopted by Chile in compliance with the Convention which have led to significant changes and progress in terms of both legislation and public policy. The report provides an article-by-article analysis covering the main subject areas relating to women, and responses, which are included in the sections on the corresponding articles of the Convention, to the concluding comments of the Committee with regard to Chile's fourth periodic report (CEDAW/C/CHL/CO/4).

4. Chile's core document<sup>1</sup> provides background information on the country's political structure and its general legal framework for the protection of human rights. Pursuant to the most recent harmonized guidelines,<sup>2</sup> Chile has drafted this new document to provide the Committee with comprehensive and up-to-date information prior to the interactive dialogue.

5. On the international front, on 14 September 2010 the Secretary-General of the United Nations announced the appointment of former President Michelle Bachelet, the first woman president of Chile and the first female Head of State in a South American country, as Under-Secretary-General and Executive Director of the new United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).<sup>3</sup> This appointment not only demonstrates an international commitment to strengthening women's rights, but also, for Chile, reflects a recognition of its efforts to implement gender equity policies in various social fields and of the progress it has made in advancing the cause of women.

6. SERNAM, whose mission, as set out in its Organization Act No. 19.023, is, *inter alia*, to ensure equality of rights and opportunities for men and women and to promote measures to strengthen the family and underline the fundamental value of motherhood, has, on the basis of the new operational plan adopted in March 2010, formulated three main forward-looking lines of action for the period 2010–2014: development and strengthening of women's economic autonomy; improvement and expansion of programmes to combat domestic violence, which, beginning in 2011, will include a pilot programme for the treatment of aggressors; and family and quality of life. These three lines of action will be pursued through the promotion of legal reforms, good labour practices and the sharing of family responsibilities by mothers and fathers, in addition to a series of measures aimed at fostering social care provision and respect for life.

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<sup>1</sup> HRI/CORE/1/Add.103.

<sup>2</sup> HRI/GEN/2/Rev.6.

<sup>3</sup> Michelle Bachelet assumed her duties on 26 October 2010. More information can be found on the official UN-Women website: <http://www.unwomen.org/es/>.

## II. Implementation of the Convention

### A. Articles 1 to 4: discrimination and equality

#### 1. The principle of the equality of men and women before the law

7. This principle, a fundamental pillar of the Convention, is enshrined in chapter I of the Constitution of Chile, which deals with the foundations of the nation's institutional structure. Article 1 of that chapter expressly recognizes this principle as being inherent to the nature of human beings, stating that: "Individuals are born free and equal in dignity and in rights." This precept frames the State's obligation to harmonize all its legislation with the express recognition of equality as an implicit human right.

8. Pursuant to that principle and articles 3 and 4 of the Convention, since 2006 the Government has promulgated laws that focus specifically on women and their families, including those listed below. These laws will be discussed in greater detail elsewhere in the report:

- (a) Act No. 20.137<sup>4</sup> on bereavement leave, following the death of a spouse or a son or daughter;
- (b) Act No. 20.152<sup>5</sup> on the streamlining of alimony collections;
- (c) Act No. 20.166,<sup>6</sup> which gives all working women the right to breastfeed their children up to 2 years of age;
- (d) Act No. 20.239,<sup>7</sup> which exempts divorce settlements from income tax;
- (e) Act No. 20.255<sup>8</sup> on welfare reform;
- (f) Act No. 20.279,<sup>9</sup> which establishes the right to a minimum wage for women working as domestics in private homes;
- (g) Act No. 20.286,<sup>10</sup> which modifies functional aspects of the family courts;
- (h) Act No. 20.336,<sup>11</sup> which establishes the right of women working as domestics in private homes to take public holidays;
- (i) Act No. 20.340,<sup>12</sup> which institutes arrangements under which either spouse can sign documents and/or contracts for the renegotiation of Government-funded mortgages;
- (j) Act No. 20.348<sup>13</sup> on equal pay for men and women, which incorporates that principle into the Labour Code;<sup>14</sup>

<sup>4</sup> Published in the *Diario Oficial* of 16 December 2006.

<sup>5</sup> *Ibid.*, 9 January 2007.

<sup>6</sup> *Ibid.*, 31 January 2007.

<sup>7</sup> *Ibid.*, 8 February 2008.

<sup>8</sup> *Ibid.*, 17 March 2008.

<sup>9</sup> *Ibid.*, 1 July 2008.

<sup>10</sup> *Ibid.*, 15 September 2008.

<sup>11</sup> *Ibid.*, 13 April 2009.

<sup>12</sup> *Ibid.*, 25 April 2009.

<sup>13</sup> *Ibid.*, 19 June 2009.

<sup>14</sup> Executive Order No. 1 of the Ministry of Labour and Social Security, Office of the Under-Secretary for Labour, published in the *Diario Oficial* of 16 January 2003, establishes the consolidated and systematized text of the Labour Code; the most recent amendment issued on 13 August 2010 by Act

- (k) Act No. 20.383<sup>15</sup> on the departure of minors from the country;
- (l) Act No. 20.399,<sup>16</sup> which entitles working fathers or other employees entrusted with the care of a child under the age of 2 to day-care services in companies that are already required to provide day-care to working mothers;
- (m) Act No. 20.418<sup>17</sup> on birth control rights.

### **Institutional framework for combating discrimination**

9. Chapter II of the Constitution, on constitutional rights and duties, reiterates the interdiction against arbitrary discrimination in article 19 (2): “(...) The Constitution guarantees to all: Equality before the law. In Chile, there are no privileged persons or groups. In Chile, there are no slaves, and those who set foot on its territory are free. Men and women are equal before the law. Neither the law nor any authority may establish arbitrary differences ... .”

10. In accordance with this constitutional principle, the Labour Code expressly refers to acts of discrimination under articles 2 and 194, which state:

(a) Article 2: “Acts of discrimination are contrary to the principles of labour law. Acts of discrimination are defined as any distinction, exclusion or preference based on race, colour, sex, age, civil status, union membership, religion, political opinion, nationality, or national or social origin whose object is to eliminate or modify equality of opportunity or treatment in employment or occupation. Distinctions, exclusions or preferences based on the qualifications required for a post shall not be considered to be discrimination”;

(b) Article 194 (4): “No employer shall make recruitment of female workers, renewal of their contracts, their promotions or job mobility contingent on the absence or existence of pregnancy, nor shall they require, for any of those purposes, any kind of certificate or examination to verify whether the individual is pregnant or not.”<sup>18</sup>

11. In accordance with the principle of non-discrimination as recognized and guaranteed under the Constitution and the Labour Code, an important amendment was made to the Labour Code in 2006 in the form of Act No. 20.123,<sup>19</sup> which prohibits discrimination between male and female workers, regardless of whether they are permanent employees or subcontracted employees. This prohibition encompasses, *inter alia*, maternity benefits. Furthermore, in 2009, pursuant to Act No. 20.348, the principle of equal pay for men and women was integrated into the Labour Code. This law will be discussed further in a later section.

### **Institutions**

12. The National Service for Women (SERNAM), as the principal State institution responsible for the protection of women and promotion of equal rights in society, has played a key role in the country’s institutional structure.<sup>20</sup> Since its establishment in 1991,

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No. 20.448.

<sup>15</sup> Published in the *Diario Oficial* of 24 September 2009.

<sup>16</sup> *Ibid.*, 23 November 2009.

<sup>17</sup> *Ibid.*, 28 January 2010.

<sup>18</sup> This subsection was incorporated by means of Act No. 19.591, published in the *Diario Oficial* of 9 November 1998.

<sup>19</sup> Published in the *Diario Oficial* of 16 October 2006.

<sup>20</sup> Article 2 of SERNAM Organization Act No. 19.023 states: “The National Service for Women is the body responsible for working with the executive branch to study and propose general plans and measures aimed at ensuring equal rights and opportunities for women and men in the political, social,

SERNAM has succeeded in mainstreaming the gender perspective into public policy thanks to its Gender Agenda for 2006–2010,<sup>21</sup> which has been an influential component in the equal opportunity plans that will be discussed below. Progress has been made in defining increasingly precise and targeted annual ministerial commitments. These commitments are to be met by every Government department as part of the overall effort to implement the Government's agenda.

13. Moreover, in Chile, 172 public services are planning to incorporate anti-discrimination and women's integration policies into their management improvement programmes.

14. The Department of Diversity and Non-Discrimination,<sup>22</sup> which is part of the Division of Social Organizations of the Office of the Minister and Secretary-General of Government, is tasked with formulating and promoting initiatives, with the support of governmental, legislative and social institutions and international organizations, for gradually eliminating all forms of discrimination and intolerance and helping to build a more highly developed, democratic, just, inclusive and intercultural society in which diversity is respected.

#### **Anti-discrimination programmes, mechanisms and instruments of the Government of Chile**

15. The Equal Opportunities Plan for Men and Women, launched in 1994, is the principal instrument used by SERNAM to mainstream gender equity across all aspects of public policy, which has been shaped by changing circumstances over time. During this reporting period, the Equal Opportunities Plan for 2000–2010 has enabled SERNAM to promote the coordination of sectoral public policies, the development of specific programmes and region-wide initiatives.

16. The Ministerial Council for Equal Opportunity<sup>23</sup> is responsible for supervising and ensuring compliance with the Equal Opportunities Plan and the Gender Equality System. At the Council's most recent session, held on 29 October 2010, the Minister of SERNAM, Ms. Carolina Schmidt Zaldívar, presented the Gender Agenda and an assessment of the current status of women in Chile in respect of the subject areas of women, employment and participation; domestic violence and the family; and quality of life.

17. The Good Labour Practices with Gender Equity Programme, launched in 2006 and implemented by SERNAM, aims to enhance women's participation and position in the labour market. The programme is founded upon the political commitment of Government stakeholders, workers and employers to a society whose ultimate aim is the human development of all its citizens under conditions of equality. This programme led to the formulation by the Office of the Minister and Secretary-General of Government of the

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economic and cultural development of the country, with due respect for the nature and particular characteristics of women arising from the natural differences between the sexes, including the specific role of women in the family.”

<sup>21</sup> The Gender Agenda is a technical policy instrument that sets out priorities and commitments with a view to advancing the cause of equality between women and men and eliminating the remaining instances of discrimination against women in Chilean society, in accordance with international and national standards.

<sup>22</sup> See [www.participemos.cl](http://www.participemos.cl).

<sup>23</sup> The Ministerial Council for Equal Opportunity, established by Presidential Instruction No. 15 of 24 August 2000, is an interdisciplinary, high-level political body whose mission is to achieve equality of opportunity for men and women.

Code of Good Labour Practices and Non-Discrimination for use by the civil service. This initiative will be discussed in greater depth in a later section of this report.

18. The Management Improvement Programme<sup>24</sup> seeks to provide greater opportunities for men and women to benefit equally from public policies. This programme consists of 11 subsystems, including the Gender Equality Scheme, which was added in 2002. Under this scheme, a new approach to the modernization of public services and the budget cycle was instituted, and this approach has now become part of public institutions' regular operations and functions. In 2009, a total of 172 departments implemented the gender perspective system developed by the Management Improvement Programme. The main advances made at the sectoral level to date are as follows:

(a) The Chilean Highway Directorate conducted an assessment of men's and women's needs with respect to the road system and found significant differences in their expectations. Women asked for safety measures, sidewalks, pedestrian crossings, and rural and inter-urban roads, while men were interested in high-speed routes;

(b) The National Health Fund (FONASA)<sup>25</sup> found that the practice of providing membership cards only to the principal policyholders, who are usually men, led to difficulties in obtaining health-care services for family members, a task usually carried out by women (especially in the case of separated or estranged couples with children). It resolved this problem by arranging for all users — contributors and dependants — to be given access upon presentation of their identity card, thereby ensuring equality of opportunity for all;

(c) The Agriculture and Livestock Service (SAG), upon analysing the reasons for women's low level of participation in its degraded land fertilization programme, found that the requirement that participants be landowners was limiting access to the programme, since most of the properties concerned were not registered under a woman's name. That requirement was modified in the interest of gender equity. The result was an increase in the number of microenterprises run by women and family-run produce gardens, since the titles to the majority of the properties in question were held by men;

(d) Upon disaggregating by gender the data on the participants in its land title regularization programme, the Ministry of National Assets found that the main users of the subsidies provided under that programme were women, since they have greater needs in this respect. This programme has thus helped to increase the number of women who hold title to plots of land;

(e) The Ministry of Planning and Cooperation has been working to define the types of data that are to be incorporated into the Integrated Social Information System (SIIS). These data will make it possible to develop gender indicators that will, in turn, provide a more relevant and accurate profile of social security beneficiaries;

(f) The Ministry of Economic Affairs noted that women entrepreneurs and businesswomen were having difficulty in gaining access to production development tools. To address the problem, a working group made up of representatives of the Technical Cooperation Service, the Office of the Under-Secretary for Economic Affairs and SERNAM has drafted a women's entrepreneurship plan;

<sup>24</sup> The Management Improvement Programme is a budget preparation tool which was developed in the context of the modernization of public services under Act No. 19.553, published in the *Diario Oficial* of 4 February 1998.

