



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the eighth periodic report of Chile*

General

1. Please provide information and statistics, disaggregated by age, disability, ethnicity, nationality, geographical location and socioeconomic background, on the current situation of women and girls in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, as well as in the light of the Committee's previous concluding observations (CEDAW/C/CHL/CO/7, paras. 17 (a), 27 (b) and 29),¹ please indicate how the State party has enhanced the collection, analysis and dissemination of data pertaining to the areas covered by the Convention so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered herein.

Women's rights and gender equality in relation to the pandemic and recovery efforts

2. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals, in order to uphold the rights of women and girls. Particular attention should be given to reporting on the differentiated impact on women belonging to ethnic or national minorities, including indigenous women and women of African descent. Please indicate the actions taken to ensure that, in the context of sanitary measures and post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all

* Adopted by the pre-sessional working group on 5 March 2021.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



COVID-19 crisis response and recovery efforts, including the State party's emergency provisional measures: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making on the recovery, their own economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic do not limit access by women and girls, including those belonging to disadvantaged and marginalized groups, to justice, education, employment and health care, including sexual and reproductive health services, and protection from gender-based violence.

Visibility of the Convention and the Optional Protocol

3. Please provide information on efforts to give visibility to the Convention, the communications and inquiry procedures provided for under the Optional Protocol and the Committee's general recommendations, so that they are made an integral part of the training of judges, lawyers, prosecutors, police officers and other law enforcement officials. Please also provide information on measures taken to disseminate the Committee's previous concluding observations. Please report on measures taken to establish a national mechanism for reporting and follow-up.

Constitutional and legislative framework

4. In the light of the Committee's previous recommendations (para. 13 (a)) and its follow-up assessment of 2020, please provide information on measures taken to ensure that the draft bills relating to discrimination against women incorporate a legal definition of all forms of discrimination against women, covering direct, indirect and intersecting forms of discrimination in the public and private spheres; and report on steps taken to ensure that the definition is also taken into account in the process of drafting the new constitution. Please also provide information on measures taken to establish the principle of formal and substantive equality between women and men, in accordance with article 2 (a) of the Convention.

Women's access to justice

5. In the light of the Committee's previous recommendations (para. 15) and its general recommendation No. 33 (2015) on women's access to justice, please provide information on the achievements made and challenges encountered in ensuring that women, especially women belonging to disadvantaged and marginalized groups, have access to justice in cases of gender-based discrimination. Please elaborate on the efforts undertaken: to increase access for women and girls to free legal aid; to shift the burden of proof in such cases and provide judicial remedies; and to take measures to combat the fear of potential stigmatization and victimization for affected women. Please provide information on the progress made in enabling women to exercise their rights to equality and non-discrimination, including by lodging legal complaints and seeking remedies for violations of their rights. Please indicate the outcomes of such cases and whether the Convention has been invoked directly before the courts. Please provide data, disaggregated by sex, age, disability, ethnicity, nationality and sexual orientation, on the number of cases of gender-based discrimination reported over the past four years and on cases in which compensation was awarded to victims. Please provide information on measures taken: to address numerous reports by women concerning the excessive use of force, including torture and ill-treatment, by law enforcement officials during the social demonstrations that were held in October 2019; to punish the perpetrators; and to provide compensation to victims.

National machinery for the advancement of women

6. In the light of the Committee's previous recommendations (para. 17 (b)) and its follow-up assessment of 2020, please provide information and data on: the human, technical and financial resources allocated to the Ministry of Women and Gender Equity since February 2018 and the impact of the COVID-19 crisis on the implementation of its fourth national plan on equality between women and men, as well as the measures taken to mitigate that impact. Please also provide information on whether a gender perspective has been integrated into the draft second national action plan on human rights and into plans to strengthen the National Human Rights Institute. Please provide information on measures taken to reinforce the integrated approach to gender mainstreaming and introduce effective monitoring and accountability mechanisms. Please inform the Committee about strategies in place for monitoring gender budgeting and their impact on women's rights. Please provide information on any efforts made to take into account the 2030 Agenda for Sustainable Development and the Beijing Platform for Action in measures to give effect to the Convention. Please also provide information on measures taken to enhance coordination with civil society and include disadvantaged groups of women in the design and implementation of public policies and programmes.

Temporary special measures

7. Please provide information about policies, programmes and plans for the development, implementation and monitoring of temporary special measures to achieve substantive equality between women and men, particularly with reference to the participation of women in political life and public decision-making, and to address women's underrepresentation in decision-making positions and in such areas as employment, education and access to economic support, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures. Please also provide information, supported by statistical data disaggregated by urban or rural area and sector, on the groups of women targeted by temporary special measures and on the budget and time frames for implementing such measures, in particular with regard to women with disabilities, older women, migrant, refugee and asylum-seeking women, indigenous women and women belonging to ethnic minorities.

