



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

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

**Pre-session working group**

**Thirty-sixth session**

7-25 August 2006

**List of issues and questions with regard to the consideration  
of reports**

**Chile**

**Introduction**

1. The pre-session working group examined the fourth periodic report of Chile (CEDAW/C/CHI/4).

**Constitution, laws and national mechanisms**

2. The fourth periodic report mentions that various ministries and public services were involved in the drafting of the report. Please indicate whether non-governmental organizations and women's groups were involved in this process.

3. Please provide updated information on the draft legislation and amendments mentioned in the report (paras. 46-88), on the constitutional reform bill (paras. 89-91) and the Criminal Procedures Reform (para. 117).

4. Please include updated information on major achievements and challenges in implementing the Equal Opportunity Plan for Women and Men for the years 2000-2010 on the basis of follow-up and monitoring by the Council of Ministers on Equal Opportunity (para. 100). Please also provide information on the results of the work of the National Office for Women's Affairs (SERNAM) in incorporating the gender perspective into the new institutions and procedures (para. 117).

**Violence against women**

5. In August 2005, Chile adopted the Domestic Violence Act, which, inter alia, recognizes habitual abuse. Please indicate whether a court must approve protection measures for persons at imminent risk of becoming domestic violence victims.

6. In a study carried out by the Economic Commission for Latin America and the Caribbean (ECLAC), overuse of the reconciliation mechanism was identified as one way in which civil court decisions on this matter were inefficient and ineffective, as trials were closed without ending the violence.<sup>1</sup> Please indicate the percentage of cases of domestic violence to which the reconciliation mechanism is applied. Describe any efforts that have been made or will be made to prevent excessive reliance on reconciliation in cases of domestic violence and to guarantee respect for women's human rights.

7. The report mentions that interventions by the Centres for the Prevention of Domestic Violence and Comprehensive Care of its Victims are being evaluated and reviewed (para. 330). Please indicate the status of this process and the extent to which the new Domestic Violence Act has had an impact on the Centres and their services. Please also indicate where these Centres are located and whether rural and indigenous women have access to them.

8. According to the report, the figure for women who have declared that they have suffered some type of violence is greater in the rural areas (para. 334). The report also states that to address violence against women in rural families, a strategy has been adopted for creating local support and prevention networks (para. 336). Please provide additional details on this strategy, its impact and existing evaluation mechanisms.

9. The Committee against Torture, in considering the State party's third periodic report submitted to it, recommended that the State party should eliminate the practice of extracting confessions for prosecution purposes from women seeking emergency medical care as a result of illegal abortion, and investigate and review convictions where statements obtained by coercion in such cases have been admitted into evidence (CAT/C/32/5, para. 7 (m)). Please describe any measures taken in this connection.

#### **Trafficking in women and exploitation of prostitution**

10. The report indicates that there are no known statistics on trafficking in persons, and that Chile has not ratified the major international instruments in this area (paras. 356 and 357). Please indicate whether studies have been carried out or are being planned to assess the existence and scale of the phenomenon of trafficking in women and children in Chile. Include information on any efforts being made to identify and prevent trafficking in women and children and to promote the ratification of the relevant instruments.

#### **Political and public life**

11. Please provide updated information on the draft bill on quotas submitted in 2003 (para. 159).

#### **Education**

12. Please provide information on actions taken to promote the application of Law No. 19.688, which embodies the right of access to educational establishments by

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<sup>1</sup> *Buenas prácticas para la erradicación de la violencia doméstica en la región de América Latina y el Caribe*, serie *Mujer y desarrollo*, No. 75 (ECLAC, Santiago, 2005).

female students who are pregnant or nursing (para. 51). In particular, please provide information on the impact of the “High School for All” programme (para. 54).

13. Please provide updated information on the proposal to incorporate sex education in the educational centres, in particular the status of the proposal on responsible sexuality (para. 22), the results of the pilot project on training and instruction on sexuality for principals and teachers in eight of the country’s communes and the proposal to create support networks for pregnant girls and adolescent mothers. If they have been already been implemented, please describe their impact.

### **Employment**

14. The report indicates that the female labour force is better educated than the male labour force; yet women have higher unemployment rates than men, and their jobs are more vulnerable in times of economic difficulty (paras. 206 and 207). Please indicate any specific measures that have been planned or carried out to overcome this situation and ensure equal access to the labour market.

15. The report indicates that since 2000, SERNAM has stepped up the pace of its work with entrepreneurs in general, and with certain productive sectors in particular, with the objective of ending gender-based occupational discrimination (para. 207). Please describe progress and achievements in this regard.

16. According to the report, employment is still segmented by sex and most women continue to hold jobs that society considers as “women’s work” (para. 40). Please provide updated information on the development and impact of the joint actions by SERNAM and the National Training and Employment Service (SENCE) to reduce occupational segmentation for women and their difficulties in obtaining occupational training (para. 240). In particular, please provide information on the impact of the persistence of stereotypes on the role of women in the labour market.