<sup>25</sup> Established in 1979 by Decree-Law No. 2.763, the National Health Fund is the body responsible for collecting, administering and distributing State revenue earmarked for health care in Chile; one of its functions is to pay for health-care services for its beneficiaries.



(g) The Ministry of Public Works found that the methodology used to design Ministry of Planning infrastructure investment projects failed to take into account the differing impacts of such projects on men and women. The intersectoral working group that was set up to address this problem has succeeded in refining the methodology for the preparation and evaluation of correctional facility projects, the methodology for the preparation and evaluation of institutional facilities for minors, and the different sectoral requirements for urban parks projects;

(h) The National Commission for Scientific and Technological Research (CONICYT) found that women did not have as much time available or the same opportunities as men for undertaking postgraduate studies since, in addition to their jobs, they had to attend to the needs of family members. The Commission therefore implemented a number of measures to ensure equality of opportunity for men and women. One of these measures was to assign, during the admission process, the same number of points to publications (generally produced by men) and to presentations (usually made by women). Another was to ensure academic continuity for women by providing pre- and post-natal leave to women scholarship holders who become pregnant while enrolled in a course of study;

(i) The National Training and Employment Service (SENCE) found that labour segmentation was one of the reasons that women earn less than men, since trades traditionally regarded as “women’s jobs” have lower pay levels than those seen as being “men’s work”. The measure adopted to address this situation consisted in ensuring equal access to training in all fields for men and women;

(j) The Ministry of Labour, having identified a gap of 28 per cent between wages for men and women doing the same work, initiated a bill which sets forth the principle of equal pay for women and men. That bill has now been passed into law.<sup>26</sup>

#### **Recommendation 10 of the Committee**

19. During the review of this report, gender equality was given the status of a policy of State and, in line with the Gender Agenda for 2006–2010,<sup>27</sup> the focus has been placed on the rights of women and girls. One indication of the progress made towards gender equity under the current Administration is the country’s ranking in the World Economic Forum’s *Global Gender Gap Report 2010*, in which Chile’s score increased by 22 points between 2007 and 2008, placing it 64th among the 134 countries evaluated.

20. The country’s social security system provides a framework for public initiatives aimed at guaranteeing and protecting the rights of citizens throughout their lives. In September 2009, the Government promulgated Act No. 20.379, which established the Intersectoral Social Protection System and grants institutional status to the Chile Crece Contigo (“Chile grows with you”) comprehensive child protection subsystem, thereby ensuring its stability and continuity. Other noteworthy advances include the reform of the social security system, the Explicit Health-Care Guarantees (GES) Scheme<sup>28</sup> and the System for the Prevention of Domestic Violence and Care and Protection of its Victims, which seeks to reduce the incidence of domestic violence by increasing the coverage and effectiveness of assistance and protection services for women victims.

<sup>26</sup> Act No. 20.348, published in the *Diario Oficial* of 3 April 2009.

<sup>27</sup> SERNAM (2006). Gender Agenda 2006–2010, Santiago.

<sup>28</sup> Act No. 19.966, published in the *Diario Oficial* of 2 September 2004.

21. In August 2009, in compliance with its international commitments, Chile launched a national plan of action based on Security Council resolution 1325 (2000)<sup>29</sup> on women, peace and security. Chile also co-sponsored Security Council resolutions 1820 (2008) and 1888 (2009), which make specific reference to sexual violence against women and girls and which complement resolution 1325 (2000). These activities demonstrate Chile's commitment to full engagement in international action and, as part of that effort, to mainstreaming the social and gender perspective into peace operations. In June 2009, the Government of Chile ratified the Rome Statute of the International Criminal Court.<sup>30</sup>

22. Chile has made significant efforts to eliminate job discrimination and, to that end, has ratified various International Labour Organization conventions, including the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100), adopted in 1951;<sup>31</sup> the Convention concerning Maternity Protection (No. 103), revised in 1952;<sup>32</sup> the Convention concerning Discrimination in Respect of Employment and Occupation (No. 111), adopted in 1958;<sup>33</sup> the Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156), adopted in 1981;<sup>34</sup> and the Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169), adopted in 1981.<sup>35</sup>

23. Chile's international relations policy is focused on the implementation of the international agreements on gender equity which it has signed; the coordination of international cooperation; and exchanges with other Governments, agencies, and international, regional and subregional organizations. Chile has been actively involved in the work of the Inter-American Commission of Women of the Organization of American States (OAS), over which Chile presided until October 2009, and has signed cooperation agreements with the Dominican Republic, Guatemala, Honduras and El Salvador.

#### **Recommendation 25 of the Committee**

24. The bill on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which was submitted to Congress in Bulletin No. 2667-10, was introduced by a message from the President dated 6 March 2001. The bill was approved by the Chamber of Deputies on 14 August 2001 and was reintroduced by the Chief Executive at the 2004 special session. It is now in its second reading in Congress.

## **2. Elimination of violence against women**

### *Legislation*

25. Act No. 19.325 of 1994, the initial law relating to domestic violence, was replaced by Act No. 20.066,<sup>36</sup> which improved upon the first by:

- (a) Defining the concept of domestic violence;

<sup>29</sup> Adopted by the Security Council of the United Nations at its 4213th session, held on 31 October 2000.

<sup>30</sup> Act No. 20.352, published in the *Diario Oficial* of 20 May 2009.

<sup>31</sup> Entered into force on 23 May 1953.

<sup>32</sup> Entered into force on 7 September 1955.

<sup>33</sup> Entered into force on 13 November 1971.

<sup>34</sup> Entered into force on 11 August 1983.

<sup>35</sup> Entered into force on 7 June 1989.

<sup>36</sup> Published in the *Diario Oficial* of 7 October 2005.

- (b) Determining who should receive protection;
- (c) Classifying habitual abuse as a crime;
- (d) Introducing modifications to the Criminal Code;
- (e) Establishing protection measures for victims;
- (f) Outlining situations of risk;
- (g) Granting the police greater powers in flagrant cases of domestic violence.

26. In December 2010, the Government promulgated and published Act No. 20.480, which broadened the definition of the crime of parricide to include former spouses and former partners and defined that crime as femicide when the victim was a woman.<sup>37</sup>

#### *Programmes and action mechanisms*

27. Violence against women has been a strategic concern for SERNAM ever since its inception. Early on, it set up the nationwide Programme for the Prevention of Domestic Violence. The work done under this programme is aimed at proposing and promoting measures and public policies that can bring a gender perspective to the detection, prevention and punishment of this offence, as well as to efforts to gain a fuller understanding of this social problem. The programme also focuses on promoting mutual respect and equal rights and opportunities for women and men. Recent progress is reflected in the increased scope and coordination of Government services and ministries with advances in international and national law and improved victim assistance and protection. More information is also now available thanks to increased research, better record-keeping, greater awareness of the problem of femicide and women's greater knowledge of their rights.

#### *Shelters*

28. Thanks to the efforts of SERNAM, 24 shelters have been set up across the country since 2007. These shelters:

- (a) Guarantee safe, temporary housing for women and their children under the age of 12;
- (b) Provide psychosocial services to women and children in the areas of basic needs, emotional support, health care, and legal and social protection;
- (c) Help to empower and ensure the autonomy of women using the shelter.

Between 2007 and 2009, these shelters admitted 2,059 women whose lives were at risk as a result of domestic violence and 2,907 children.

#### *Women's centres*

29. In 2010, SERNAM continued its efforts to set up centres for the comprehensive care and prevention of domestic violence. Chile now has 92 Women's Centres,<sup>38</sup> whose overall objective is to help to reduce domestic violence, especially between spouses or partners,

<sup>37</sup> Act No. 20.408 amends both the Criminal Code and Domestic Violence Act No. 20.066. It establishes the offence of "femicide", lengthens the sentences for crimes of domestic violence and modifies the laws on parricide. It was promulgated on 14 December 2010 and published in the *Diario Oficial* of 16 December 2010.

<sup>38</sup> In 2010, Chile had 90 Women's Centres that offered comprehensive services and 2 smaller centres, known as *dispositivos*, located in the Isla de Pascua and El Monte regions.

through the use of a comprehensive model at the community level aimed at making domestic violence less acceptable and through early detection and intervention. The Women's Centres offer free legal assistance to all victims of domestic violence who decide to initiate legal proceedings.

*Programmes for women victims*

30. As part of its campaign to combat domestic violence, the Ministry of Health has implemented a number of programmes to assist women victims:

(a) Reception centres for the initial care of victims of sexual offences who come to hospital emergency rooms on their own initiative or whose problem is identified in the course of other procedures;

(b) A programme for the identification, diagnosis and comprehensive treatment of victims of domestic violence assists women over 15 years of age who are identified as victims of domestic violence through facilities for the treatment of depression or other primary health-care programmes in 319 municipalities;

(c) A programme to provide access to comprehensive health care in emergency rooms for victims of gender-related violence assists women over 15 who seek care, for any reason whatsoever, in six emergency rooms in the metropolitan area. As of October 2009, the programme had provided 12,971 screenings, 1,812 counselling sessions and 375 specialized services including traumatology, ophthalmology, dentistry and gynaecology;

(d) Prevention, care, diagnostic and rehabilitation services for victims of gender-related violence are supplied by the Community Mental Health Centres, which are expressly referred to by the initial law on domestic violence (Act No. 19.325) as bodies that are authorized to provide psychosocial care to persons referred to them by the civil courts;

(e) The National Mental Health and Psychiatry Plan (2000) includes in its target population abused children and adolescents, and women and older persons who are victims of domestic violence;<sup>39</sup>

(f) In 2003, the Programme for the Identification, Diagnosis and Treatment of Persons affected by Domestic Violence<sup>40</sup> was piloted in three family health centres of the Western Metropolitan Health Service. This led to the development of a comprehensive domestic violence intervention model under which medical and psychosocial services are provided to groups, families and individuals (mainly women) affected by domestic violence;

(g) In 2004, the Government established the Programme for the Identification, Diagnosis and Comprehensive Treatment of Victims of Domestic Violence seeking Primary Care in 30 municipalities across the country. This programme is designed to provide comprehensive, accessible, timely and effective treatment to women victims of relatively less serious (not life-endangering) incidents of domestic violence;<sup>41</sup>

<sup>39</sup> A. Minoletti and C. López (eds.), "Plan Nacional de Salud Mental y Psiquiatría", Mental Health Unit, DISAP, Ministry of Health, 2001, chap. 4.

<sup>40</sup> Research and Clinical Centre, La Morada Corporation, "Entre territorios y sentidos. Evaluación de un modelo de atención en violencia hacia la mujer en atención primaria de salud".

<sup>41</sup> Office of the Under-Secretary for Assistance Networks, presentation on public health programmes for victims of violence presented by Flor Dragucevic, Councillor, Office of the Under-Secretary, September 2008.

(h) The comprehensive domestic violence intervention model for primary health care<sup>42</sup> includes various psychosocial intervention strategies and accords priority to identification, diagnosis and intervention at the individual level.<sup>43</sup>

#### *Chile Solidario*

31. Under the Chile Solidario (“solidarity in Chile”) bridging programme,<sup>44</sup> which is aimed at combating poverty and is overseen by the Ministry of Planning, the domestic violence prevention and victim assistance services network is brought into play as one of the seven intervention strategies to assist families participating in the programme.

#### *National Public Safety Strategy*

32. In 2006, the Ministry of the Interior drafted the National Public Safety Strategy for 2006–2010,<sup>45</sup> which addresses the problem of domestic violence directed against women and sets out six basic strategies for implementing public safety initiatives. Questions on domestic violence were incorporated into the National Crime Victimization Survey for the first time in 2008, which will undoubtedly help to detect and control domestic violence in Chile.

33. In April 2010, the Ministry of Justice introduced a new pilot programme for the treatment of individuals indicted and condemned for domestic violence. A joint initiative of the Ministry of Justice and the National Prison Service, this programme seeks to address a highly sensitive social problem by focusing on convicted aggressors and providing them psychoeducational behaviour modification treatment. Apart from the sentence which such aggressors may have received, the aim here is to modify their behaviour towards their victims and towards any other women with whom they may have a relationship in the future.

### **3. Discrimination against specific groups**

#### **Indigenous women**

34. The indigenous population, whose members identify themselves as belonging to the native peoples of Chile, numbers 1,060,786 persons, or approximately 6.6 per cent of the national population.<sup>46</sup> The Chilean population as a whole is undergoing a demographic transition from a young and rapidly expanding population to an older and moderately expanding one. The opposite is occurring in the indigenous population, however: most indigenous people are young, and the population is concentrated in the 10–35 year-old age bracket. The concentration varies from rural to urban areas, however, with a larger proportion of older indigenous people living in rural areas than in urban ones. One of the notable features of the indigenous peoples of Chile is that a large proportion of their members live in towns and cities.<sup>47</sup> In all, 448,382 indigenous persons live in urban areas,

<sup>42</sup> Research and Clinical Centre, La Morada Corporation, presentation of a primary health-care treatment model for women victims of domestic violence.

