



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

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## Committee on the Elimination of Discrimination against Women

Fifty-third session

1–19 October 2012

### List of issues and questions with regard to the consideration of periodic reports

#### Chile

The pre-session working group considered the combined fifth and sixth periodic report of Chile (CEDAW/C/CHL/5-6).

#### General

1. The report states that it was drafted jointly by the National Service for Women (SERNAM) and the Office for Human Rights at the Ministry of Foreign Affairs (CEDAW/C/CHL/5-6, para. 2). Please describe the consultation process and indicate which other Government institutions were involved therein and whether the report was adopted by the Government and presented to the Parliament. Please explain if and to what extent non-governmental organizations, particularly women's organizations, were involved in this process.

#### Constitutional, legislative and institutional framework

2. The report refers to article 19, paragraph 2, of the Constitution, which reiterates the interdiction against arbitrary discrimination (CEDAW/C/CHL/5-6, para. 9). Please indicate if the definition of discrimination against women encompasses both direct and indirect discrimination, in accordance with article 1 of the Convention, and extends to acts of discrimination by public and private actors, in line with article 2. Please also indicate whether there are any cases where the Convention has been directly applied or referred to by domestic courts.

#### National machinery for the advancement of women

3. Please provide the Committee with detailed and updated information on the current status (structure, functions and services) of SERNAM, as well as the human and financial resources allocated to support the implementation of the Gender Agenda 2010–2014. Please also provide updated information on the role of the Ministerial Council for Equal Opportunity (CEDAW/C/CHL/5-6, paras. 6 and 16) and the Department of Diversity and Non-Discrimination (CEDAW/C/CHL/5-6, para. 14).

### **Programmes and action plans**

4. The report refers to the Gender Agenda for 2010–2014 and the Equal Opportunities Plan for Men and Women for 2000–2010 (CEDAW/C/CHL/5-6, paras. 15 and 16). Please provide information on their current status, implementation and evaluation mechanisms, as well as on whether any indicators to measure and assess their impact have been established.

### **Violence against women**

5. Please provide further information on the content of the amendments to the 1994 legislation on domestic violence by the Act No. 20.066 (CEDAW/C/CHL/5-6, para. 25), in particular, please indicate which forms of domestic violence are covered by the new legislation and the scope of the protective measures that can be granted. Please inform the Committee whether sexual harassment is criminalized in all circumstances.

6. Please provide data, disaggregated by regions, on the prevalence and trends in violence against women and girls, including rape, sexual abuses and domestic violence, as well as detailed information on the number of cases of domestic violence reported and prosecutions and convictions of the perpetrators of such acts during the last five years.

7. The report refers to the SERNAM nationwide programme and other programmes set up by the ministries of health, interior and justice in relation to domestic violence (CEDAW/C/CHL/5-6, paras 27–33). Please indicate if there is a central entity or mechanism overseeing and coordinating these different programmes.

### **Trafficking and exploitation of prostitution**

8. Please provide the Committee with updated information on the current status of the bill referred to in paragraph 63 of the report and whether its content, in particular the definition of trafficking, is in line with the obligations set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

9. The report provides data regarding the number of complaints and proceedings in relation to prostitution and trafficking in persons, between 2006 and 2010 (CEDAW/C/CHL/5-6, para. 61), as requested by the Committee in paragraph 16 of its previous concluding observations. Please provide updated and disaggregated information on the outcomes of the investigations of such acts.

10. The report refers to the creation of an Intersectoral Panel on Trafficking in Persons in 2008, which carries out activities to raise awareness, protect victims and provide training, in order to prevent, suppress and punish the offence of trafficking in persons (CEDAW/C/CHL/5-6, para. 63). Please provide the Committee with information on the Panel's strategy to combat trafficking, its actions to date, its impact and if it includes awareness-raising on reporting of acts of trafficking.