Gender-based violence against women

8. In the light of the Committee's previous concerns and recommendations (paras. 24–25) and its follow-up assessment of 2020, please report on:

(a) Progress made in the adoption of the draft law on the right of women to a life free from violence (bill No. 11077-07);

(b) Measures taken to ensure that the intersecting nature of violence and discrimination is recognized under the law, in particular with regard to migrant women, indigenous women, women with disabilities and lesbian, bisexual and transgender women and intersex persons;

(c) The availability of adequate support services, including access to shelters and rehabilitation, for women and girls who have been subjected to gender-based violence, in particular women and girls belonging to disadvantaged and marginalized groups, throughout the territory of the State party;

(d) Measures taken to ensure access to justice for all victims of gender-based violence and to strengthen the capacity of police officers, prosecutors and judges at the federal, state and local levels on the strict application of the relevant criminal law

provisions and gender-sensitive investigation methods in cases of gender-based violence;

(e) Measures taken to implement gender training and capacity-building for judges in criminal cases involving gender-based violence.

9. In the light of the Committee's previous recommendations (para. 25 (c)), please provide information on measures taken: to amend Act No. 20.480 on femicide to expand the definition of femicide to include all gender-motivated killings; to intensify measures to prevent femicide; and to ensure the investigation, prosecution and conviction of perpetrators.

Trafficking and exploitation of prostitution

10. Recalling the Committee's previous recommendations (para. 27) and its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, please outline the steps taken towards the establishment of an independent mechanism with adequate human, technical and financial resources to collect and analyse disaggregated data on trafficking in persons and study the extent of the problem in the State party. Please describe measures taken to allocate adequate resources for the implementation of Act No. 20.507. Please provide information on measures taken to enhance international, regional and bilateral cooperation with transit and destination countries to prevent trafficking. Please inform the Committee about: steps taken towards the creation of a uniform national system of identification, referral and follow-up for women who are victims of trafficking; awareness-raising campaigns and training programmes on trafficking in women and girls; and assistance provided to victims, including psychosocial support, crisis shelters, compensation and restitution. Please provide information, supported by statistical data, on the prosecution and adequate punishment of perpetrators of trafficking-related crimes. Please also provide information on measures, including hotlines accessible throughout the territory of the State party, that have been taken to address the root causes of sexual exploitation and trafficking and to reduce the risk of women and girls being subjected to sexual exploitation and trafficking. Please provide information on the provision of educational and alternative income-generating opportunities for women and girls in prostitution, to make them less vulnerable to all forms of sexual exploitation and trafficking.

Participation in political and public life

11. In the light of the Committee's previous recommendations (para. 29), please provide information on the evaluation of Act No. 20.840, along with disaggregated data on trends in women's participation in decision-making and in the field of diplomacy. Please also provide information on measures taken to ensure the correct interpretation of the parity clause to be applied in the election of members of the Constitutional Convention planned for 2021. Please indicate measures envisaged by the Government and the Ministry of Women and Gender Equity to promote and include a gender perspective in the new constitution, as well as measures taken to ensure the allocation of adequate human, technical and financial resources. Please provide information on measures taken to promote parity at all levels, in particular at the local and municipal levels, and at decision-making levels in the private sector. Please also provide information on awareness-raising campaigns aimed at eliminating patriarchal attitudes and stereotypes and at highlighting the importance of women's full and equal participation in political and public life, including through representation in decision-making positions.

Women human rights defenders

12. In the light of the Committee's previous recommendations (para. 31), please provide information on measures taken to ensure the safety of women human rights defenders and to prevent and investigate attacks, discrimination, harassment, intimidation, reprisals, killings and threats against their life and integrity. Please provide statistical data on intimidation and reprisals against women human rights defenders, including the types of sentences imposed on the perpetrators and information on the reparations, rehabilitation services and compensation provided to victims.

Nationality

13. In the light of the Committee's previous recommendations (para. 33), please provide updated information on the implementation of the "Chile Reconoce" programme, as well as updated and disaggregated data on the reportedly increased number of children who are still registered as "children born to foreigners in transit", and on measures taken to expedite the regularization process to grant Chilean nationality to those children through the rectification of birth certificates.