<sup>43</sup> Research and Clinical Centre, La Morada Corporation, “Entre territorios y sentidos. Evaluación de un modelo de atención en violencia hacia la mujer en atención primaria de salud”.

<sup>44</sup> Comprehensive intervention programme aimed at providing psychosocial support to families living in extreme poverty. [www.programapuerto.cl](http://www.programapuerto.cl).

<sup>45</sup> Ministry of the Interior. National Public Safety Strategy for 2006–2010. <http://www.seguridadciudadana.gob.cl/filesapp/publica2.pdf>.

<sup>46</sup> National Social and Economic Survey (CASEN survey) of 2006.

<sup>47</sup> National census of 2002.

of whom 49 per cent are men and 51 per cent women, which means that, nationwide, there are 8,802 more indigenous women in urban areas than indigenous men.

*The Unit for Indigenous Women*

35. Act No. 19.253 states that the mission of the National Indigenous Development Corporation (CONADI) is to promote the participation and integral development of indigenous women in coordination with SERNAM.<sup>48</sup>

*Institutional processes and management (2006–2008)*

36. Prior to the creation of the Women and Gender Unit, action focused on ensuring that at least 40 per cent of the funding that CONADI distributed through its transfer programmes reached indigenous women. In the programmes of the Indigenous Land and Water Fund, additional eligibility points were awarded to single female heads of household with children in their care. This marked the beginning of the compilation of sex-disaggregated information in CONADI.

37. A particularly important contribution was made during this period by the interdisciplinary work carried out by the Inter-Agency Board on Gender and Ethnicity, which brought together various public bodies, NGOs and universities from the La Araucanía Region.<sup>49</sup> Through the input of professionals at the various participating institutions, valuable opportunities were created for the analysis and discussion of issues relating to gender and ethnicity at the local and regional levels.

*The Women and Gender Unit*

38. The Women and Gender Unit of CONADI was created in March 2008. Among other activities, it promotes the representation and participation of indigenous women on the basis of equal opportunity and gender equity. Its goals are to promote the development, representation and participation of indigenous women, through action coordinated by CONADI, in public and private organizations with a view to ensuring that equal opportunities are generated through current public policies and those implemented specifically for indigenous women in the future.<sup>50</sup> Prior to 2008, action to promote the interests of indigenous women was carried out through the Public Service Management Improvement Programme.

*Progress*

39. Resources from the Indigenous Development Fund were used to finance the first phase of a baseline study on indigenous women, disaggregated by indigenous group and territory, from the Tarapacá, Metropolitan and La Araucanía regions. This study provides input for public policymaking and for the design or adjustment of the investment plans of CONADI. It was concluded in July 2010.

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<sup>48</sup> Act No. 19.253, published in the *Diario Oficial* of 5 October 1993.

<sup>49</sup> The Board comprised representatives of the National Service for Women (SERNAM), CONADI, the Institute for Agricultural Development (INDAP) and the University of the Frontier of Temuco.

<sup>50</sup> The Unit's main contributions so far are a pre-investment study that factors in the socio-economic characteristics of the indigenous female population and a diagnostic study on women and tourism (*Diagnóstico sobre Mujer y Turismo*) in the La Araucanía Region.

40. CONADI has strengthened the regional coordination of gender affairs through the Indigenous Women's Boards established in the Arica-Parinacota, Tarapacá, Metropolitan, Bío-Bío, La Araucanía, Los Ríos and Los Lagos regions. The main topics addressed are: preventive health care, maternal health, support for entrepreneurship, the formation of economic associations and the rights set forth in the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169).

41. The participation of indigenous women in the country's economy has increased thanks to the positive impact of the Indigenous Development Fund's production development programme on their employability and their production and marketing skills in both urban and rural areas.

42. Inter-agency agreements have been signed concerning work to be undertaken with indigenous women heads of household in priority neighbourhoods as a means of targeting action and funding for the benefit of the most socially and economically vulnerable women and female heads of household.

43. More families have been given access to financing for irrigation projects. In 80 per cent of the irrigation and land grant allocation processes handled by the Indigenous Land and Water Fund, additional eligibility points were awarded to single heads of household, whether male or female, with children.<sup>51</sup>

#### **Women with disabilities**

44. Act No. 20.422<sup>52</sup> establishes regulations on equality of opportunity and the social inclusion of persons with disabilities and grants additional powers to the new National Disability Service, which took over from the National Disability Fund (FONADIS), to enable it to fulfil its role not only in resource management, but also in drawing attention to issues such as equal opportunities, the effective exercise by persons with disabilities of their rights and the social inclusion of such persons.

45. Article 9 of Act No. 20.422 stipulates that the State shall adopt the measures necessary to ensure that women with disabilities and persons with mental disabilities (whether emotional or intellectual) can fully exercise their rights on equal terms with other members of society, especially as regards their dignity, the right to establish or be part of a family, their sexuality and their reproductive health.

46. There has been a paradigm shift in the traditional conceptualization of disability, from a medical model that promotes prevention and rehabilitation to a rights-based model, as set out in the Convention on the Rights of Persons with Disabilities and Act No. 20.422.<sup>53</sup>

<sup>51</sup> The Indigenous Land and Water Fund is administrated by CONADI and was established under article 20 of Act No. 19.253, published in the *Diario Oficial* of 5 October 1993. CONADI has developed a series of tools under this statute for meeting the various demands of native peoples as regards land and water resources, which are vital elements for furthering development policies in accordance with CONADI guidelines.

<sup>52</sup> Act No. 20.422, published in the *Diario Oficial* of 10 February 2010.

<sup>53</sup> Decree No. 201 of the Ministry of Foreign Affairs, of September 2008, passed the Convention on the Rights of Persons with Disabilities and its Optional Protocol into law.

47. These two instruments provide a framework for substantive progress in developing a new understanding of disability, which today is viewed as a human rights issue. This will help bring about real changes in cultural attitudes towards disability.

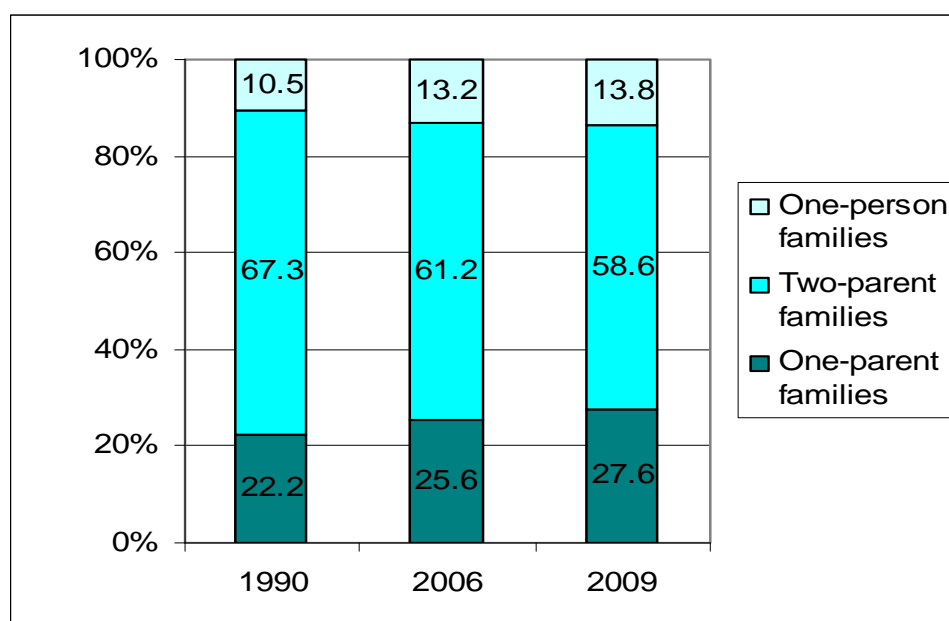
48. At the national level, the Educational Support Programme for Students with Disabilities provided assistance to 402 persons in 2009, 52.5 per cent of whom were men and 47.5 per cent women. Under the Decent Work Programme, also in 2009, 223 persons with disabilities were able to join the labour market (54.7 per cent men and 45.3 per cent women), and the Competitive Project Financing Programme aided 1,687 people (55.2 per cent men and 44.8 per cent women) in that same year. Finally, the Technical Assistance Programme provided support to 4,584 persons, of whom 52 per cent were men and 48 per cent women.<sup>54</sup>

## B. Article 5: changes in social and cultural patterns

### 1. Types of households and heads of household

49. Chilean society has been undergoing major changes in family structures. Figure 1 below shows how the distribution of family types changed between 1990 and 2009.

Figure 1  
Family types, 1990, 2006, 2009 (as percentages)



Source: National Social and Economic Survey (CASEN survey) of 2009, Ministry of Planning.<sup>55</sup>

50. As shown in figure 1 above, one of the most notable changes in the past 20 years has been the increase in one-person and one-parent households, which rose, respectively, from 10.5 per cent and 22.2 per cent of the total in 1990 to 13.8 per cent and 27.6 per cent in 2009. Another change reflected in the figure has to do with the person in charge of the

<sup>54</sup> Report on the Public Service Management Improvement Programme regarding Gender of 2009. Stage IV-FONADIS.

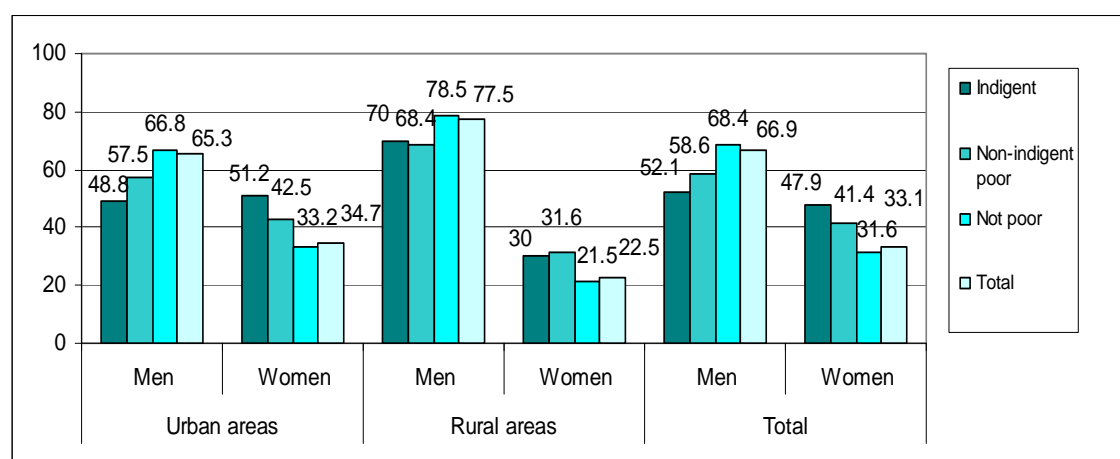
<sup>55</sup> Hereinafter "CASEN survey of 2009".



home, the so-called “head of household”, as the number of women heads of household has been rising steadily. In 2006, according to the National Social and Economic Survey (CASEN survey) of that year, 29.7 per cent of households were headed by women; the CASEN survey for 2009 showed that the proportion of such households, both poor and otherwise, had risen to 33.1 per cent, for an increase of 3.4 percentage points.

51. In urban areas, a larger proportion (51.2 per cent) of extremely poor households are headed by women, while in rural areas a larger percentage of households are headed by men, as shown in the figure below.

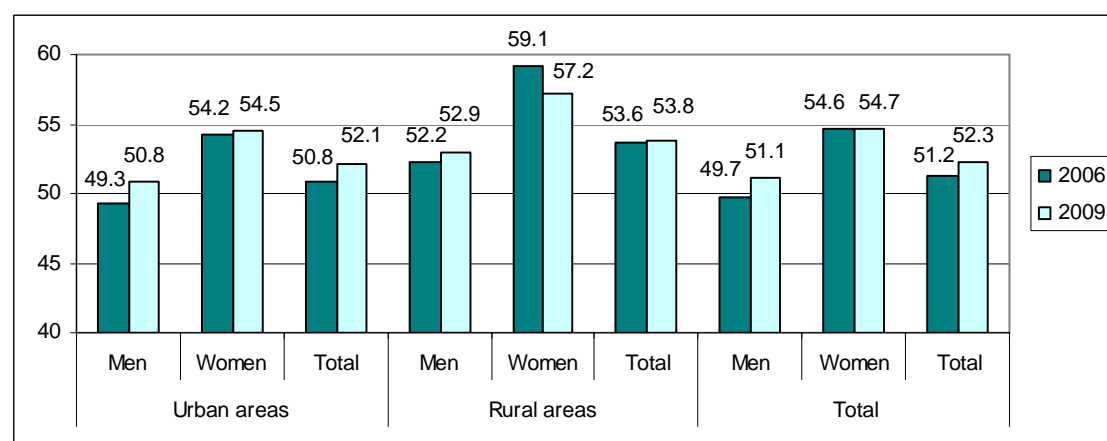
Figure 2  
Heads of household, by sex, poverty level and area



Source: National Social and Economic Survey (CASEN survey) of 2009, Ministry of Planning.