17. The report indicates that women whose working careers are interrupted by the arrival of children are at a disadvantage with regard to the amount of their pensions (para. 213). Have any short-term measures to eliminate these disadvantages been contemplated?

18. Please indicate whether a study on the impact of the privatization of the social security system on women’s access to pensions has been carried out or is being planned.

19. Please provide updated information on the draft legislation to eliminate the prohibition on receiving two or more pensions from the same fund, which would benefit widows (para. 251).

### **Health**

20. In 1997, the Ministry of Health and SERNAM initiated the Women’s Health Programme and in 2002, 75 per cent of services it provided were related to sexual and reproductive health (para. 269). Please indicate progress and achievements of the Programme, particularly in respect of adolescents, and poor and rural women. Are there any specific strategies for those groups of women?

21. Please indicate whether the Ministry of Health has a plan to ensure the effective distribution of and access to emergency contraceptive methods at all women's health centres that need it, regardless of mayoral opposition for reasons of conscience. Since local governments are responsible for ensuring primary health care, please indicate any measures the central Government will take vis-à-vis local authorities that do not comply with the technical regulation of the Ministry of Health. Please also indicate whether there are plans to review the policies of certain municipalities that require a court finding of a violation before women are granted access to emergency contraceptive methods.

22. Please indicate any plans the Ministry of Health has to ensure that public and private health centres do not violate the regulation on voluntary sterilization by requiring the consent and signature of the husband when a woman requests sterilization.

23. The measures undertaken in June 2005 by the Deputy Director of the North Santiago Metropolitan Health Service violate adolescents' right to health and constitute sex-based discrimination, as health-care providers are encouraged to report to the Attorney General's office all sexual activity by girls under 14 years of age or who become pregnant, even if it was a result of sexual violence. Please indicate any measures the State will undertake to ensure that adolescents under 14 years of age will have access to reproductive health services in confidentiality and without fear that their sexual activity will be reported to the Attorney General's office.

24. In examining the State party's third periodic report, the Committee recommended that the Government consider reviewing the laws relating to abortion with a view to their amendment, in particular to provide safe abortion and to permit termination of pregnancy for therapeutic reasons or because of the health, including the mental health, of the woman.<sup>2</sup> The fourth periodic report indicates that the Government has no plans to decriminalize abortion during its term of office, because conditions are not yet ripe for addressing the issue in public debate, not even in terms of therapeutic abortion (para. 285). Please indicate whether there is any initiative to promote a democratic dialogue between the Government and non-governmental organizations and women's groups on this issue. Also, please report on the status of the draft Law on Sexual and Reproductive Rights (para. 283).

25. According to the report, one of the most serious problems in the current health insurance system is the differing premiums that people must pay as a function of their sex, age and other risk factors (para. 272). Please indicate the status of the Universal Access with Explicit Guarantees (AUGE) system aimed at eliminating such discrimination in the health system.

26. In examining the State party's third periodic report submitted to it, the Committee on Economic, Social and Cultural Rights expressed concern at the increase in the incidence of HIV/AIDS and sexually transmitted infections (STIs) among young women (E/C.12/1/Add.105, para. 27). In that connection, it recommended that the State party intensify its efforts, including through public information campaigns, to control the spread of sexually transmitted infections.

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<sup>2</sup> Report of the Committee on the Elimination of Discrimination against Women, *Official Records of the General Assembly, Fifty-fourth session, Supplement No. 38 (A/54/38/Rev.1)*, para. 229.

Please indicate any measures that have been taken to this end and report on their impact.

#### **Rural and indigenous women**

27. Please indicate the status of the proposal by the rural round table concerning the development of new public institutions to promote initiatives for rural women (paras. 384 and 385). If it has already been adopted, please describe the activities carried out and their impact. Please also indicate any efforts being undertaken to ensure access to health services by this group of women.

28. Please report on the status of the workplan (2003-2006) of the Social Defence Division of the Ministry of Justice for indigenous peoples (para. 403) that includes actions to prevent discrimination. Please also identify actions that are planned or have been carried specifically for indigenous women, in particular Mapuche women. Please report on the impact of any action undertaken thus far.

#### **Marriage and family relations**

29. It says in the report that there is a tendency towards less formal partnership relations (para. 23). Please indicate whether cohabitation/partnership is a legally recognized civil status at this time and whether women's rights are protected in de facto unions.

30. The Committee on the Rights of the Child, in examining the State party's second periodic report submitted to it, recommended that it review its legislation with regard to the minimum age for marriage (12 years of age for girls and 14 years of age for boys with the parents' consent), even if this provision is not implemented in practice (CRC/C/15/Add.173, paras. 22 and 23). Please indicate whether this legislation has been reviewed.

#### **Optional Protocol**

31. Paragraph 93 of the report mentions that the Optional Protocol was approved by the Chamber of Deputies in plenary. Paragraph 94 indicates that it was not approved in the Senate owing to intense opposition campaigns in the media and the opposition of the country's highest ecclesiastical authority, who appeared before the Senate Committee. Please indicate the most recent advances with respect to ratification of the Optional Protocol and any measures that have been taken to promote a democratic and inclusive dialogue on this issue.

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