Education

14. In the light of the Committee's previous recommendations (para. 35), please provide information on:

(a) Enrolment rates for women and girls, in particular indigenous women and girls, in primary, secondary and tertiary education in urban and rural areas;

(b) Steps taken to overcome reported inequalities in access to education at all levels, in particular for women and girls with disabilities, migrant, refugee and asylum-seeking women and girls, indigenous women and girls, and women and girls belonging to ethnic minorities, and in access to vocational training for older women;

(c) Efforts made to address discriminatory stereotypes and structural barriers and to promote non-traditional educational choices by girls and women in such fields as science, technology, engineering, mathematics and information and communications technology;

(d) Measures taken to fully implement the joint protocol of the Ministry of Women and Gender Equity and the Office of the Superintendent of Education to ensure that support mechanisms are in place to encourage pregnant girls and young mothers to continue their education;

(e) Measures taken to revise curricula to eliminate gender stereotyping and to institute mandatory training for teaching staff at all levels of education on gender issues and sensitivity and the impact of gendered behaviour on teaching and learning processes;

(f) Measures taken to increase the number of women in the highest positions in academic institutions, in order to promote substantive equality between women and men.

15. Please provide information on measures taken to develop and introduce digital technologies in order to reach girls in all areas of the State party and ensure their continued education in the context of the COVID-19 pandemic. Please also provide information on measures taken to promote human rights education in schools that includes a focus on the Convention and addresses the empowerment of women and girls.

Employment

16. In the light of the Committee's previous recommendations (para. 37), please provide information on:

(a) The steps taken to address the elimination of discrimination against women in employment, including the adoption and implementation of temporary special measures to reduce gender inequalities in the labour market in terms of both horizontal and vertical segregation, in relation to women belonging to disadvantaged groups, including indigenous women, women with disabilities and migrant women, in the public and private sectors;

(b) The rate of unemployment among women;

(c) The gender pay gap and measures to ensure full respect for the principle of equal pay for work of equal value in both the public and private sectors, including progress made towards the amendment of Act No. 20.348 of 2009 and the draft law to amend the Labour Code (bill No. 9.322-13) to adopt a clear definition of the principle of equal pay for work of equal value;

(d) The disproportionate negative impact of the COVID-19 crisis on women and measures taken to mitigate it;

(e) The integration into the formal labour market of women working in the informal sector, including those earning less than the minimum wage, in particular women domestic workers and rural women, and measures taken to ensure the full implementation of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization;

(f) The availability of social security provisions for self-employed women and women entrepreneurs in microenterprises and small enterprises.

17. Please provide detailed information on the efforts undertaken to promote the equal sharing of household and parental responsibilities between women and men, including by reviewing labour and social security legislation. Please report on the status of implementation of legislative and other measures to prevent, monitor and remedy sexual harassment and discrimination in the workplace, including steps taken to ratify and raise awareness of the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.

Health

18. In the light of the Committee's previous recommendations (para. 39) and in line with its general recommendation No. 24 (1999) on women and health, please provide information on measures taken to extend the scope of Act No. 21.030 to decriminalize abortion in all cases, and on barriers impeding the implementation of the Act, as well as on measures taken to ensure continued access to modern contraceptives for the prevention of unwanted pregnancies, including long-term methods and emergency contraception, in particular during the COVID-19 pandemic. Please describe any measures adopted to ensure that all women, in particular indigenous women in rural areas and women with disabilities, are provided with suitable and effective access to safe abortion and post-abortion care services, and psychological support in the case of women and adolescent girls who have been subjected to sexual violence. Please provide information and data on the reportedly increased incidence of obstetric violence, in particular in the context of the pandemic, and on measures taken to ensure effective access to justice and comprehensive reparations for all victims.

19. Please provide information on the measures taken to protect the lives and health of women health workers, who make up the majority of such workers, during the

COVID-19 pandemic. Please report on the progress made towards the introduction of comprehensive, age-appropriate, evidence-based and scientifically accurate education on sexual and reproductive health and rights, responsible sexual behaviour, the prevention of early pregnancy and sexually transmitted infections, and HIV/AIDS, and report on the allocation of human, technical and financial resources for its implementation, including its incorporation into all school curricula.

Economic empowerment of women

20. In the light of the Committee's previous recommendations (para. 41 (b)), please provide information on progress achieved in the review of the pension system to eliminate the provisions that discriminate against women and the gaps that prevent women from receiving the same pensions as men. Please report on measures taken to promote equal access to all sports facilities for women and girls and encourage their participation in recreational and competitive sports (para. 41 (c)).