52. A comparison of the data obtained from the CASEN surveys of 2006 and 2009 shows an upward trend in the average age of both male and female heads of household in urban areas and a slight decline, from 59 to 57 years, in the age of women heads of household in rural areas. Overall, women heads of household are, on average, three years older than their male counterparts (see figure 3 below).

Figure 3  
Average age of heads of household, by sex and area, 2006–2009 (in years)

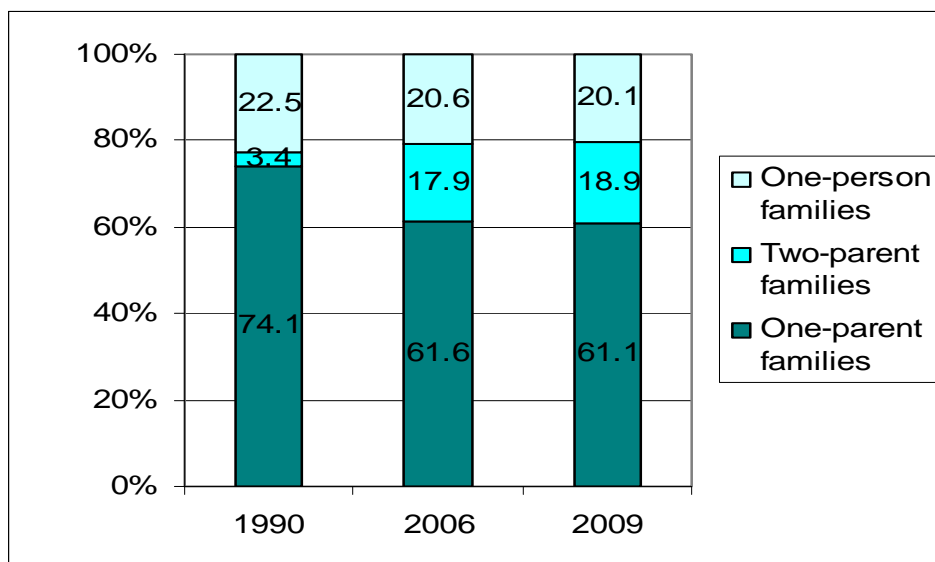


Source: National Social and Economic Survey (CASEN survey) of 2009, Ministry of Planning.

53. As shown in figure 4 below, the increase in the proportion of female heads of household has been particularly large in two-parent households, while the proportion of women heads of one-person and one-parent households has remained relatively stable since 2006.

Figure 4

**Changes in types of female-headed households, 1990, 2006, 2009 (as percentages)**



Source: National Social and Economic Survey (CASEN survey) of 2009, Ministry of Planning.

*Progress*

54. Joint responsibility for work in the home and for caring for the family has been encouraged. The role of men in the care and upbringing of children has been acknowledged through new regulations on matters such as:

- (a) Accompanying the mother during childbirth;
- (b) Permission for workers to take time off to care for their children when they are sick;
- (c) The extension of post-natal paternity leave to five days (Act No. 20.047);<sup>56</sup>
- (d) Job protection, subsidies and leave for the father when a child's mother dies.

55. Other progress includes:

- (a) The passage of Act No. 20.166, whereby the right to breastfeed their children up to the age of 2 during the working day is extended to all working women;<sup>57</sup>
- (b) The extension of the application of Childcare Act No. 20.339 to fathers who have custody of children under the age of 2, which entitles fathers, like women employed in paid work, to have childcare paid for or provided free of charge by their employer.<sup>58</sup>

<sup>56</sup> Published in the *Diario Oficial* of 2 September 2005.

<sup>57</sup> *Ibid.*, 31 January 2007.

<sup>58</sup> Labour Code, art. 203.

56. A gender mainstreaming strategy was introduced in 1991. This strategy aims to mainstream the gender perspective in all systems, structures, policies, programmes, personnel procedures and projects, as well as in the organizational framework and the institutional culture of the State, through the application of gender equity criteria in all policymaking processes.<sup>59</sup> This has involved adopting a systemic approach to the interaction among the sectors, institutions and work units of the State and using strategies that take into consideration all the factors involved in the generation, impact and perpetuation of gender inequity in all sectors, including non-traditional ones.

57. Information on priority gender issues has been disseminated through media campaigns. SERNAM has organized information activities aimed at raising the visibility of priority gender issues, publicizing women's rights and promoting positive and diverse images of women in the media with a view to fostering a culture of equal opportunities for men and women and informing citizens about the various programmes and initiatives that are open to them.

58. Two campaigns were held in 2007 under the slogans: "No more violence against women" and "When you encounter violence against women, don't be like most people: don't just stand by". On 30 October 2009, a new campaign to end violence against women was launched under the slogan: "Zero abuse between men and women". From the start of 2010 and up to 25 November of that year, a new campaign to eliminate violence against women was conducted, this time targeting male perpetrators of such violence. The *idée-force* of that campaign was: "A man who beats up a woman is not much of a man".<sup>60</sup> Not only did this campaign attain a 75 per cent approval rating among the population, but it also accomplished its goal of making it possible to openly discuss the scourge of violence against women, as shown by the subsequent 40 per cent increase in the number of complaints concerning such violence that were filed.<sup>61</sup>

59. The proportion of women in the labour market stood at 46.2 per cent in the last quarter of 2010, up from 42.3 per cent in 2009. This proportion varies considerably according to level of education, with higher levels of participation being recorded among more highly educated women. Some 76.6 per cent of women with university degrees and 52.7 per cent of those who completed secondary school are employed in the labour market. By contrast, labour participation rates are only 16.7 per cent and 33.5 per cent for women who have no formal education or have only a primary school education, respectively.

## C. Article 6: prostitution and trafficking in persons

### Recommendations 15 and 16 of the Committee

60. The Government of Chile, in cooperation with civil society and international organizations, has carried out a number of actions designed to place the issue of trafficking in persons, especially women and girls, on Government agendas.

<sup>59</sup> Source: National Service for Women (SERNAM), 2009. *Orientaciones Político Técnicas del Departamento de Coordinación Intersectorial del SERNAM, para las Direcciones Regionales* (Technical policy guidelines of the Intersectoral Coordination Department of SERNAM for regional directorates), sent by e-mail on 14 August 2009.

<sup>60</sup> See <http://24horas.cl/videos.aspx?id=94850>.

<sup>61</sup> <http://www.sernam.cl/portal/index.php/bpl?start=45>.

61. The Investigative Police Force has compiled statistics on the number of complaints and investigation orders relating to trafficking in persons and related offences, as shown below in figure 5.<sup>62</sup>

Figure 5  
Number of complaints and proceedings

Year	Complaints/Investigation orders	Promoting or facilitating prostitution	Trafficking in persons	Obtaining sexual services from minors	Total
2006	Complaints	7	1	No record	<b>8</b>
	Investigation orders	88	5	No record	<b>93</b>
2007	Complaints	6	1	-	<b>7</b>
	Investigation orders	58	12	4	<b>74</b>
2008	Complaints	9	1	-	<b>10</b>
	Investigation orders	69	24	3	<b>96</b>
2009	Complaints	14	7	1	<b>22</b>
	Investigation orders	69	13	12	<b>94</b>
2010	Complaints	9		-	<b>9</b>
	Investigation orders	51	3	3	<b>57</b>

Source: Investigative Police Force.

62. One of the main areas of activity in this respect is Chile's participation in the Southern Common Market (MERCOSUR) Action Plan to Combat Trafficking in Persons, which was endorsed by the MERCOSUR States parties and associate member States<sup>63</sup> at the nineteenth Meeting of Ministers of the Interior of MERCOSUR and Associate Member States.

63. The classification of trafficking in persons as a criminal offence and the determination of the corresponding penalties have yet to be completed, as Chile does not yet have a specific law on human trafficking in line with the current international rules. However, a bill classifying trafficking in children and adults as a criminal offence and establishing regulations for its prevention and more effective prosecution is currently undergoing its second reading in the Senate.<sup>64</sup> The Intersectoral Panel on Trafficking in Persons has also been established;<sup>65</sup> this standing advisory inter-ministerial panel is in charge of coordinating the actions, plans and programmes of the various institutions involved in preventing, suppressing and punishing the offence of trafficking in persons, especially women and children. This body is now fully up and running and carries out activities in the areas of awareness-raising, victim protection and training.<sup>66</sup>

<sup>62</sup> Data provided by the Ministry of Defence.

<sup>63</sup> MERCOSUR/CMC/P. DEC. /06. Chile is an associate member State of MERCOSUR.

<sup>64</sup> *Boletín* No. 3778-18.

<sup>65</sup> Exempt Decree No. 2821 of 31 July 2008. The Intersectoral Panel on Trafficking in Persons is composed of representatives of the following institutions: Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour, National Intelligence Agency, National Service for Women (SERNAM), National Service for Minors, Investigative Police Force, Carabineros and Office of the Public Prosecutor.

<sup>66</sup> Official Note, Office of the Under-Secretary, Ministry of the Interior. March 2010.

## D. Articles 7 to 9: civil and political rights

64. On 15 January 2006, for the first time ever in Chile, a woman — Michelle Bachelet Jeria — was elected President of the Republic, with 53.5 per cent of the vote. Also for the first time, the country had a cabinet of ministers made up of 10 men and 10 women, thus helping to consolidate women's participation in public life and politics.

65. In the presidential and congressional elections held in December 2009, the number of valid votes cast by women exceeded those cast by men by 500,000. Also, representation of women in the Senate rose from 5.2 per cent to 13.1 per cent, with 5 of the 38 senatorial seats now held by women. In the Chamber of Deputies, women hold 14.2 per cent of the seats:<sup>67</sup> there are currently 17 women deputies, and the president of the Chamber, Alejandra Sepúlveda, is also a woman.

66. Since 1990 there have been six congressional elections and, while women's participation has increased, it is far from the internationally agreed goal of 40 per cent, since only 13.9 per cent of members of Congress are women. See figure 6 below.

Figure 6  
**Women in Congress**

<i>Period</i>	<i>Women senators (%)</i>	<i>Women deputies (%)</i>
1990–1994	7.9	5.8
1994–1998	7.9	7.5
1998–2002	5.3	11.7
2002–2006	5.3	12.5
2006–2010	5.3	15
2010–2014	13.1	14.2

*Source:* Electoral Service.

67. There are currently 42 women mayors in municipalities around the country. In 2008, some 23.2 per cent of municipal councillors were women; this figure has increased by 10 per cent since 1990, and it is hoped that by 2015 it will have reached 40 per cent. Women mayors account for 12.5 per cent of all mayoral posts. See figure 7 below.

Figure 7  
**Number of councillors, 2004–2008, by sex**

<i>Region</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Arica y Parinacota	21	5	<b>26</b>
Tarapacá	34	8	<b>42</b>
Antofagasta	43	14	<b>57</b>
Atacama	43	11	<b>54</b>
Coquimbo	67	26	<b>93</b>

<sup>67</sup> *Source:* Electoral Service of Chile. [www.servel.cl](http://www.servel.cl).

<i>Region</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Valparaíso	190	46	<b>236</b>
O'Higgins	162	38	<b>200</b>
Maule	147	32	<b>179</b>
Biobío	273	57	<b>330</b>
Los Ríos	64	10	<b>74</b>
La Araucanía	157	36	<b>193</b>
Los Lagos	153	30	<b>183</b>
Aysén	46	14	<b>60</b>
Magallanes	39	23	<b>62</b>
Metropolitana	238	108	<b>346</b>
<b>Countrywide total</b>	<b>1 677</b>	<b>458</b>	<b>2 135</b>

*Source:* Chilean Association of Municipalities.

68. Since 2008, a woman lawyer, Paula Vial Reynal, has headed up the Office of the Public Defender.<sup>68</sup>

#### **Recommendations 13 and 14 of the Committee**

69. One of the tasks set out in the 2010–2014 programme of SERNAM is to promote women's participation in political life. To this end, SERNAM:

(a) Encourages the participation of women in politics;

(b) Promotes coordination between public and private entities with the aim of boosting women's involvement in political training initiatives in order to help the Government increase the participation of women in politics and in political leadership.

70. In order to increase women's participation in the diplomatic service, in 2009 the Ministry of Foreign Affairs arranged for the Andrés Bello Academy for Diplomats<sup>69</sup> to make outreach visits to universities in the country during which diplomatic staff gave talks to students on the attractions of diplomatic careers. The number of women entering the Academy varies, however. The most notable dates were 2006, when six women and four men were admitted, and 2009, when five men and five women were admitted. Awareness-raising activities have also been conducted on international law and women's human rights, and new subjects have been added to the Academy's curriculum, including courses on a universal gender-based system of human rights and on the new architecture of the United Nations and a gender-based approach.