### **Participation in political and public life and decision-making**

11. Please inform the Committee of the status of the 1997 draft bill introducing quotas for women candidates within State institutions and political parties (CEDAW/C/CHI/CO/4, para. 9). Have any other measures been taken to increase political participation of women, subsequent to the aforementioned bill, including temporary special measures, and has any training been provided for women to take part in election campaigns (CEDAW/C/CHL/5-6, paras. 64–72)? Please also indicate, as requested by the Committee in its previous concluding observations, any steps taken to intensify the efforts to reform the binominal electoral system, which is unfavourable for women's political representation (CEDAW/C/CHI/CO/4, para. 14).

### **Education and stereotypes**

12. The report shows the average years of schooling disaggregated by sex and poverty status for 2006 and 2009 (CEDAW/C/CHL/5-6, para. 74). Please provide detailed and updated data on rates of girls dropping out of both intermediate and secondary education. What is the impact of early marriages and pregnancies on school attendance, especially amongst rural and indigenous women and girls? Please provide more information on the network established to protect pupils who have become parents or girls who are pregnant, its impact and the human and financial resources allocated to it (CEDAW/C/CHL/5-6, para. 79).

### **Employment**

13. Please indicate if a monitoring system has been put in place to implement Act No. 20.336 relating to women domestic workers, including through greater and more systematic involvement of labour inspectors in monitoring their working conditions and the existence of a contract (CEDAW/C/CHL/5-6, para. 90). Please also inform the Committee of any measures taken by the State party to monitor the working conditions of women employed as agricultural workers, in particular seasonal workers. (CEDAW/C/CHL/5-6, paras. 136–138).

14. Please inform the Committee whether the new legislation referred to in paragraph 94 of the State party report (Act No. 20.348) includes the reversal of the burden of proof in discrimination cases as a measure to favour women employees, so that employers must explain why women hold positions of lower rank, have lesser responsibilities and earn lower wages. Does the State party intend amending Act No. 20.348 in order to cover situations where women and men perform work that is different but nevertheless of equal value, in accordance with International Labour Organization standards and article 11 of the Convention?

### **Health**

15. Please provide current data, disaggregated by regions, on the rate of illegal and unsafe abortions and on the number of deaths and health-related complications due to illegal and unsafe abortions. Please inform the Committee whether any initiatives have been undertaken to decriminalize abortion in cases of threats to the life of the mother, rape or incest (CEDAW/C/CHL/5-6, para. 124).

16. Please describe the measures aimed at the prevention of unwanted pregnancies among adolescents. Do they include educational measures in the secondary school curricula? Please provide updated information on the teen-friendly areas set up in 2008 and 2009 to offer easier access to sexual and reproductive health care and whether such centres have been created in rural areas (CEDAW/C/CHL/5-6, para. 126).

### **Indigenous Women**

17. Please provide detailed information on the extent to which participation of indigenous women in the State party's economy has increased and on the content of inter-agency agreements signed in relation to indigenous women heads of household (CEDAW/C/CHL/5-6, paras. 34–43). Please inform the Committee of measures taken, if any, to facilitate access to education and health for indigenous women.

### **Migrant women**

18. Please provide updated information on the extent of social benefits awarded to migrant women, in particular with regard to health insurance and education. Please also inform the Committee of legislation or measures in place to protect migrant women at risk

of sexual exploitation, as well as to guarantee protection from forced labour and access to minimum labour rights.

**Refugee women**

19. Please provide clarification on the refugee status determination procedures in place in the State party and their effective access by female asylum-seekers. Has a gender-sensitive approach been integrated throughout the different stages of the procedures? Are gender-related forms of persecution recognized as legitimate grounds for asylum to be granted? Please report the Committee on measures taken to prevent discrimination against refugee women and girls, in particular Afro-Colombian, and measures to improve their social and economic situation, in relation to health care, housing and education.

**Marriage and family relations**

20. Please also inform the Committee of the content of the divorce legislation contained in Act No. 20.286, which facilitates divorce proceedings in case of domestic violence. What progress has been made in adopting the new bill amending the matrimonial property regime (CEDAW/C/CHL/5-6, para. 140) with a view to granting spouses equal rights, in particular with regard to the administration of matrimonial property (CEDAW/C/CHI/CO/4, paras. 9 and 10)?

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