Women and girls in detention

21. Please provide information, including statistical data for the past four years, disaggregated by age, disability, ethnicity and nationality, on the situation of women and girls in detention, in particular regarding their legal status, the reported high detention rates of women and girls, overcrowding in women's prisons, the deteriorating conditions of detention, and the number of pregnant women, mothers (including nursing mothers), women convicted for criminal offences related to abortion, women infected with COVID-19 and deaths in detention owing to COVID-19, and women's access to adequate health-care facilities, including access to obstetric and gynaecological care. Please indicate the measures taken to ensure that women in detention, in particular girls, are protected against sexual violence and abuse and are guaranteed access to food, health services and family visits. Please provide information, supported by statistical data, on the impact of Act No. 21.228 (2020) on the general commutative pardon and the number of women who have benefited from it since its adoption. In the light of the Committee's previous recommendations (para. 49), please also provide information on whether the planned reform of the prison system includes a gender perspective, as well as on measures taken to adopt non-custodial sanctions and measures for women instead of imprisonment. Please indicate whether all measures taken conform to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Disadvantaged and marginalized groups of women

22. Please provide comprehensive statistical data, disaggregated by age, ethnicity, nationality, geographical location and socioeconomic background, on the situation of women belonging to disadvantaged or marginalized groups, such as indigenous women, rural women, women belonging to ethnic minorities, migrant, asylum-seeking and refugee women, older women, women affected by poverty, women and girls living on the street, women with disabilities or women taking care of family members with disabilities or older family members, and other women facing multiple and intersecting forms of discrimination, in all areas covered by the Convention. In particular, please provide information on:

(a) *Indigenous women*. In the light of the Committee's previous recommendations (para. 47), please provide information on measures taken to establish a ministry for indigenous peoples and on whether the human rights strengthening plan (2019) of the Carabineros (police) includes a gender perspective. Please indicate how the Plan will guarantee the rights of indigenous women and girls; formally recognize indigenous women's land tenure and ownership, eliminate

discriminatory norms and customs that limit their access to land ownership; ensure systematic consultations to seek the free, prior and informed consent of indigenous women regarding the use of their natural resources and lands; and ensure the full participation of indigenous women in all processes affecting them;

(b) *Women with disabilities.* Please provide updated information on the current status of bill No. 11357-11 (03-08-2017), amending Act No. 20.584 and the Criminal Code to prohibit the permanent sterilization of persons with disabilities under 18 years of age, bill No. 10563-11 and bill No. 10755-11 on the protection of mental health and bill No. 12441-17 (2019) on the autonomy of persons with intellectual and psychosocial disabilities. Please provide information on measures taken by the State party to include women and girls with disabilities in all policies and strategies to promote equal opportunities for women and men, in particular with regard to access to justice, political participation, employment, protection against violence and access to sexual and reproductive health and poverty reduction programmes. Please report on measures taken to protect women with disabilities living in institutions from violence and abuse involving physical and medical restraints. Please provide information on how free and informed consent is ensured for women with disabilities prior to any medical treatment being provided to them, as well as any existing exceptions to that universal right;

(c) *Migrant, refugee and asylum-seeking women.* In the light of the Committee's previous recommendations (para. 45), please provide information on measures taken to adopt legislation and protocols to conduct the refugee status determination process in a gender-sensitive manner and with full respect for the procedural rights of women. Please inform the Committee of measures taken to ensure that legislation on migration thoroughly addresses the risks faced by women who are victims of persecution in their countries of origin, in particular lesbian, bisexual and transgender women and intersex persons and women of African descent from Colombia and Venezuela (Bolivarian Republic of). Please provide information on measures taken to ensure that all migrant, refugee and asylum-seeking women have access to basic social services and emergency medical care and are protected from sexual and labour exploitation.

Marriage and family relations

23. In the light of the Committee's previous recommendations (para. 51), please provide information on the current status of bills Nos. 7567-07 and 5907-13 amending the Civil Code and other legislation on the matrimonial property regime, the draft law on same-sex marriage (bill No. 11422-07) and the amendment to bill No. 9850-18 to raise the minimum age of marriage to 18 years without exceptions.

Climate change and disaster risk reduction

24. In the light of the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide information on measures taken by the State party to limit carbon emissions, fossil fuel use, near-surface permafrost degradation, soil degradation and transboundary pollution, including the dumping of toxic waste, in particular at Sitio F and Quebrada Encantada, Arica, and all other environmental, technological and biological hazards and risks that contribute to climate change and disasters, which tend to have a disproportionate negative impact on women and girls. Please report on measures or policies in place to ensure that the waste pile, currently stored at Sitio F and Quebrada Encantada, does not continue to negatively affect women and girls in the neighbouring communities. Please provide information on measures taken to ensure that climate change, agricultural, energy and environmental policies, including those related to large-scale agro-industrial and development projects, take into

account the differentiated and disproportionate impact of climate change on women in order to better integrate a gender perspective into relevant policies and programmes and to ensure the effective participation of women, including indigenous women and women belonging to ethnic minorities, in decision-making processes on climate change with the aim of establishing legal frameworks on adaptation and disaster risk reduction that are responsive to gender equality and the rights of women.

Additional information

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and any other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2018. Such measures may include recent laws, developments, plans and programmes, recent ratifications of human rights instruments or any other information that the State party considers relevant. Please note that, further to the issues raised herein, the State party will be expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.