71. As for members of the diplomatic service, the number of women ambassadors rose slightly, from 4 women and 85 men in 2006 to 7 women and 85 men in 2010. With 62 women civil servants in the diplomatic service and 388 men, women currently account for 13.9 per cent of the total staff.

<sup>68</sup> For more information, see *Desarrollo Humano en Chile, Género: Desafíos de la Igualdad*, 2010 (Human Development in Chile 2010, Gender: the challenges of equality), United Nations Development Programme (UNDP); pp. 342 ff.

<sup>69</sup> [http://www.minrel.gov.cl/prontus\\_minrel/site/artic/20080923/pags/20080923120458.php](http://www.minrel.gov.cl/prontus_minrel/site/artic/20080923/pags/20080923120458.php).

72. The following women are involved in the work of international human rights organizations:

(a) María Magdalena Sepúlveda Carmona (independent expert on the question of human rights and extreme poverty; mandate established by the Commission on Human Rights in resolution 1998/25 and renewed by the Human Rights Council in resolution 8/11);

(b) Marta Maurás Pérez (Member of the Committee on the Rights of the Child, elected by the States parties to the Convention on the Rights of the Child for the term 2009–2013);

(c) Cecilia Medina Quiroga (Member of the Inter-American Court of Human Rights, 2004 to 2009; Vice-President in 2007; President in 2008 and 2009);

(d) María Soledad Cisternas Reyes (Member of the Committee on the Rights of Persons with Disabilities; her term ends in 2012);

(e) Cecilia Mackenna (Senior Adviser for Latin America and the Caribbean, Office of the Director-General, International Labour Organization; appointed in 2010).

## E. Article 10: education

73. As of 2009, women aged 17 years and over were in education for an average of 10.3 years – up by 0.3 years compared to 2006. The average number of years of schooling is higher for younger generations of women. Thus, whereas women aged between 18 and 29 studied for an average of 12.5 years, women aged between 30 and 44, and between 45 and 59, averaged 11.3 years and 9.9 years, respectively.<sup>70</sup>

74. When data on years of schooling is disaggregated by sex and poverty status, it can be seen that both men and women who are poor or indigent have an average of 9 years of schooling, whereas, for the non-poor, this figure is 11 years. Non-poor men have one more year of schooling, on average, than women. Figure 9 shows the average number of years of schooling for 2006 and 2009, with a small increase (0.3 per cent) being recorded for 2009.

Figure 8

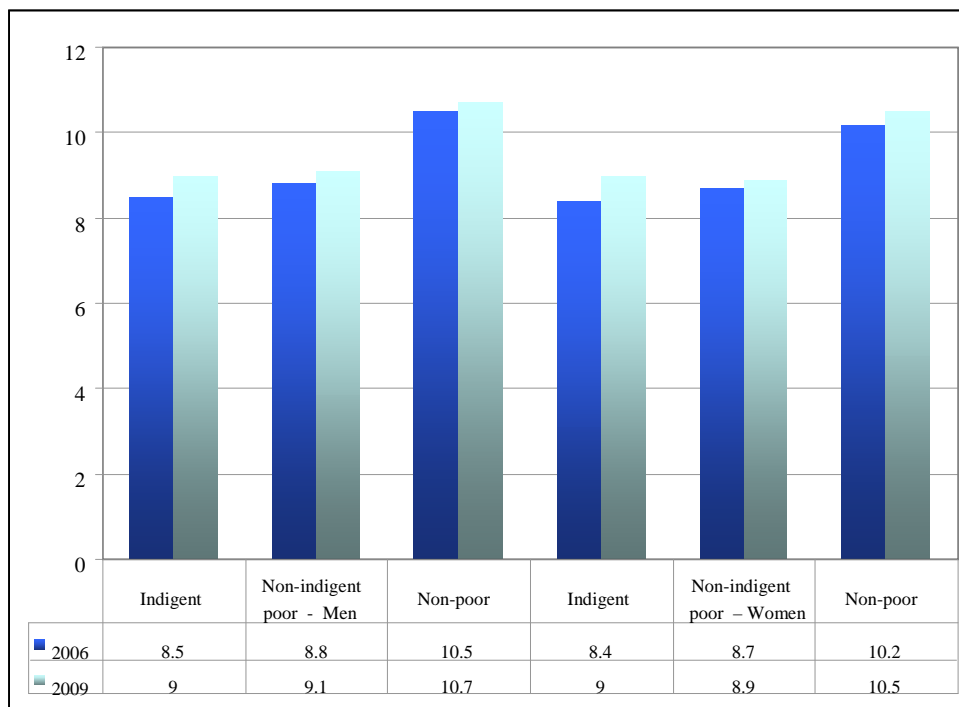
### Average years of schooling, by sex, 2009

	<i>Indigent</i>	<i>Non-indigent poor</i>	<i>Non-poor</i>	<i>Total years</i>
Men	9	9	11	<b>11</b>
Women	9	9	10	<b>10</b>

*Source:* 2009 CASEN survey, Ministry of Planning and Cooperation.

<sup>70</sup> 2009 CASEN survey. See: <http://www.mideplan.cl/casen2009/mujeres.php>.

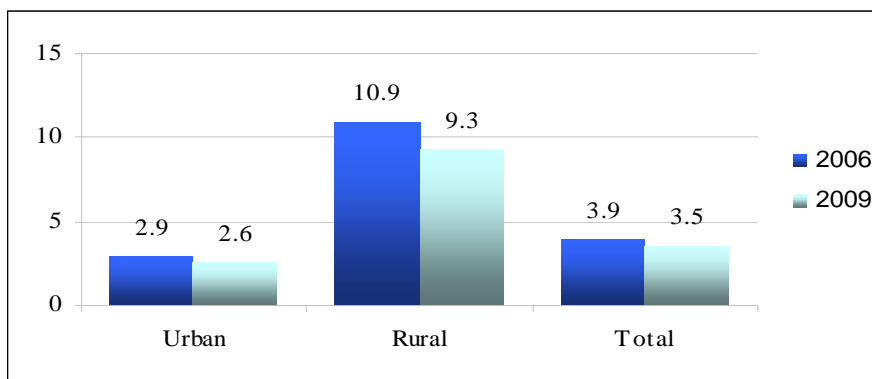
Figure 9  
Average years of schooling, by sex and poverty status, 2006–2009



Source: 2009 CASEN survey, Ministry of Planning and Cooperation.

75. There has been a gradual drop in the illiteracy rate in Chile; in 2009, only 3.5 per cent of persons aged 15 years and over did not know how to read or write. However, as can be seen in figure 10, there is a clear difference between urban and rural zones, with the illiteracy rate in rural zones being as high as 9.3 per cent.

Figure 10  
Illiteracy rate for persons aged 15 years and over, 2006–2009



Source: 2009 CASEN survey, Ministry of Planning and Cooperation.



76. With regard to preschool education,<sup>71</sup> one of the most outstanding examples of the progress made in providing equal opportunities for Chilean boys and girls is the huge increase in access to crèche and other nursery school facilities.<sup>72</sup> In March 2006, there were 781 public crèches in Chile, two thirds of which were run by the National Kindergartens Board (JUNJI) and the other third by the Integra Foundation.<sup>73</sup> With that number of facilities, it was possible to care only for 6 per cent of children under 2 years of age from vulnerable, low-income families. Since then, thanks to the joint efforts of JUNJI and the Integra Foundation, there are now five times as many facilities; at the end of 2009, there were 4,281 crèches, which was enough to meet the needs of low-income families by providing quality education, protection and support to children whose mothers work, study or are looking for work. JUNJI alone increased the number of its crèches sixfold. In 2005, JUNJI was directly responsible for the administration of 539 crèches, whereas, by the end of 2009, it was running a total of 3,500.

77. During this period, Chile devoted special attention to the consideration of gender and cultural differences and special education needs with the aim of mainstreaming a rights-based approach throughout its institutional structure. JUNJI currently has an agreement with the Telethon Foundation<sup>74</sup> to work together to promote the welfare and integration of children under 4 years of age who attend this rehabilitation centre and are looked after in its kindergartens and crèches. Currently, 2,157 children who have special educational needs are being served.

78. The main points to highlight in the area of primary and secondary education are as follows:

(a) Efforts are being made towards ensuring that all textbooks procured by the Ministry of Education do not use sexist images or content that would promote gender-based discrimination;

(b) The 2009 curricular reform has introduced gender mainstreaming in five areas (language; history, geography and the social sciences; mathematics; the sciences; and English);

(c) The teacher assessment system includes the criterion of gender, and discrimination in the classroom on the basis of gender can therefore be detected;

(d) The training provided for university professors throughout the country includes gender sensitivity training;

(e) All postgraduate teacher training programmes at universities that receive funding from the Centre for Advanced Training, Experimentation and Pedagogical Research (CPEIP) must include components in which a gender-based approach is taken.

<sup>71</sup> Information contained in *Cuenta Pública JUNJI Gestión 2006–2009* (public report of the National Kindergartens Board (JUNJI). See: [www.junji.cl](http://www.junji.cl)).

<sup>72</sup> Childcare facilities.

<sup>73</sup> The Integra Foundation is a private, not-for-profit organization that serves as a national human resources and infrastructure network for the benefit of young children. To date, it has 992 establishments throughout the country; 101 of these facilities are private crèches, 510 are kindergartens with crèches and 351 are kindergartens without crèches. These institutions provide full day-care services for 72,533 children, and offer extended hours for children whose mothers study or work.

<sup>74</sup> This private corporation was established on 22 January 1986 with the aim of channelling or distributing the assets and resources it obtains or produces to meet the needs, as a priority, of the Society for Assistance to Disabled Children and to contribute to the funding of other public or private not-for-profit institutions providing support to those with a disability of some kind.

79. In order to encourage students to stay in school, a network has been established for the protection of pupils who have become mothers or fathers or who are pregnant.<sup>75</sup>

80. One of the most significant breakthroughs is the increase in the number of women entering higher education, which is an important factor in promoting women's independence. Up until 2008, there were more men in higher education than women. In 2009, for the first time, the number of women students exceeded the number of men by 12,479, taking into account the entire student population (including undergraduate, graduate and postgraduate).<sup>76</sup>

81. An examination of enrolment trends for women undergraduate students for the period 2000–2009, broken down by subject area, indicates that the largest increases were in the areas of health (19.6 per cent) and education (10.8 per cent) and the lowest were in agricultural studies (2.4 per cent), art and architecture (4.6 per cent) and technology (4.6 per cent).

82. Scholarships and student loans to fund higher education were made much more widely available, and the national system for ensuring the quality of higher education was strengthened. Information disclosure, system transparency and capacity-building for schools were improved, with specific support being provided to State-sector higher education. The enrolment rates for men and women in universities were aligned, and a gender balance was achieved in scholarships for master's and doctoral degree courses. Intensive efforts were also made to provide greater access to high-quality master's and doctoral programmes for Chilean men and women at establishments both in Chile and abroad. The aim of this initiative is to increase, in the medium term, the number of postgraduates working to further the country's development.

83. More men than women are enrolled in doctoral programmes, even though the annual rate of increase in enrolment by women for the period 2000–2009 reached 15.6 per cent. For both master's and doctoral programmes, the annual growth rate for enrolment was greater for women than men for the period 2000–2009, whereas, for the period 1990–2000, it had been greater for men than for women.

84. The "Becas Chile" national and international scholarship programme<sup>77</sup> provides for pre- and post-natal maternity leave, an additional payment equivalent to 5 per cent of the student's monthly stipend per child, and health and travel insurance for dependants in the case of scholarships for foreign study.

## F. Article 11: employment

85. Women's participation in the labour market has increased in recent years, and particularly in recent months; however, it is still lower than men's. The labour participation rate refers to the number of persons in the workforce expressed as a percentage of the population of working age. According to the CASEN survey carried out in 2009, the labour participation rate for men was 70.8 per cent, while for women it was only 42.3 per cent.

<sup>75</sup> *Balance de Gestion Integral* (comprehensive management review), 2009, SERNAM.

<sup>76</sup> Annual data can be obtained from the Historical Compendium of the Higher Education Information Service (SIES) (<http://www.sies.cl>): (a) Trends in higher education enrolment. Period 1990–2009, SIES, Ministry of Education, June 2010; (b) *Cuenta pública 2006–2010: calidad para todos* (public report for 2006–2010: quality for all), Ministry of Education ([www.educarchile.cl](http://www.educarchile.cl)).

<sup>77</sup> The aim of the "Becas Chile" scholarship system of the National Commission for Scientific and Technological Research, established in October 2008, is to draw up a comprehensive long-term policy on advanced human resources training abroad.

However, the most recent figures submitted by the National Statistical Institute (INE), covering the period from July to September 2010, were 45.7 per cent for women, compared to 72.6 per cent for men. Even better, the most recent INE bulletin, covering the period from September to November 2010, shows a further increase in the labour participation rate for women — to 46.2 per cent — compared to 72.3 per cent for men.

86. The most recent unemployment figures submitted by INE, covering the period from September to November 2010, show an unemployment rate for women of 8.3 per cent, while for men it was 6.2 per cent. This indicator is obtained by expressing the number of unemployed persons as a percentage of the workforce.

Figure 11  
**Persons in employment, by sex**

<i>Status</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>	
Employed	4 037 526	60.8%	2 599 355	39.2%	6 636 881	<b>100%</b>
Unemployed	415 905	51.6%	389 439	48.4%	805 344	<b>100%</b>
Economically inactive	1 808 066	31.1%	4 013 114	68.9%	5 821 180	<b>100%</b>
<b>Total</b>	<b>6 261 497</b>	<b>47.2%</b>	<b>7 001 908</b>	<b>52.8%</b>	13 263 405	<b>100%</b>

*Source:* 2009 CASEN survey, Ministry of Planning and Cooperation.

87. If the data supplied by the 2009 CASEN survey are disaggregated by age, it can be seen that the highest percentage of employed women is found in the age bracket of 30 to 40 years. The second-highest percentage is for the age bracket of 15 to 30 years. In contrast, the employment rate for men — at approximately 60 per cent — is much more even across age groups.

Figure 12  
**Persons in employment, by age and sex**

<i>Age bracket</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>	
15–29	949 659	59.3	652 058	40.7	<b>1 601 717</b>	<b>100%</b>
30–44	1 407 224	58.9	983 833	41.1	<b>2 391 057</b>	<b>100%</b>
45–49	1 253 851	61.6	782 300	38.4	<b>2 036 151</b>	<b>100%</b>
60 and over	426 792	70.2	181 164	29.8	<b>607 956</b>	<b>100%</b>
<b>Total</b>	<b>4 037 526</b>	<b>60.8</b>	<b>2 599 355</b>	<b>39.2</b>	<b>6 636 881</b>	<b>100%</b>

*Source:* 2009 CASEN survey, Ministry of Planning and Cooperation.

88. One important aspect to note when looking at the data for economically inactive persons is the skewed gender distribution of unpaid domestic work, which can be seen in figure 13 below.

Figure 13  
**Economically inactive persons by age and sex**

<i>Age bracket</i>	<i>Men</i>		<i>Women</i>		<i>Total</i>	
15–29	952 447	42.4	1 295 695	57.6	<b>2 248 142</b>	<b>100%</b>
30–44	81 112	10.7	673 485	89.3	<b>754 597</b>	<b>100%</b>

<i>Age bracket</i>		<i>Men</i>		<i>Women</i>		<i>Total</i>
45-49	133 866	13.9	830 489	86.1	<b>964 355</b>	<b>100%</b>
60 and over	663 725	34.9	1 240 453	65.1	<b>1 904 178</b>	<b>100%</b>
<b>Total</b>	<b>1 831 150</b>	<b>31.2</b>	<b>4 040 122</b>	<b>68.8</b>	<b>5 871 272</b>	<b>100%</b>

*Source:* 2009 CASEN survey, Ministry of Planning and Cooperation.

89. The situation is clearly different in the case of economically inactive persons, since a larger percentage of women do not declare that they are in paid employment or that they are seeking work for various reasons, including the fact that they look after their children or others' children, elderly persons or persons with disabilities, or take care of household chores. Thus, 65.1 per cent of women are not in paid employment, for various reasons. The highest percentage of persons declaring themselves to be economically inactive are between 15 and 29 years of age, presumably because they are studying. In second place are persons aged 60 years and over, most of whom give their main reason for not working, or for not looking for work, as the fact that they are pensioners.

### **Legal reforms to improve employment conditions and promote the entry of women into the labour market**

90. The main points to highlight are the following:

(a) The above-mentioned Act No. 20.399, which extends the right to the provision of day-care facilities to fathers who are the legal guardians of children under 2 years of age;<sup>78</sup>

(b) Measures to protect women domestic workers, consisting of a revised minimum wage, the right to take public holidays off and the right to maternity leave;<sup>79</sup>

(c) The above-mentioned Act No. 20.166, which grants all working mothers the right to breastfeed their children under 2 years of age;

(d) Act No. 20.005 on sexual harassment;

(e) Act No. 20.348 on the gender wage gap.<sup>80</sup>

### **Government programmes**

91. A SERNAM programme to improve employability and employment conditions for working women who are heads of households is currently being implemented in 216 of the country's municipalities;<sup>81</sup> this programme benefited 31,656 women who were heads of households and/or were economically responsible for other family members in 2009.

92. Alongside this programme, SERNAM established the Equal Model Programme, with the strategic objective of helping to bring about a new culture of work in which men and women are recognized as being persons in their own right who are equally entitled to fulfilment at work and within the family.

<sup>78</sup> Act No. 20.399, published in the *Diario Oficial* of 23 November 2009.

<sup>79</sup> Act No. 20.336, published in the *Diario Oficial* of 20 April 2009.

<sup>80</sup> Act No. 20.348 of 19 June 2009. This law establishes equal pay for men and women performing equal work.

<sup>81</sup> In other words, 62.4 per cent of all municipalities in the country.

93. The implementation of the previously mentioned Code of Good Labour Practices and Non-Discrimination within the civil service is moving forward. The Code contains directives on matters relating to access to employment, remuneration, promotion, training, working conditions, maternal and paternal rights, work-family balance, and prevention and punishment of sexual harassment and harassment in the workplace. It is being implemented by 171 services, and its entry into force has been supported by SERNAM through activities designed to disseminate the Code, provide related training and draw up methodologies for its monitoring and follow-up. The main aim of the Code is to ensure genuine gender equity in the civil service through the implementation of measures designed to bring about the gradual elimination of barriers and obstacles to equality of opportunity between men and women employed by the State. Some 69 public services were provided with advisory assistance in 2009, and 1,645 officials attended various information and awareness-raising activities. These activities mainly dealt with the prevention and punishment of harassment, including sexual harassment, in the workplace and included technical assistance in drawing up and improving the corresponding internal procedures in various public services. The Code is implemented through the participation of each and every public official on a daily basis. Cooperation between associations of civil servants, human resources departments, different sectors and other stakeholders is fundamental for its successful implementation.

#### **Recommendation 11 of the Committee**

94. Act No. 20.348 on the gender wage gap guarantees the right to equal pay for men and women. The principle of equal pay for men and women — an important milestone towards achieving full wage equality between men and women — is incorporated into the Chilean Labour Code in the following way:

(a) The Act introduces a new article 62 bis into the Labour Code. This article expressly provides that “(...) employers shall respect the principle of equal pay for men and women performing the same work; objective differences in pay that are based on ability, qualifications, suitability, responsibility or productivity shall not be considered to be arbitrary”;

(b) The new article also establishes a legal basis under the provisions of article 154 for lodging complaints of violations of the principle of equal pay. In the first instance, at company level, it establishes that the internal claims procedure, in accordance with new provision No. 13 that is added to article 154 (1), must be laid down in the company rules and must provide for, as a minimum, the possibility of a claim and for a written, substantiated response by the employer within a period of 30 days. Subsequently, if the issue has not been resolved, proceedings for the protection of labour rights (*tutela laboral*) may be taken before the courts, as provided for in part V, section I, chapter II, paragraph 6, of the Labour Code;

(c) The Act establishes that companies with over 200 workers must incorporate a register into their in-house regulations that contains a description of the various jobs and responsibilities within the company and their essential technical characteristics with the aim of providing objective parameters for comparing remuneration levels;

(d) The Act introduces a new provision at the end of article 511 of the Labour Code which establishes an incentive for employers who do not establish arbitrary differences in remuneration for employees having similar jobs and responsibilities. Such employers are able to apply for a 10 per cent reduction in any fines arising from the application of the previous paragraphs, provided that the fines are not based on anti-trade-union practices or violations of fundamental rights;

(e) Finally, in the area of public-sector employment, a new paragraph 4 has been introduced into article 10 of the Administrative Regulations for Civil Servants,<sup>82</sup> which provides that, for contracted workers, there must be no kind of “discrimination that could undermine the principle of equal treatment for men and women”.

95. As part of the State’s efforts to improve working conditions and opportunities for women, the policy of equality of opportunities for men and women implemented by SERNAM has promoted joint family responsibility from the outset. On 16 August 2010, SERNAM launched an information campaign to encourage families to discuss the issue and men to take responsibility, along with women, for all the chores involved in living as a couple. The slogan was “Let’s agree to take joint responsibility so that we can grow together in a better country”.

96. Progress has been made in recognizing men’s role in caring for and raising children through the introduction of new provisions on arrangements for fathers to be present during childbirth, men’s right to take time off if their children are ill, the extension of post-natal leave for men to five days, paternity leave, and the right to a subsidy and time off in the event of the mother’s death. Also, Act No. 20.166 was promulgated, thereby extending the right of all working women to breastfeed their children under 2 years of age during the working day, and the Childcare Act<sup>83</sup> was passed, which obliges employers to provide childcare facilities for women in paid employment.

97. The new Administration in Chile has also established the Presidential Committee on Women, Work and Maternity, which is charged with drawing up a proposal for the comprehensive reform of legislation on maternity protection. One of the things that the Committee has suggested is to amend the Childcare Act to include new ways of funding these services and to extend the duration and coverage of post-natal maternity leave.

98. Efforts to promote financial independence and decent work have resulted in various legal reforms aimed at improving the working conditions and income of women, including legislation on the minimum wage,<sup>84</sup> the right to have time off on public holidays<sup>85</sup> and maternity leave for domestic workers.<sup>86</sup> The National Employment Exchange has recently been set up, which will also help to generate job opportunities for women.

#### **Recommendation 12 of the Committee**

99. The National Employment Survey database of the National Statistical Institute (INE) includes sex-disaggregated data at the national and regional level, an up-to-date version of which can be accessed through the INE website.<sup>87</sup>

100. In an effort to improve statistical and other data on the employment of women, the Office of the Under-Secretary for Labour and Social Security has conducted a project to develop the Employability and Vulnerability in Employment Index, which contains sex-disaggregated data and includes variables such as whether or not the woman is the head of the household, the number of family members and the ages of household members.

101. Decree No. 305 of the Ministry of Economic Affairs, Development and Reconstruction, which requires that information on the sex of each person must be included

<sup>82</sup> Executive Order No. 29, published in the *Diario Oficial* of 16 March 2005. Coordinated, consolidated and standardized text of Act No. 18.835 – Administrative Regulations.

<sup>83</sup> Labour Code, art. 203.

<sup>84</sup> Act No. 20.279, published in the *Diario Oficial* of 1 July 2008.

<sup>85</sup> Act No. 20.336, published in the *Diario Oficial* of 3 April 2009.

<sup>86</sup> Act No. 19.591, published in the *Diario Oficial* of 9 November 1998.

<sup>87</sup> See: [www.ine.cl/canales/chile\\_estadistico/mercado\\_del\\_trabajo/estadisticas\\_laborales.php](http://www.ine.cl/canales/chile_estadistico/mercado_del_trabajo/estadisticas_laborales.php).

in source data used to produce statistics and generate administrative records, was published in the *Diario Oficial* on 17 February 2010. This regulation establishes that, starting in December 2010, ministries, public services and civil service agencies must identify the sex of each individual on all surveys and records used to produce statistics.<sup>88</sup>

102. The issuance of this regulation constitutes an important step forward, because the identification of the sex of the individuals concerned in administrative records provides better and more precise information for use in differentiated analyses of social and economic phenomena and identifying gender gaps. In the near future, it will also provide disaggregated data on the situation of women in all necessary areas.

103. Measures to improve the situation of temporary and subcontracted workers include Act No. 20.123, which was published in 2006.<sup>89</sup> This law regulates subcontracted work, the operation of temporary employment agencies and temporary employment contracts. Article 3 of the Act adds a new title VII to book I of the Labour Code which deals with gender issues relating to subcontracted work and work performed through temporary employment agencies: (a) by adding article 183-Ñ to the Labour Code, which establishes that a user company's need to replace the services of a female worker on sick leave or maternity leave constitutes a ground for entering into a temporary employment contract via an agency; and (b) by adding article 183-AE, which provides that female workers hired as subcontractors shall receive the maternity leave benefits referred to in article 201, subparagraph 1, of the Labour Code. This benefit shall be terminated ipso jure upon the conclusion of the temporary worker's services within the user company; however, if, on the basis of one of the grounds provided for in these provisions, it is determined that the worker qualifies as a direct employee of the user company, then maternity leave shall be extended to cover the whole of the corresponding period, in accordance with the general regulations of the Labour Code.

## G. Article 12: health

104. The Government has taken various measures in support of women with regard to this very important issue. It established the Programme to Support Biopsychosocial Development as the health component of the Chile Crece Contigo<sup>90</sup> ("Chile grows with you") comprehensive child protection subsystem. This programme was first implemented in 2007 and, since 2008, has been in operation in all districts throughout the country. Its objectives include encouraging the participation of male family members in child-raising and ensuring that the messages and activities involved in child-raising are not sexist.

105. The Advisory Council on Gender and Women's Health,<sup>91</sup> composed of 41 civil organizations working in the relevant fields, was established in October 2007. This council has helped to develop policies, restructure programmes, design campaigns and monitor public health policies. Its work has included the following:

- (a) Health policy on gender-based violence;<sup>92</sup>

<sup>88</sup> See: [www.ine.cl/transparencia2/diariooficial/decreto305.pdf](http://www.ine.cl/transparencia2/diariooficial/decreto305.pdf).

<sup>89</sup> Act No. 20.123, published in the *Diario Oficial* on 16 October 2006.

<sup>90</sup> The Chile Crece Contigo integrated protection system for early childhood is designed to provide comprehensive support, protection and guidance to children and their families. It includes universal and targeted benefits and components. Act No. 20.379 was published in the *Diario Oficial* of 12 September 2009.

<sup>91</sup> See: [www.redsalud.gov.cl/.../63371cd3ae105cb0e04001011e0175cd.ppt](http://www.redsalud.gov.cl/.../63371cd3ae105cb0e04001011e0175cd.ppt).

<sup>92</sup> Ministry of Health Exempt Resolution No. 276, March 2008.

- (b) Gender policy for the health sector;<sup>93</sup>
- (c) Clinical practice guidelines on domestic violence (adults);
- (d) Clinical practice guidelines on treatment of men who commit gender-based violence, whether referred by the justice system or based on self-initiated consultations;
- (e) Restructuring of the Women's Health Programme.

106. The health policies implemented in the country over the past decade have been focused on reaching the Health Objectives 2000–2010,<sup>94</sup> which were intentionally based on the assumption that gender discrimination did not exist. The Gender Agenda for 2006–2010 establishes that a gender focus should be incorporated into future sets of health objectives. In accordance with this approach, the Council of Ministers for Equal Opportunities, presided over by the President of the Republic and coordinated by the Office of the Minister and Secretary-General of the Presidency through SERNAM, has promoted the adoption of a gender strategy as a cross-cutting theme in all sectoral policies, programmes and actions. In that connection, the progress achieved in the field of women's health is described below.<sup>95</sup>

107. Life expectancy at 20 years of age has increased by 1.8 years for men and 1.6 years for women. However, inequalities persist between the sexes with regard to differences by education level. Among women, the difference in life expectancy at 20 years of age between those with the lowest and highest education levels (58.4 and 67.4 years, respectively) is nine years on average. By contrast, among men this difference is 12 years, on average (52.7 and 65 years, respectively).

108. In 2000, the maternal mortality rate was 1.9 per 10,000 live births. Since then, the rate has varied but has tended to decrease. It showed an increase in 2004 and 2005, when it reached 2.0 per 10,000 live births, but has decreased over the past two years, reaching 1.8 per 10,000 live births in 2007, which represents a 5 per cent reduction.

109. The infant mortality rate calculated for 2007 was 8.3 per 1,000 live births. In comparison with the initial figure of 10.1 in 1999, this represents a decrease of 17.5 per cent.

110. Between 1999 and 2007, the cervical cancer mortality rate decreased by 43 per cent, from 9.2 per 100,000 women to 6.2 per 100,000. In 2003, this type of cancer was included in the list of health conditions covered by the Explicit Health-Care Guarantees scheme,<sup>96</sup> thereby making it possible to ensure testing, diagnosis, treatment and follow-up for detected cases within a defined period of time. As a result, the percentage of women with invasive cancer requiring radiotherapy and chemotherapy who received treatment in less than 30 days increased from 26.7 per cent in 1999 to 68.6 per cent in 2008.

<sup>93</sup> Ministry of Health Exempt Decree No. 12, February 2010.

<sup>94</sup> “*Los Objetivos para la Década 2000–2010*” (objectives for the decade 2000–2010), published by the Ministry of Health, Health Regulation and Division Office, Department of Epidemiology, first edition, October 2002, and “*Los Objetivos para la Década 2000–2010*” (objectives for the decade 2000–2010), published by the Ministry of Health, Health Regulation and Division Office, Department of Epidemiology, final evaluation: impact objectives, July 2010.

<sup>95</sup> Source: “*Objetivos Sanitarios para la Década 2000–2010*” (health objectives for the decade 2000–2010), final evaluation: degree of fulfilment of impact objectives, published by the Ministry of Health, first edition, Health Regulation and Division Office, 2010. See: <http://epi.minsal.cl>.

<sup>96</sup> Explicit Health Guarantees Plan (Act No. 19.966, published in the *Diario Oficial* of 2 September 2004) — formerly the Plan for Universal Access and Explicit Health Guarantees (AUGE Plan) — was designed to guarantee coverage of 56 illnesses by the public and private health systems as of 1 July 2006. This number was gradually increased to 80 by the year 2010.



111. The age-adjusted breast cancer mortality rate decreased by 25 per cent between 1999 and 2007 (from 7.5 to 6.6 per 100,000 inhabitants), which represents a 12 per cent reduction and an attainment of 36 per cent of the set target. This health condition was included in the Explicit Health-Care Guarantees scheme in 2005.

112. The abortion-related maternal mortality rate showed a significant decrease of 0.50 per 10,000 live births in 2007, which represents a reduction of 66.7 per cent.

113. Fatalities attributable to obstetric complications decreased from 2.4 per 10,000 live births in 1999 to 1.8 in 2007.

114. Since 2005 the Explicit Health-Care Guarantees scheme, which has legally mandated funding, has addressed women's most important needs by guaranteeing access for the entire population to treatment for the health conditions<sup>97</sup> covered by the scheme within a defined time frame, regardless of whether an individual has public or private health insurance. Ministry of Health Decree No. 44 of 2007 includes treatment for the following health conditions that affect women exclusively: cervical cancer, breast cancer and preventive cholecystectomy for patients with gall bladder cancer. It also includes the following conditions associated with women's reproductive health: analgesia for labour pains, prevention of premature birth and dental treatment for pregnant women. It also includes health problems that occur more frequently among women, such as depression, bone and joint problems, and problems that primarily affect the elderly, the majority of whom are women, such as hearing loss, vision problems, osteoarthritis of the hip and knee, and pneumonia. Health check-ups, which are also covered by the Explicit Health-Care Guarantees scheme, include prevention and detection of gynaecological cancers through Pap smears and mammograms.

115. One of the measures having the greatest impact on women is the inclusion of comprehensive dental care for pregnant women as a pilot plan for users of the National Health Fund (FONASA). Under this plan, treatment is provided by a dental surgeon as needed with a view to educating pregnant women about oral health, preventing oral health problems and promoting recuperation and oral health rehabilitation.

116. With regard to some of the primary health risk factors for women, the prevalence of obesity among pregnant women has decreased since 2001, when 33.4 per cent of women who received prenatal care through the public health-care network were obese, compared to 20 per cent of the same population group in 2008.

117. Childbirth care is provided by professionals in 99.8 per cent of live births. Disaggregated by region, this percentage ranges from 99.0 per cent to 99.9 per cent. Prenatal education with a multicultural perspective has been included as part of the new approach, and generic pregnancy and childbirth guides are distributed, as well as specially developed versions for Aymara, Mapuche and Rapanui families. Analgesia for labour pains was included in the Explicit Health-Care Guarantees scheme in 2007.<sup>98</sup> Public maternity wards have been opened up for family members, resulting in an increase between 2006 and 2009 of the number of women who are accompanied during childbirth. In 2009, as many as 75.1 per cent of women were accompanied by the baby's father or by someone else close to them during and after delivery.

118. Progress has also been made in the area of prenatal check-ups. In 2006, only 3 out of 10 women received such check-ups; by 2008, this ratio had increased to 7 out of 10.

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<sup>97</sup> See [http://www.redsalud.gov.cl/portal/url/page/minsalcl/g\\_gesauge/guias.html](http://www.redsalud.gov.cl/portal/url/page/minsalcl/g_gesauge/guias.html) for a catalogue of illnesses covered by the Explicit Health Guarantees.

<sup>98</sup> Decree No. 44 of 2007 of the Ministry of Health.

119. Measures were introduced in 2005 to prevent the transmission of venereal diseases and to increase HIV treatment. This included an increase in the availability of HIV tests for pregnant women, access to drug treatments for HIV-positive women and their children, the use of breast-milk substitutes, and the inclusion of an HIV test during pregnancy, thereby facilitating the use of therapies to reduce the risk of perinatal infection by vertical transmission from mother to child. Starting in 2006, HIV tests for pregnant women have been included under the Explicit Health-Care Guarantees Scheme Act. In 2007, the age-adjusted HIV/AIDS mortality rate was 2.3 per 100,000 inhabitants, which represents a 27 per cent reduction compared to 1999 (3.7 per 100,000 inhabitants). With the increase in coverage of antiretroviral therapies, the survival rate rose from 85 per cent in 2005 to 91.2 per cent three years later (2008), while opportunistic diseases decreased from 8 per cent to 3 per cent over the same period.

120. Also, disease prevention policies are currently being strengthened through special programmes<sup>99</sup> to promote healthy eating and living habits, decrease alcohol and tobacco consumption, and encourage participation in sports and contact with nature.

121. With regard to the so-called morning-after pill, Act No. 20.418, which deals with standards on information, counselling and services regarding birth control, was adopted on 28 January 2010. The Act establishes Government policy on sex education and free access to emergency contraceptives in the public-health system. Pursuant to the Act, all individuals have the right to receive education, information and counselling on birth control in a clear, comprehensible, complete, and, if necessary, confidential manner. This type of education and information may be provided by any means, but must be complete, without bias and cover all the alternatives authorized by law and the degree and percentage of effectiveness of each method. The aim is to equip individuals to decide for themselves about birth control methods and, in particular, to prevent teenage pregnancy, sexually transmitted diseases, and sexual violence and its consequences. This right includes the right to freely receive guidance concerning one's emotional and sexual life in accordance with each individual's beliefs or upbringing.

122. In accordance with article 1 of the Act, schools accredited by the State should include a sex education programme at the secondary level, which, in accordance with their principles and values, should encourage responsible sexuality and provide full information on the various authorized birth control methods. This should be done in a way that is in keeping with the educational approach, convictions and beliefs of each school, together with its parents and guardians association. Every individual has the right to freely choose and have access to any authorized birth control method, without any coercion, in accordance with his or her beliefs or upbringing. Furthermore, every individual has the right to confidentiality and privacy regarding their sexual behaviour and choices and regarding the methods and therapies they choose to control or plan their sex lives.

123. The public bodies making up the services network of the national health-care system, which include emergency clinics, public hospitals and municipal clinics, are required to make available to the population both hormonal and non-hormonal authorized birth control methods, such as combinations of estrogen and progestogen, progestogen-only methods, condoms and diaphragms. Emergency hormonal birth control methods, such as the morning-after pill, are also provided free of charge in the public health system.

124. Notwithstanding the above, the Government does not consider any method whose objective or direct effect is to cause an abortion to be a form of contraception and therefore

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<sup>99</sup> Some examples include: programmes for persons with alcohol and drug problems (Narcotics Control Board and National Health Fund); a programme on problem-solving in primary care for persons with severe disabilities; and a family health community centres programme (CECOF).

will not include such methods in any public policy on family planning.<sup>100</sup> As such, with regard to recommendations 19 and 20, please note that the domestic legal order in Chile protects the life of the unborn<sup>101</sup> and that all forms of abortion are expressly prohibited.<sup>102</sup>

### **Recommendation 17 of the Committee**

125. Since 1998, the country has seen a steady decline in fertility among women between 15 and 19 years of age, reaching 47.5 per 1,000 in 2004, although the rate began to rise again in 2005. The fertility rate for the 15–19 age group shows a reduction of 18 per cent between 1998 and 2007, with rates of 65 and 53.4 per 1,000 live births, respectively. The reduction in the 10–14 age group was 22 per cent in the same period (2.9 to 2.2 per 1,000 live births).

126. In 2008 the first teen-friendly areas were set up in municipal primary care facilities, and in 2009 these areas were available in 54 of the 354 administrative districts in the country. Their objective is to offer teenagers easier access to sexual and reproductive health care, mental health services and nutrition counselling in separate areas with special office hours in order to overcome the barriers teenagers encounter in health centres.<sup>103</sup>

127. The Programme to Support Biopsychosocial Development is the health component of the Chile Crece Contigo programme. Pregnant women are enrolled in the programme from the moment of their first prenatal check-up so that risk factors may be detected that could affect the future child's well-being and development. One of these factors is being under 17 years of age; in such cases, these girls are provided with extra support and information about ways to prevent a second pregnancy during their adolescence in an effort to help reduce the number of unwanted teenage pregnancies.

128. The workplan of SERNAM for 2010–2014 includes measures to strengthen the family through the coordination of public policies targeting specific groups. The policies provide for programmes for adolescents and, in particular, programmes to provide sex education, prevent teenage pregnancy and abortion, and promote adoption.<sup>104</sup>

### **Recommendation 18 of the Committee**

129. One innovative initiative has been the establishment of nurseries in schools. Pregnant teenagers from 14 to 16 years of age have had the opportunity to continue studying, without having to postpone their own development. This is gratifying because, on the one hand, young women have felt supported and included in their schools and, on the

<sup>100</sup> Article 4 of Act No. 20.418, published in the *Diario Oficial* of 20 January 2010.

<sup>101</sup> Article 1, subparagraph 2, of the Constitution, which states that “the law protects the life of the unborn”.

<sup>102</sup> Articles 342 et seq. of the Constitution. Article 119 of the Health Code was abolished by Act No. 18.826 of 15 September 1989, which states in its sole article that no action may be carried out with the intention of causing an abortion. Furthermore, Act No. 20.120, published in the *Diario Oficial* of 22 September 2006, which deals with scientific research on human beings and the human genome and which prohibits human cloning, states, in its article 1, that: “The purpose of this law is to protect the lives of human beings, from the moment of conception, and their psychological and physical integrity, as well as their genetic identity and diversity, in connection with biomedical scientific research and its clinical applications.”

<sup>103</sup> Established through Exempt Resolution No. 597/08 of the Ministry of Health.

<sup>104</sup> The teenage pregnancy prevention plan is part of the SERNAM “Committed to Life” Programme.

other hand, young children have had the chance to be nursed and looked after by their mothers during recess or breaks between classes.<sup>105</sup>

### Recommendation 20 of the Committee

130. Measures regarding sexual and reproductive health that should be mentioned include: Act No. 19.688, passed in the year 2000, which protects students who are mothers or mothers-to-be and ensures that they remain in the school system; the regulation on voluntary sterilization, which allows women to undergo sterilization without any requirement other than their own willingness to do so and grants men and women access to sterilization surgery in public health services; the approval of emergency contraception and its use in cases of rape; the approval of standards on birth control and the comprehensive programme for adolescents of the Ministry of Health; the special protection granted to children in cases of sexual offences; and the benefits of the Explicit Health-Care Guarantees scheme.

131. Since 2007, sexual and reproductive health services have been provided on the basis of the national standards on birth control established by the Ministry of Health, which recognize the right of individuals to information, to receive these services, to decide freely whether or not they wish to use them, to freely choose the methods they wish to use on an informed basis, to safety (using methods that are safe and are registered in the country), to privacy, to confidentiality and to dignity. In order to implement these standards, a two-year training programme was held for professionals of the public assistance network who provide this type of care.<sup>106</sup>

132. As many as 99.8 per cent of births are attended by health professionals,<sup>107</sup> and the maternal mortality rate<sup>108</sup> is 16 per 100,000 live births. This is the lowest rate on the continent.<sup>109</sup>

## H. Article 13: economic and social benefits

133. The social security reform<sup>110</sup> begun in 2008 has changed the lives of older adults in Chile, improving the quality of life for thousands of Chileans and reducing poverty levels among older persons. Dignity in old age has been strengthened by giving more autonomy to persons in that stage of life. As many as 75 per cent of applications for benefits under this reform are from women, which shows that the welfare reform truly has a woman's face.

134. The social security reform thus represents a great step forward for women. It provides for benefits such as the basic solidarity pension (PBS), which is intended for those who were unable to contribute to the pension system during their working life or who contributed inconsistently or on the basis of low wages because they had devoted their lives to caring for their families or because of unfavourable conditions in the labour market.

<sup>105</sup> Information extracted from the document "Cuenta Pública JUNJI Gestión 2006–2009" (Public Account of the National Kindergartens Board Management, 2006–2009). See [www.junji.cl](http://www.junji.cl).

<sup>106</sup> Technical Standards and Clinical Guidelines on Birth Control of the Ministry of Health, the Chilean Institute of Reproductive Medicine, and the Chilean Association for Protection of the Family, 2007.

<sup>107</sup> Data from *The State of the World's Children* by the United Nations Children's Fund (UNICEF), 2009. Percentage of births attended by skilled health personnel (doctors, nurses or midwives).

<sup>108</sup> Worldwide causes of maternal mortality: haemorrhage – 25 per cent, infections – 15 per cent, eclampsia – 12 per cent, dystocic delivery – 8 per cent, unsafe abortion – 13 per cent, other direct causes – 8 per cent. UNICEF, 2007.

<sup>109</sup> Data from *The State of the World's Children*, UNICEF, 2009. Maternal mortality rate.

<sup>110</sup> Act No. 20.255, published in the *Diario Oficial* of 17 March 2008. See: [www.subprevisionsocial.cl](http://www.subprevisionsocial.cl).

Another measure that should be mentioned is the solidarity insurance contribution (APS), which supplements the social security funds of individuals who have less money in their fund than the minimum required to receive a pension. This is very important in the case of women who, because they have devoted themselves to their role as a mother, have been unable to pay contributions during certain periods of their life.

135. The social security reform also includes a benefit that is paid to women on the basis of each live-born or adopted child. This payment increases women's pensions as a means of partially recompensing them for the contribution that they make to society as mothers. The benefit consists of a cash contribution deposited by the State directly into the woman's Pension Fund Administrator (AFP) account, thereby increasing her social security funds and thus her final pension. In this way, the new social security provisions seek to ensure a more dignified old age for Chilean women.

## **I. Article 14: rural women**

136. As of 2007, there were 945,000 women living in rural areas, 419,000 women living on agricultural or tree farms, 221,300 women living in the homes of farm managers, 130,600 women working on family farms, 80,000 women working as farm managers and 166,000 women employed as agricultural workers during the high season.<sup>111</sup>

137. Women are playing a larger role in all spheres of the agricultural sector:

(a) Some 30 per cent of rural holdings are managed by women, whereas in 1997 women managed less than 22 per cent of such enterprises;

(b) Women provide 41 per cent of the family labour devoted to on-farm work, whereas in 1997 they provided 30 per cent;

(c) The participation of women in seasonal agricultural work grew from 25 per cent to 34 per cent in the period 1997–2007;

(d) The significant increase in the number of rural holdings managed by women can be observed at all economic levels, though it is slightly more notable in the case of small-scale holdings.

138. Although rural holdings with a woman manager represent 30 per cent of the total, they contribute only 22 per cent of the gross value of production, control 22 per cent of total assets and generate 27 per cent of employment in this sector.

## **J. Article 15: equality before the law**

### **Recommendation 9 of the Committee**

139. With regard to the bill amending the matrimonial property regimes, it should be noted that in 2001 a complaint was filed before the Inter-American Commission on Human Rights against the State of Chile for having violated the rights and guarantees set out in the American Convention on Human Rights (Pact of San Jose, Costa Rica) and the Convention on the Elimination of All Forms of Discrimination against Women, inasmuch as they require the country to respect the equality of persons before the law and the right to judicial protection (Case No. 12.433 of 2001, Sonia Arce). On 4 August 2010, the State received a

<sup>111</sup> "Situación de las Mujeres en el Sector Silvoagropecuario. Avances y Desafíos Pendientes en Materia de Equidad de Género" (The situation of women in the agroforestry sector: advances and remaining challenges regarding gender equity), Ministry of Agriculture, December 2009.

notice from the Inter-American Commission on Human Rights stating that the amicable settlement signed in 2007 had been terminated as a result of the complaint filed by the representatives of Ms. Sonia Arce, in which she argued that Chile had failed to comply with the settlement agreement because the bill amending the matrimonial property regime had not been approved by Congress. In response to this situation, the Government has been working on a new bill for early submission to Congress for final approval. The representatives of Ms. Sonia Arce were informed of this and, in November 2010, they and the State of Chile issued a joint communication to the Inter-American Commission on Human Rights expressing their willingness to renew the amicable settlement agreement signed in 2007.

140. By virtue of the above, the amicable settlement agreement was renewed, pending the delivery of a presidential message to Congress calling up on it to consider the proposed amendments to the Civil Code and other laws on matrimonial property. The primary changes proposed in the bill are that both men and women may serve as administrators of matrimonial assets and that each spouse has the right to administer his or her own property.

## **K. Article 16: marriage and the family**

141. The adoption of Act No. 20.152<sup>112</sup> has simplified the collection of maintenance payments by making the respondent responsible for providing the court with information on his or her income and the financial records relating to maintenance payments. Act No. 20.239<sup>113</sup> provides that economic compensation received in connection with the termination of a marriage through divorce or annulment is not subject to income tax. With this measure, the Government has sought to ensure that persons who have devoted themselves to raising children or homemaking should receive the corresponding economic compensation in full. Act No. 20.286<sup>114</sup> has adapted the family justice system by increasing the number of judges and court officials and creating specialized units to ensure compliance with court decisions. This law also simplifies divorce proceedings and broadens protection measures in cases of domestic violence, among other measures. Lastly, Act No. 20.383,<sup>115</sup> which deals with the departure of minors from the country, simplifies the procedure to be followed by a parent to obtain court authorization to take a minor out of the country in cases where the other parent has failed to comply with a court-ordered or agreed visitation arrangement.

### **Recommendations 21 and 22 of the Committee**

142. The minimum age of marriage established in Chilean civil law is, in fact, 18 years both for men and for women. If either of the future spouses is between 16 and 18 years of age, he or she must have the authorization or consent of the relative responsible by law for granting such authorization, under penalty of losing their inheritance rights if this legal requirement is not met.<sup>116</sup> Nevertheless, as shown in figure No. 14 below, most individuals

<sup>112</sup> Act No. 20.152, published in the *Diario Oficial* of 9 January 2007.

<sup>113</sup> Act No. 20.239, published in the *Diario Oficial* of 8 February 2008.

<sup>114</sup> Act No. 20.286, published in the *Diario Oficial* of 15 September 2008.

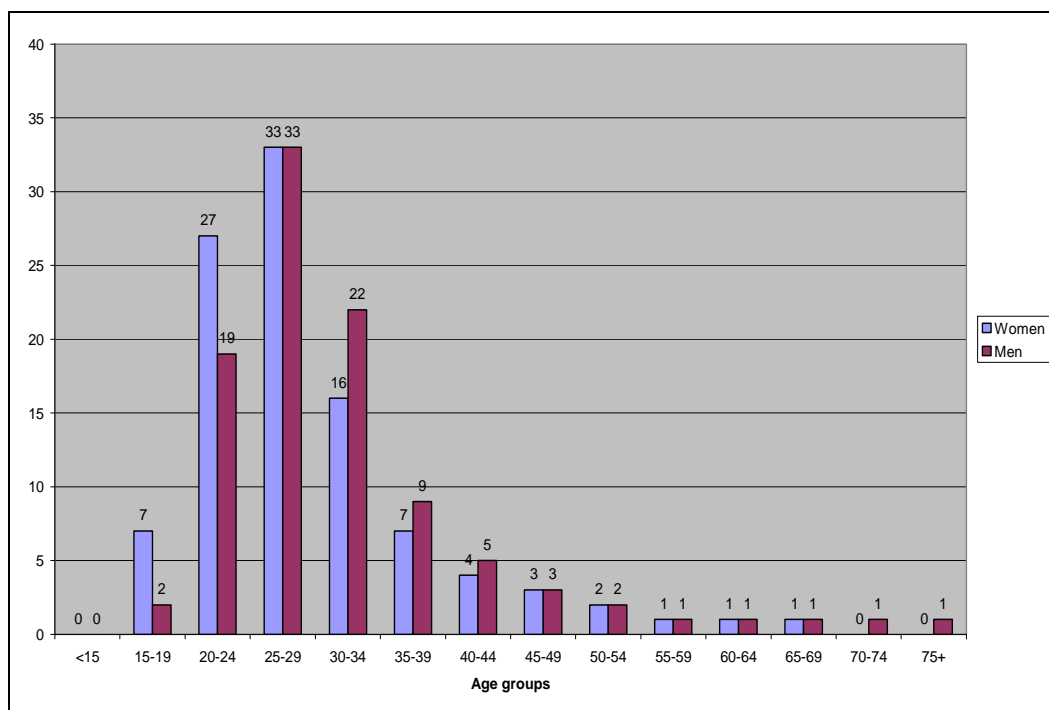
<sup>115</sup> Act No. 20.383, published in the *Diario Oficial* of 24 September 2009.

<sup>116</sup> Articles 106 et seq. of the Civil Code of the Republic of Chile. (a) Article 106: "Individuals 18 years of age or older are not required to obtain consent from anyone"; (b) Article 107, paragraph 1: "Individuals under 18 years of age may not marry without the express consent of their parents; if the individual has only one parent, the consent of that parent is required, and if the individual has neither parent, the consent of the nearest adult relative or relatives is required"; (c) Article 114: "If an individual under the age of 18 marries without obtaining the consent of an adult relative as required,

enter into marriage between 20 and 34 years of age, and very few do so before reaching 20 years of age.

Figure 14

**Chile: Percentage distribution of marriages, by the age and sex of the future spouses (2007)**



Source: In-house calculations based on data from the National Statistical Institute (2009b).

then that individual may be disinherited, not only by the person or persons whose consent was required, but by all his or her relatives in the ascending line.”